

*The Provincial Statutes of Canada*, passed in the year 1841. Kingston: Stewart Derbshire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 52

**An Act to compel all Candidates, at any future Elections for Members of the Legislative Assembly, to make and subscribe detailed declarations of the property by them possessed, and under which they qualify. 18th September, 1841.**

Whereas it is expedient and necessary that all Candidates, at any future Elections of Members of the Legislative Assembly should make and subscribe a declaration in writing and under oath, of the property by them held, seized and possessed, and in virtue whereof they may be legally Elected as such Members; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, that at any future Election within this Province, of any Member to serve in the Legislative Assembly, each Candidate at such Election, before he shall be capable of being Elected, shall if required by any other Candidate, or by any Elector, or by the Returning Officer, make and subscribe, under oath or affirmation, (which oath or affirmation the said Returning Officer, is hereby authorised and required to administer) a declaration, specifying the lands and tenements of which he is duly seized at law, or in equity as of freehold for his own use and benefit, and held in free or common soccage, or of which he is duly seized and possessed for his own use and benefit, and held in full or rôtire, and upon which he claims to be qualified according to Law, to be elected as aforesaid.

II. And be it enacted, that if any person shall knowingly and wilfully make a false declaration respecting the situation, position, extent or boundaries of such lands and tenements, such person shall be deemed to be guilty of a misdemeanor, and being thereof legally convicted, shall suffer the like pains and penalties as by Law are incurred by persons guilty of wilful and corrupt perjury, in the place in which such false declaration shall have been made.

III. And whereas it may happen that any Candidate may from illness or other unavoidable cause, be prevented from attending at the Election, and the free choice of the Electors might be defeated, unless provision were made in that behalf: Be it therefore declared and enacted, that if any Candidate shall, on the day appointed for the Election, deliver or cause to be delivered to the Returning Officer a declaration in the form prescribed by the twenty-eighth section of the said Act of the Parliament of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, signed by such Candidate and made before a Justice of the Peace in this Province, who shall receive and attest the same, and also a declaration in the form prescribed by this Act, signed by such Candidate, and made on oath or affirmation before any Justice of the Peace in this Province, who shall receive and attest the same, such Candidate shall be held to have complied with the requirements of the said Act, and of this

Act as to the declaration of qualification required of him; and any false statement wilfully made in any such declaration, as aforesaid, shall be a misdemeanor, for which the person guilty thereof shall be liable to the punishment to which persons guilty of wilful and corrupt perjury are liable in the place where such declaration shall have been made: Provided always, that on any prosecution for such misdemeanor and for the purposes of this Act any such declaration shall be held to have been made on the day on which it shall be delivered to the Returning Officer by order of the Candidate, whatever be the date at which it was signed, received and attested, as aforesaid, and the possession of any such declaration shall be *primâ facie* evidence of authority from the Candidate to deliver the same to the Returning Officer.