AMENDMENTS

To a Bill entitled "An Act to amend the Franchise Act, 1859."

THE TITLE of the Bill to be as follows :

A Bill entitled An Act to consolidate and amend the Laws affecting the Franchise and Representation in the Colony of Vancouver Island and its Dependencies.

The Preamble to read as follows :

Whereas it is expedient to consolidate and amend the Laws affecting the Franchise and Representation : Be it therefore enacted by the Governor, by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies, as follows :

Clause I. to read as follows :

That the following Acts and parts of Acts shall be and are hereby repealed,

"An Act to provide for the Resignation and Vacating of Seats " in the House of Assembly in the Colony of Vancouver Island, and " for the Election of Members on vacancies."

Section 9 of "The Registration of Voters Act, 1859."

" The Franchise Act, 1859."

Clauses II. and III. to read as follows :

Every male British Subject of the age of twenty one years and upwards, and who is not under any legal incapacity, 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 as a Voter for any Electoral District in which he may possess a qualification to vote for a Member or Members to represent such District in the Legislative Assembly of the Colony of Vancouver Island and its Dependencies.

QUALIFICATIONS.

1. Personal occupation of any dwelling house, or of any land, in the said Colony at an actual rental of not less than sixty dollars per annum at the time and for three calendar months next preceding the time at which he may claim to be registered as aforesaid.

2. Possession in his own right for his own use and benefit at law or in equity, and for a period of three calendar months next preceding the time at which he may claim to be registered, of any of the following Estates and Interests :

A. Twenty acres of land held for an Estate of freehold in possession.

B. One hundred acres of land held as a pre-emption, provided a Certificate of Improvement has been granted in respect of such one hundred acres of land.

C. An Estate of Freehold in possession of the market value at the time of Registration of Two Hundred and Fifty Dollars.

DISQUALIFICATIONS.

1. Having taken the oath of allegiance to or become the citizen or subject of any Foreign State or Nation, unless previously to the time at which he may claim to be registered as a Voter he shall have taken before the Chief Justice of the said Colony the oath of allegiance set forth in the Schedule to this Act annexed marked A.

2. Having been attainted of Treason, or convicted of Perjury, or subornation of Perjury, or of Felony.

Clause IV. to be numbered Clause III. and to read as follows :

Every British Subject duly registered as aforesaid and not being under any legal incapacity shall be entitled to vote, and shall have as many votes as there are Members to be returned for the particular District in which he shall be a registered Voter : but no Voter shall have more than one Vote for each Candidate, nor Vote more than once in the same District at each election.

Clause V and VI to be numbered Clause IV and to read as follows :

Every male British Subject of full age, not subject to any legal incapacity, who is registered as a Voter as aforesaid, and who is possessed of the qualifications and under none of the disqualifications next hereinafter mentioned, shall be eligible to serve as a Member of the Legislative Assembly to represent any Electoral District in the Colony.

QUALIFICATIONS.

Possession in his own right at law or in equity at the time of Election of real property for an Estate of freehold of the market value of Fifteen Hundred Dollars, exclusive of all incumbrances, provided the Title to such Real Estate shall have been registered in his own name in the Land Registry Office of the Colony for one month prior to the day of Election.

DISQUALIFICATIONS.

1. Being a Minister of any religious denomination.
2. Having taken the oath of allegiance to or become the subject or citizen of any Foreign State or Nation, unless six months previously to his Election he shall have taken the oath of allegiance as hereinbefore provided to Her Majesty, Her Heirs and Successors, before the Chief Justice of the Supreme Court.
3. Being at the time of any General Election a Returning Officer for any District, or at the time of any single Election a Returning Officer for that Election.
4. Having been at any time within the space of eighteen calendar months next preceding any Election Revisor or Deputy Revisor of the List of Voters.
5. Being a Bankrupt who has not received his final order of discharge, or who has been suspended for a misdemeanor under the Bankruptcy Act.
6. Having accepted a conveyance fraudulently made to him for the purpose of establishing a property qualification as aforesaid subject to a condition expressed, implied, or understood for defeating the conveyance when the object is accomplished.

