VANCOUVER ISLAND COLONY.

AN ACT

To amend the Law relating to the Representation of Vancouver Island and its dependencies.

WHEREAS, it is expedient to amend the Law relating to the Representation of Vancouver Island and its dependencies.

Be it enacted, by the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly, as follows :—

QUALIFICATION OF VOTERS.

1. Every male British subject of full age, who shall have resided in Vancouver Island or its dependencies for a space of four calendar months, and shall at the time of election reside in Vancouver Island or its dependencies, and who shall be possessed of any one or more of the qualifications and under none of the disqualifications next hereinafter mentioned, shall be entitled to be registered and placed upon the list of voters for the purpose of voting at the election of members or a member of the House of Assembly for any electoral district in the Colony of Vancouver Island.

QUALIFICATIONS.

1. Being a Surgeon, or Physician, possessing a Diploma from a chartered college in Great Britain, Ireland, or the Colonies ; or a Barrister, Solicitor, Attorney, Member of the Faculty of Advocates, or Writer to the Signet, qualified to practise as such in Great Britain, Ireland, or the Colonies, or being a Graduate of some chartered university or college in Great Britain, Ireland, or the Colonies, and exhibiting proof thereof.

2. Occupation at the time of, and for six calendar months next preceding the time at which he may claim to be registered in the lists of voters of real estate in this Colony, at an actual rental of £12 per annum.

3. Possession in his own right at and for a period of three calendar months next preceding the time at which he may claim to be registered upon the lists of voters of any of the following estates and interests :—

a. Twenty acres or upwards of land situate in this Colony, held for an estate of freehold.

b. An estate of freehold of the marketable value of £50, in any real estate situate in this Colony.

c. One-fourth of the profits of a farm (20 acres of which are cleared and under cultivation) held by a person, actually in charge of the farm, who shall have been so in charge for twelve calendar months immediately preceding the time at which he may claim to be registered upon the lists of voters.

DISQUALIFICATIONS.

ALLEGIANCE TO A FOREIGN STATE.

1. Having taken the oath of allegiance to, or become the citizen or subject of any foreign state or nation, unless three months' previously to the time at which he may claim to be registered in the lists of voters, he shall have taken the oath of allegiance to Her Majesty, her heirs, and successors, before the Chief Justice of the Supreme Court of Vancouver Island.

2. All other persons who are disqualified from voting at elections in Great Britain.

MODE OF VOTING.

II. Persons qualified as aforesaid, shall be entitled to vote in the following districts, and in those only.

1. Where the qualification arises from being a Physician, Surgeon, Barrister, Solicitor, Attorney, Advocate, Writer to the Signet, or Graduate, the voting shall be for the district in which the voter permanently resides.

2. Where the qualification arises from occupation or the possession of an estate or interest aforesaid, the voting shall be in the district where the property is situate, in respect of which the right arises.

NUMBER OF VOTERS.

III. Persons qualified as aforesaid, shall have as many votes as there are members to be returned for the particular district; but no person may tender more than one vote for any Candidate, nor vote more than once; and a person entitled to vote as a Physician, Surgeon, Barrister, Solicitor, Attorney, Writer to the Signet, or Graduate, shall not vote at the same election in either of the said capacities, for the same district in which he votes under a property qualification, and *vice versa*.

OPEN VOTING.

IV. No person shall be entitled to vote by proxy, or otherwise than by openly declaring his vote.

SAVING OF SEVERAL FRANCHISES.

V. Nothing herein contained shall abridge or take away the right of any person to vote in respect of several qualifications in several districts.

QUALIFICATION OF MEMBERS.

VI. Every male British subject of full age, if possessed of the qualification, and under none of the disqualifications next hereinafter mentioned, shall be eligible to serve as a member in the House of Assembly for any electoral district in the Colony.

QUALIFICATION.

FREEHOLD OF £300 VALUE.

1. Possession in his own right of real property in the Colony for an estate of freehold to the value of £300 for three months' previous to the day of election; and having been a resident therein for three months prior to the election.

DISQUALIFICATIONS.

MINISTER OF A RELIGIOUS DENOMINATION.

1. Being a Minister of any religious denomination.

2. Having taken the oath of allegiance to, or become the citizen or subject of any foreign state or nation, unless six months' previously to his election he shall have taken the oath of allegiance to Her Majesty, her heirs, and successors, before the Chief Justice of the Supreme Court of Vancouver Island.

