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No. 28.

3rd Session, 6th Parliament, 23 Victoria, 1860.

BILL.

An Act to amend the Act intituled "An Act further to secure the Independence of Parliament."

Received and read first time, Wednesday,
7th March, 1860.

Second reading, Wednesday, 14th March,
1860.

Mr. DUNBAR ROSS.

QUEBEC :
PRINTED BY THOMPSON & CO., URSULE STREET.

An Act to amend Chapter three of the Consolidated Statutes of Canada.

WHEREAS in order further to secure the independence of Parliament it is expedient to make further provision respecting the eligibility of persons to serve as members thereof, and to define the terms and conditions upon which persons elected to serve as members of the Legislative Council, or Legislative Assembly, and holding any of the offices hereinafter mentioned, may resign such office and re-accept the same or any other office, without being thereby disqualified from sitting and voting in either of the said Houses. Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Council, and Legislative Assembly of Canada, enacts as follows :

I. No person whosoever then holding or enjoying, undertaking, or executing directly or indirectly, either alone or with any other person, by himself or by the interposition of any Trustee or third party, any Contract or agreement with any one of the Railway Companies incorporated by the Legislature of this Province, and to which any amount of the public monies thereof may have been advanced or loaned, or to which the credit of the Province may have been pledged, or in any way engaged, shall be eligible as a member of the said Legislative Council, or Legislative Assembly, nor shall he sit or vote in either House ; and if any person hereby disqualified shall nevertheless be elected and returned as a member of either House in the present or any future Parliament, such election and return shall be null and void, and the person so elected shall be liable to the forfeiture, pains and penalties set forth in the seventh section of the Act forming Chapter three of the Consolidated Statutes of Canada. Persons having contracts with subsidized Railway Companies not to sit in Parliament.
Penalty.

II. The fourth, fifth, seventh, eighth and ninth sections of the last mentioned Act shall apply as well to members of the Legislative Council appointed by the Crown as to Elective Members thereof, and any provision therein to the contrary is hereby repealed ;—and if any member of the Legislative Council or Legislative Assembly shall by accepting any office, or becoming interested in any way in any contract or agreement as set forth in the fifth section of the said Act and in this Act, be disqualified under the provisions of either Act from continuing to sit or vote in the said Legislative Council or Legislative Assembly, his seat shall thereby become vacant, and if he been Elective Member of the Legislative Council, or a Member of the Legislative Assembly, his election shall thereby become void, and a writ shall forthwith issue for a new election as if he were naturally dead ; but he may be re-elected a member of either House if he be eligible under section four of the said Act. The said Act and this Act to apply to non-elective members of the Legislative Council.

As to resignation of a Ministerial office, and of appointment to another within a month.

III. Whenever any person holding the office of Attorney General for Lower Canada, Attorney General for Upper Canada, Minister of Finance, Receiver General, Provincial Secretary, Commissioner of Crown Lands, Commissioner of Public Works, Speaker of the Legislative Council, President of Committees of the Executive Council, Minister of Agriculture, Post Master General, Solicitor General for Lower Canada, or Solicitor General for Upper Canada, and being at the same time a Member of the Legislative Council or Legislative Assembly, shall resign such office, and within one month after his resignation accept the same or any other of the said offices, he shall not thereby vacate his seat in the said Council or Assembly; Provided always that it shall not be competent to any more than four of the persons holding such offices to avail themselves of the provision herein, or in the said Act contained within the said period of one month, nor unless the four members so resigning within the same period of one month shall reaccept office before the expiration of a month after the resignation of the first who shall have so resigned; And if any member of the said Legislative Council not subject to election and holding his seat for life, shall accept any one of the said last mentioned offices, he shall thenceforth be subject to all and every the provisions, in the said first mentioned Act, and in this Act contained in like manner, and to the same effect as if he were an elected member of the said Legislative Council

Proviso.

As to non-Elective Members of Legislative Council