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ANNO QUINTO & SEXTO

# VICTORIÆ REGINÆ.

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C A P. CXX.

An Act for amending the Constitution of the  
Government of *Newfoundland*.

[12th *August* 1842.]

**W**HEREAS by a Commission under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, bearing Date at *Westminster* the Second Day of *March* in the Year One thousand eight hundred and thirty-two, His late Majesty King *William* the Fourth did give and grant unto the then Governor of the Island of *Newfoundland* full Power and Authority, with the Advice and Consent of the Council of the said Island, from Time to Time, as need should require, to summon and call General Assemblies of the Freeholders and Householders within the said Island and its Dependencies, in such Manner and Form, and according to such Powers, Instructions, and Authorities as were granted or appointed by certain Instructions under His said late Majesty's Sign Manual and Signet accompanying the said Commission; and His said late Majesty did by the said Commission declare, that the Persons so elected, having taken certain Oaths therein mentioned, should be called and deemed the General Assembly of the said Island of *Newfoundland*; and the said Governor, by and with the Advice and Consent of the said Council and Assembly or the major Part of them respectively, was by the said Commission empowered and authorized

to make, constitute, and ordain Laws, Statutes, and Ordinances for the public Peace, Welfare, and good Government of the said Island and its Dependencies, and the People and Inhabitants thereof, and such others as should resort thereto, and for the Benefit of His late Majesty, His Heirs and Successors: And whereas by the before-mentioned Instructions so referred to as aforesaid in the said Commission the said Governor was authorized to issue a Proclamation dividing the said Island into Districts or Counties, Towns or Townships, and appointing the Limits thereof, and declaring and appointing the Number of Representatives to be chosen by each of such Districts or Counties, Towns or Townships respectively: And whereas the Proclamation referred to in the said last-mentioned Instructions was accordingly issued by the said Governor in the Name and on the Behalf of His said late Majesty, whereby the said Island was divided into Nine Districts for the Purpose of the Election of the Members of the said Assembly; and it was by the said Proclamation, amongst other Things, declared, that every Man being of the full Age of Twenty-one Years and upwards, and being of sound Understanding, and being a natural-born Subject of His said late Majesty, or having been lawfully naturalized, and never having been convicted in due Course of Law of any infamous Crime, and having for Two Years next immediately preceding the Day of Election occupied a Dwelling House within the said Island, as Owner or Tenant thereof, should be eligible to be a Member of the said House of Assembly; and it was by the said Proclamation further declared, that every Man who for One Year next immediately preceding the Day of Election had occupied a Dwelling House within the said Island, as Owner or Tenant thereof, and who in other respects might be eligible, according to the Regulations aforesaid, to be a Member of the said House of Assembly, should be competent and entitled to vote for the Election of Members of the said Assembly in and for the District within which the Dwelling House so occupied as aforesaid by him might be situated: And whereas, in pursuance of the said Commission, Instruction, and Proclamation, General Assemblies have since been elected and holden in and for the said Island of *Newfoundland* in the Manner therein prescribed; and the said Commission and Instructions have from Time to Time been renewed on the Appointment of the successive Governors of the said Island, and divers Laws have been made in pursuance thereof by the said Governor, Council, and Assembly: And whereas it is expedient that the Changes hercin-after mentioned should be made in the Constitution of the Government of the said Island; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty in or by any Commission or Commissions under the Great Seal of the United Kingdom, to be hereafter issued for the Government of *Newfoundland*, and in and by any Instructions under Her Majesty's Signet and Sign Manual accompanying and referred to in any such Commission or Commissions, to establish a Qualification in respect of Income or Property in right of which any Person may be hereafter elected to serve as a Member of the said Assembly; provided that no such Qualification shall be fixed at more than a net

Her Majesty  
empowered  
to raise the  
Qualification  
of Members  
of Assembly.

annual Income, arising from any Source whatsoever, of One hundred Pounds, or the Possession of Property, clear of all Incumbrances, exceeding Five hundred Pounds in Amount or Value.

II. And be it enacted, That it shall be lawful for Her Majesty, in manner aforesaid, to fix and determine the Length of the Period of Residence within any Electoral District in the said Island which shall be required in addition to any other Qualification for voting at Elections within such District, or for being elected to serve as a Member of the Assembly; provided that such Period shall not extend beyond the Period of Two Years next preceding any such Election.

Her Majesty empowered to lengthen Period of Residence of Electors.

III. And be it enacted, That it shall be lawful for Her Majesty, in manner aforesaid, to restrain the said Assembly from appropriating to the public Service within the said Island any Part of the public Revenue thereof, in Cases where such Services shall not have been previously recommended, or such Grants of Money shall not have been previously asked, by or on the Behalf of Her Majesty.

Her Majesty empowered to restrain Appropriation of Revenue.

IV. And be it enacted, That it shall be lawful for Her Majesty, in manner aforesaid, to restrain and prohibit the Election of Members to serve in the said Assembly, in different Districts, on successive or different Days, and to require that all such Elections shall be simultaneous, and shall be completed within a Time to be limited.

Her Majesty empowered to direct Elections to be simultaneous.

V. And be it enacted, That it shall be competent to Her Majesty, in manner aforesaid, to establish an Executive Council for advising the Governor of the said Island, apart and distinct from the Legislative Council thereof.

Her Majesty may appoint an Executive Council.

VI. And be it enacted, That it shall be lawful for Her Majesty, in manner aforesaid, to abolish the Legislative Council of the said Island as a distinct House or Branch of the Legislature thereof, and to authorize and empower the Members of the said Legislative Council to sit and vote in the House of Assembly as Members thereof, as fully in all respects as the elected Members of the said House: Provided always, that the Number of Members so to be authorized to sit and vote in the said House of Assembly shall never be more than Two Fifths of the whole Number of the Members of such House of Assembly: Provided also, that it shall be competent to Her Majesty again, in manner aforesaid, to re-establish the Legislative Council as a separate House of the Legislature of the said Island.

Her Majesty empowered to abolish the Council as a distinct Branch of the Legislature;

and to re-establish it.

VII. And be it enacted, That any such future Commission or Instructions as aforesaid shall be laid before both Houses of Parliament within Thirty Days next after the Date thereof, should Parliament then be in Session, or if not, then within Thirty Days next after the Commencement of the then next Session of Parliament.

Future Commissions to be laid before Parliament.

VIII. Provided always, and be it enacted, That no Change which shall be made in the Constitution of the said Island under this Act shall continue for a longer Time than the First Day of *September* One thousand eight hundred and forty-six, unless Parliament shall otherwise

Change in Constitution not to continue beyond a limited Time, unless

Parliament shall otherwise direct.

otherwise order; but this Enactment shall not be construed to annul or affect any Laws, Statutes, or Ordinances made by the Legislature of the said Island as constituted under the Authority of this Act.

Act not to interfere with Prerogative of Her Majesty.

IX. And be it declared and enacted, That nothing herein contained shall extend or be construed to extend to take away or diminish any Right or Prerogative vested in Her Majesty of enlarging, as to Her Majesty shall seem meet, any Franchise heretofore granted by His late Majesty or hereafter to be granted by Her Majesty to Her Majesty's Subjects in *Newfoundland*.

Act not to affect the Act 2 & 3 W. 4. c. 78.

X. And be it enacted, That nothing herein-before contained shall extend or be construed to extend to repeal or alter the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue certain Acts relating to the Island of Newfoundland, and to provide for the Appropriation of all Duties which may hereafter be raised within the said Island*.

Act may be amended, &c. this Session.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this Session of Parliament.

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LONDON. Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1842.