Clause VII. to be numbered Clause V. and to read as follows :

Any person who shall be elected to serve as a Member in the Legislative Assembly shall previous to taking a seat or Voting in the said Assembly, make and subscribe the oath and the declaration set forth in Schedules A. and B. to this Act annexed. Such oath and such declaration shall be made and subscribed before the Chief Justice, or such other person as the Governor shall appoint, when the Assembly is called together after a General Election, and before the Speaker when any Member is elected to fill a Vacancy occurring in the Assembly after any such General Election, and any person so elected, who shall make and sign the said declaration knowing the same to be false, shall be guilty of a misdemeanor, and shall be liable to punishment as for the crime of Perjury, and shall be dismissed the House, and be forever incapable of sitting therein even though elected.

Clause VIII. to be numbered Clause VI. and to read as follows :

Any Member of the Legislative Assembly who shall after Election become liable to any of the disqualifications next hereinafter mentioned, shall *ipso facto* cease to be a Member of the said Assembly, and shall no longer have a seat therein or be capable of giving any vote therein.

1. Absence from the Assembly for two months while the Assembly is in session, without the leave of the Assembly obtained and recorded in the Journals of the Assembly : provided always that while the Assembly is not in session the Speaker may grant such leave, by writing under his hand and seal.
2. Ceasing to possess the property qualification as hereinbefore described for Members of the Assembly, or the incumbrance of the property in respect of which such qualification is held to such an extent as shall at any time reduce the residue of such property below the market value of Fifteen Hundred Dollars.
3. Accepting or obtaining any appointment to an office of profit or emolument, or any contract from or under the Government.
4. Becoming a Bankrupt or a public defaulter, or being attainted of treason, or being convicted of felony or of any infamous crime.
5. Becoming liable to any of the other disqualifications in this Act hereinbefore mentioned.

Clause IX. to be numbered Clause VII. and to read as follows :

If any person by this Act disqualified or declared incapable of being elected a Member of the Legislative Assembly, is nevertheless elected and returned as such Member, his election and return shall be null and void.

Clause V. to be numbered Clause VIII. and to read as follows :

If any person by this Act disqualified or declared incapable of sitting or voting in the Legislative Assemblr shall nevertheless sit or

vote therein after he becomes disqualified, or is declared incapable of sitting or voting, he shall thereby forfeit the sum of Two Hundred and Fifty Dollars for each and every day on which he so sits and votes, and such sum may be received from him by any person who will sue for the same in the Supreme Court of Civil Justice in this Colony.

Clause XI. to be numbered Clause IX. and to read as follows :

Any Member of the Legislative Assembly who may wish to resign his seat may do so by giving notice thereof in writing, under his hand and seal, to the Speaker, and upon the receipt by the Speaker of such notice the seat of such Member shall become vacant.

Clause XII. to be numbered Clause X. and to read as follows :

Whenever a vacancy happens in the Legislative Assembly, whether by the disqualification, resignation, or death of any Member, the Speaker shall, upon resolution of the said Assembly declaring such vacancy, forthwith forward to the proper officer a warrant, under his hand and seal, for the issue of a new Writ for the election of a Member to fill such vacancy ; provided always that if such vacancy occurs while the Legislature is not in session, the Speaker shall issue such warrant without such resolution as aforesaid.

Clause XIII. to be numbered Clause XI. and to read as follows :

The Governor shall appoint the Returning Officers for the several Electoral Districts, and the Returning Officer for one District may also be Returning Officer for other Districts.

Add the following new Clauses :

XII. The Returning Officer shall give not less than three clear days notice by Proclamation in writing at the place where the Election is to be held, and by advertisement in the Government Gazette, or in one or more of the newspapers published at or near to such place, of the day and place fixed for any Election, and the Returning Officer shall preside at such Election, and shall have the same powers in conducting Elections as are possessed by Returning Officers in England, and so far as they are applicable the mode of conducting Elections in England shall hold good, and be the mode of conducting Elections in this Colony, subject always to the provisions of this Act to those of the Registration of Voters Act, 1859, and of the Annual Registration of Voters Act, 1860, to those of the representation Act, 1859, and the City of Victoria Representation Act, 1862.

XIII. At all Elections the Returning Officer shall, and he is hereby authorized, if required on behalf of any Candidate by some duly qualified Elector, to put to any person claiming to be an Elector at the time he tenders his vote, and not afterwards, the following questions or any of them :

1. Are you the person whose name appears as (A. B.) on the Register of Voters for the District of (C. D.)?

2. Have you at present the same qualification for which your name was originally inserted in the Register of Voters now in force for the District of (C. D.)?