RETURNING OFFICER OR REVISER.

3. Being at the time, or having filled the office of Returning officer or reviser of the lists of voters within the space of eighteen calendar months next preceding the election at which he shall stand.

BANKRUPT OR INSOLVENT.

4. Being an insolvent debtor, or an uncertificated bankrupt.

FELONY, BRIBERY, OUTLAWRY.

5. Having been convicted of a felony, or of bribery at an election, or being outlawed in any suit.

ABSENCE.

VII. Absence from the Colony for three months during the Session of the House, without the leave of the House for that purpose obtained, shall *ipso facto* determine the membership of the member absent, and a new Writ for the electoral district which such absent member represented shall be immediately issued for the return of a new member in the place of such late member.

VIII. Every person tendering his vote at any election of a member of the House of Assembly, shall before voting take such of the three following oaths as he may be required by some other duly qualified voter.

1. I, (A.B.) do hereby swear that I am a British subject, born at (place of birth) and that I have never taken the oath of allegiance to, or become the citizen of any foreign state or nation.

Provided always, that any voter called upon to take the oath lastly hereinbefore contained, may if he so choose in lieu thereof take the oath next hereinafter contained.

"I (A.B.) do hereby solemnly swear that I, on the day of before the Chief Justice of Vancouver Island, took the oath of allegiance to Her Majesty, her heirs, and successors, and have not since that day taken the oath of allegiance to, or become the citizen of any foreign state or nation."

2. I, (A.B.) do hereby swear that I am the same (A. B.) who is registered upon the list of voters for the district of (C.D.) and that I am now possessed in my own right of (statement of qualification) in respect of which I have been put upon the list of registered voters.

3. I do solemnly swear that I have not received or been promised, or to my knowledge has any other person on my behalf or for my benefit, received or been promised any money, gift, advantage, place, or consideration for, or for the purpose of influencing the vote which I now tender.

IX. Every person being a Candidate for election as a member, shall before the opening of the Poll, if called on so to do by some duly qualified voter, take the oath hereinbefore numbered 1, and also the

following oath, or if the Candidate be not present, the Returning officer shall in writting forthwith inform the Candidate, or leave at his usual place of abode, the requisition of the said elector, and if not answered, truly and definitely within twenty-four hours, his election, if it shall have taken place, shall be null and void.

I, (A.B.) do swear that I am possessed in my own right (statement of qualification.)

X. The returning officer shall be the person to administer the said oaths, and any person knowingly making any false statement in the taking thereof, or of any of them, shall be guilty of perjury.

XI. In case any voter shall decline or neglect to take the oaths hereinbefore prescribed to be taken by a voter, the vote of such voter shall not be included by the Returning officer in making his return, and shall be null and void; and in case any Candidate shall decline or neglect to take the oaths hereinbefore prescribed to be taken by a Candidate at the time aforesaid, the Returning officer shall make his return as if such Candidate had never gone to Poll, and the votes (if any,) recorded for such Candidate shall be null and void.

XII. Any member of the House of Assembly accepting or obtaingng any appointment or contract from, of, or under the Government, shall *ipso facto* vacate his seat, and a new Writ shall immediately be issued for another election, but the member vacating shall be eligible for re-election.

XIII. The duties and observances of the Sheriff, Returning officer, and Poll clerks at elections in England, and the mode of conducting the elections there, shall hold good and be the same in Vancouver Island, subject always to the provisions of this Act, "the Registration of voters Act, 1859," and the "Representation Act, 1859;" excepting that there shall be one day only during which the Poll shall be taken in any district, and between the hours of eight of the clock in the morning and four of the clock in the afternoon of the same day.

XIV. The Returning officer shall make the "Return" to the Governor of Vancouver Island, or to some person duly authorized by him.

XV. The duration of the House of Assembly shall be for three years from the date of its first meeting, unless previously dissolved.

XVI. This Act may be cited for all purposes as the "Franchise Act, 1859."

Passed by the House of Assembly, Nov. 3rd, 1859.

JOSEPH PORTER, Clerk of the House.

Passed the Council, Nov. 3rd, 1859.

EDWARD CRIDGE, Hon. Sec. to the Council.