

No. 2.

1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

An Act to amend the Act for better
securing the Independence of the
Legislative Assembly of this Province.

Received and read a first time, Tuesday, 24th
August, 1852.

Second reading, Tuesday, 7th September, 1852.

MR. SMITH, of Frontenac.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET

An Act to amend the Act for better securing the Independence of the Legislative Assembly of this Province.

WHEREAS doubts have arisen as to the true intent and meaning of the 11th Section of the Act passed in the seventh year of Her Majesty's Reign, and intituled, "*An Act for better securing the independence of the Legislative Assembly of this Province,*" in reference to the issue of a new Writ of Election in cases where, after a General Election shall have been held in this Province, and before the meeting of Parliament, any Member who may have been elected at such General Election to serve in the Legislative Assembly of this Province, shall have accepted an office of profit or emolument under the Crown, or otherwise vacated his seat as a Member of the said Legislative Assembly; And whereas it is desirable to determine such doubts, and to make the practice of Parliament in this Province, with regard to the issuing of Writs to supply vacancies occurring in the Legislative Assembly by the acceptance of office or otherwise, conformable to the practice which obtains in England in similar cases; Be it therefore enacted, &c.,

Preamble.

Act 7 Vic.,
cap. 65.

That from and after the passing of this Act, it shall not be lawful for any Warrant to issue to the Clerk of the Crown in Chancery, for the issuing of a new Writ for the election of a Member to fill up any vacancy which may have arisen subsequent to a General Election as aforesaid, by reason of the death, acceptance of office or resignation of any Member of the said Legislative Assembly, until after the expiration of fifteen days from the day on which Parliament shall have first assembled for the despatch of business after the said General Election, nor until the expiration of the time during which the Election of such Member may be contested, nor, if his Election be contested, until after such contestation shall have been decided.

No Warrant
for a Writ of
Election to issue
during a
certain period
after a General
Election.

II. And be it enacted, That it shall not be lawful for any Member of the Legislative Assembly of this Province to have, take or receive, either directly or indirectly, any salary, fees or emoluments of office of any description whatsoever, out of the public monies of this Province, during the time for which he may continue a Member of the Provincial Parliament: Provided always,

No Member to
receive any
public monies.

Certain Offi-
ces excepted.

that nothing in this Section contained, shall extend or be construed to extend to any person who, being a Member of the Executive Council of this Province, shall also fill any of the following offices, that is to say : of Receiver General, Inspector General, Secretary of the Province, Commissioner of Crown Lands, Attorney General, Advocate General, Solicitor General, Commissioner of Public Works, Registrar of the Province, or President of the Executive Council. 5

After the pre-
sent Parlia-
ment, any
Member re-
ceiving public
monies disqua-
lified during
the whole
Parliament.

III. And be it enacted, That if any Member of the Legislative Assembly of this Province, (except any Member holding one of the offices enumerated in the next preceding Section) shall, from and after the dissolution of this present Parliament, during the time of his being a Member of Parliament, by himself or his deputy, or any other in trust for him, or for his benefit, take, enjoy or receive any salary, fees or emoluments of office of any description or kind whatsoever, out of the public monies of this Province, such person is hereby declared and enacted to be absolutely incapable of sitting, voting or acting as a Member of the Legislative Assembly during the same Parliament. 15