3. Have you received or been promised, or to your knowledge has any other person on your behalf or for your benefit received or been promised any money, gift, advantage, place, or consideration for, or for the purpose of influencing the vote which you now tender?

And if any person tendering his vote shall decline to answer all or any of the said questions when put to him as aforesaid, or shall return an answer in the negative to either the first or the second of the said questions, or an answer to the affirmative to the third of the said questions, then his vote shall not be taken, nor included by the Returning Officer in his return. And if any person shall wilfully make a false answer to any of the said questions, he shall be deemed guilty of a misdemeanor, and shall be liable to punishment as for the crime of Perjury.

XIV. The polling at every contested election shall take place upon the day next following the day named for the election unless such day shall be Sunday or a legal holiday, in which case it shall take place on the Monday next following, or upon the day next following such legal holiday, as the case may be ; and the poll shall open at Eight o'clock in the morning, and shall be kept open until Four o'clock in the afternoon of such day, and no later, and the Returning Officer may declare the state of the poll and proclaim the name of the Member elected, as soon as conveniently may be after the closing of the poll, or at any time between the hours of Eight

o'clock in the morning and Two o'clock in the afternoon of the next week day immediately following the closing of the poll.

XV. Any conveyance of Real Property that shall be made for the purpose of establishing a qualification for a Member for the Legislative Assembly, subject to a condition expressed, implied, or understood for defeating the conveyance, when the object for which the conveyance is made is accomplished, shall be void and of no effect for the purpose of establishing such qualification as aforesaid; but such conveyance shall nevertheless vest the estate conveyed, or purported, or implied, or understood to be conveyed, absolutely in the grantee in such conveyance named as fully to all intents and purposes as if the said conveyance had been made for an absolute and sufficient valuable consideration, and in good faith between the parties thereto. And any person who shall knowingly execute or prepare any such conveyance with such fraudulent intent as aforesaid, and any person who shall take his seat in the said Assembly with a property qualification fraudulently or colorably obtained as aforesaid, shall thereby forfeit the sum of Five Hundred Dollars, and such sum may be received from him by any person who will sue for the same in the Supreme Court of Civil Justice in this Colony.

XVI. The duration of the Legislative Assembly shall be for three years from the date of the first meeting after any General Election, unless previously dissolved.

XVII. This Act may be cited for all purposes as the "Franchise Act, 1866."

Read a third time and passed the Council this 9th day of May 1866.

E. J. NESBITT.

SCHEDULE A.

I A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Victoria, of the United Kingdom of Great Britain and Ireland, and of the Dependencies and Colonies thereof in Europe, Asia, Africa, America, and Australia, Queen, and that I will defend Her to the utmost of my power, against all conspiracies and attempts whatever which shall be made against Her person, Crown or Dignity, and I will do my utmost endeavor to disclose and make known to Her Majesty, Her Heirs and Successors all treasons and traitorous conspiracies which may be formed against her or them. And I do faithfully promise to maintain support and defend to the utmost of my power the succession of the Crown, which succession by an Act intituled, "an Act for the further limitation of the Crown and better securing the rights and liberties of the subject," is and stands limited to the Princess Sophia Electress of Hanover, and the Heirs of her body being Protestants, hereby renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of the said Realm and its Dependencies and Colonies as aforesaid. So help me God. A. B.

Sworn before me at this day of 18 .

SCHEDULE B.

I, A. B., do solemnly and sincerely declare that I am a British subject, that I am possessed as of freehold for my own use and benefit of the following real property (here insert a correct and clear description of the land and tenements formiug the property qualification of the member, and of their local situation) said real property I declare to be of full value of fifteen hundred dollars over and above all mortgages, charges and incumbrances charged upon or due, or payable out of or affecting the same, and I further declare that I have not collusively or colorably obtained a title to or become possessed of the said real property, or of any part thereof, for the purpose of qualifying or enabling me to be returned as a Member of the Legislative Assembly, and I do further declare that I have not myself or knowingly through any agent or agents, person or persons, employed bribery, or treating or used any undue influence to procure my election as a Member of the Legislative Assembly, and I make this solemn declaration, conscientiously believing the same to be true. A. B.

Declared before me at this day of 18 .