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No. 74.

4th Session, 8th Parliament, 29th Vol. 1865.

BILL.

An Act to amend Chapter Three of the Consolidated Statutes of Canada, intitled, "An Act containing Special Provisions concerning both Houses of the Provincial Parliament."

[No. 68 of 1865—1st Session.]

Hon. Mr. DOBSON.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO., SALTY ST.

An Act to amend the Act chapter three of the Consolidated Statutes of Canada, intituled: "An Act containing Special Provisions concerning both Houses of the Provincial Parliament."

WHEREAS doubts are entertained as to the construction, and it is therefore desirable that the Act chaptered three in the Consolidated Statutes of Canada, and intituled: "An Act containing Special Provisions concerning both Houses of the Provincial Parliament," should be amended; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. The third, fourth, fifth, sixth and seventh sections and the sub-sections of the fourth section of the said recited Act shall be and the same are hereby repealed.

Sections of
Con. Stat.
Can., cap. 3,
repealed.

2. No Member of one House of Parliament shall be elected a Member of the other House.

Election of
Members.

3. Except in the cases hereinafter specially provided for:

1. No person accepting or holding any office, commission or employment, permanent or temporary, in the gift of the Crown in this Province, to which an annual salary or any fee, allowance, emolument or profit is attached, shall be eligible as a Member of either House of Parliament, nor shall he sit or vote in either House of Parliament as an elected Member thereof, during the time he holds such office, occupation or employment: Provided always, that this clause shall not be construed to extend to any payment made to any Member of either House of Parliament for actual disbursements made by him in the course of any temporary employment or commission in the gift of the Crown;

Persons hold-
ing offices of
profit ineligi-
ble to Parlia-
ment;

2. Nothing in this Act shall render ineligible as aforesaid any person being a Member of the Executive Council of this Province, or holding any of the following offices, that is to say: of the Receiver General, Minister of Finance, Secretary of the Province, Commissioner of Crown Lands, Attorney General, Solicitor General, Commissioner of Public Works, President of Committees of the Executive Council, Minister of Agriculture, or Postmaster General, or shall disqualify him to sit or vote in either House; provided he be elected while holding such office and not otherwise disqualified;

Excepting
Members of
Executive
Council;

3. Nothing in this Act shall render ineligible, as aforesaid, or disqualify to sit or vote in either House, any officer in Her Majesty's Army

and except-
ing Military.

Naval or Militia Officers or Navy, or any officer in the Militia, or Militiaman (except officers on the staff of the Militia receiving permanent salaries), unless he be otherwise disqualified.

Contractors, &c., ineligible.

4. Any person who shall directly or indirectly, himself or by any person whatsoever, in trust for him or for his use or benefit, or on his account, undertake, execute, hold or enjoy, in the whole or in part, any contract, agreement or commission, made or entered into, with, under or from Her Majesty, or any public department, or public officer in this Province, for or on account of the public service; or who shall, in pursuance of any such agreement, contract or commission, perform any work or furnish any wares or merchandize to be used or employed in the service of the public, shall be incapable of being elected, or of sitting or voting as an elected Member of either House of Parliament during the time that he shall execute, hold or enjoy any such contract, agreement or commission, or any part or share thereof, or any benefit or emolument arising from the same: Provided always, that this clause shall not be construed to extend to any contracts or agreements for any sum of money not exceeding in the aggregate the sum of five hundred dollars during any one year, nor to any contract or agreement with any incorporated trading company, consisting of not less than ten persons, made by such company in its corporate capacity for the general benefit of such company, nor to any contract or agreement, which shall devolve by operation of law on any person, until after the expiration of twelve months from the time such contract or agreement shall have devolved upon him, nor to any contract or agreement with any incorporated or other company, body or board of trustees, which is in receipt of public money for the purposes of its incorporation or organization, nor to any lease or sale by the Crown of any lands, tenements or hereditaments, nor to any contract or agreement for such lease or sale, nor to any contract or agreement for the loan of money, nor to the loan of money to Her Majesty or any public department of this Province for the use of the Province.

Proviso: contracts must be of a certain amount.

Persons having claims against Government to a certain amount ineligible.

5. Any person elected after the passing of this Act, having either directly or indirectly by himself or any other person a claim or demand for money or money's worth to an amount exceeding five hundred dollars against the Government of Canada shall be ineligible to sit or vote as an elected Member of either House of Parliament, and if any such elected Member shall after his election be paid such claim or so sit or vote, his seat shall be declared vacant, and his claim shall be forfeited, if unpaid: Provided always, that this clause shall not extend to any person upon whom such claim shall devolve by operation of law, until after the expiration of three months from the time such claim shall have devolved upon him.

Persons being or having been securities not disqualified from sitting in Parliament; But Members not to become such securities.

6. No person shall be disqualified from sitting or voting in Parliament, nor be liable to any penalty therefor, by reason of such person being, or having at any time been, security to the Government for the conduct in office of any officer or servant of the Government.

7. No elective Member of Parliament shall become security to the Government for the conduct in office of any officer or servant of the Government, and any such Member becoming such security shall be subject to the disqualifications and penalties mentioned in this Act;

2. Every elective Member of Parliament who, at the time of the passing of this Act, shall be security to the Government for the conduct in office of any officer or servant of the Government shall cease to be such security within one year from the end of the term for which he shall have been elected, and if after the end of such year he continues to be such security he shall be subject to the disqualifications and penalties mentioned in this Act, but not sooner;

3. No person shall be subject to the disqualifications and penalties mentioned in this Act by reason of his liability as security to the Government for the conduct in office of any officer or servant of the Government arising out of any act or omission of such officer or servant which may have occurred previously to the time of his ceasing to be security for such officer or servant.

8. No person disqualified by the next preceding sections, or by any other law, to be elected a Member of either House of Parliament, shall sit or vote in the House, in respect of which he is disqualified, while he remains under such disqualification;

2. And if any person disqualified or declared incapable of sitting or voting in either House of Parliament, by the third, fourth, fifth and seventh sections, sits or votes therein, he shall thereby forfeit the sum of two thousand dollars for each and every day on which he so sits or votes; and such sum may be recovered from him by any person who will sue for the same, by action of debt, bill, plaint or information, in any Court of competent civil jurisdiction in this Province.

9. If any person hereby disqualified or declared incapable of being elected a Member of either House of Parliament is nevertheless elected and returned as a Member of either House, his election and return shall be null and void. (20 Vic., c. 22, s. 5.)

10. No elected Member of either House of Parliament having a seat therein at the time of the passing of this Act who comes within any of the provisions hereinbefore mentioned shall be disqualified to hold his seat, nor be liable to any penalty for sitting or voting therein at any time prior to the passing of this Act.

11. No elected Member of either House of Parliament shall accept any office, commission or employment to which any salary, fee, allowance, emolument or profit whatsoever, in the gift of the Crown in this Province, is attached during the term of his service as such Member, nor within the period of six months next after the expiration of such term of service.

Members being securities to cease to be so within a certain period.

Liability as security not to disqualify in certain cases.

Persons disqualified not to sit in Parliament.

Penalty for sitting and voting when disqualified.

Elections of persons disqualified to be null;

Saving as to present Members.

Members not to accept office for six months after expiration of term of service as such.