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No. 5.

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

BILL.

An Act to restrict the acceptance of
Office in certain cases.

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

Second reading, Tuesday, 31st August, 1852.

MR. MACKENZIE.

(5)

BILL.

An Act to restrict the acceptance of Office in certain cases.

WHEREAS it is of the first importance to the country, that those persons who are selected by the Crown to advise upon public affairs should be above suspicion: and whereas, contrary to all British precedent, a practice has been introduced by which the Executive Council divide among themselves and their colleagues lucrative judicial and other offices, with ultimate pensions; and whereas it is derogatory to the character of the Judiciary, and dangerous to the purity of Judges and of public officers, that those who are concerned in urging through Parliament Acts for creating new Courts or other offices with high salaries, to the increase of the public burthens, should be themselves appointed to fill them; and whereas such unconstitutional proceeding is not only subversive of the purity of a responsible government, but is also calculated to pervert the highest patronage of the Crown by its selfish appropriation amongst those who are presumed to be the public trustees for its disinterested distribution, by reason whereof the members of the Executive Council may become place-hunters instead of place-givers, and the Representative of the Crown, from a supposed constitutional necessity that he should acquiesce in such proceedings, may be brought into disrepute; Be it therefore enacted, &c.

Preamble.

20 That no member of the Executive Council shall ever be appointed to or be capable of holding any office of emolument, until after the expiration of the first Session of the next Parliament following his ceasing to have a seat in such Executive Council.

Members of Executive Council not to be appointed to office.

25 II. And be it enacted, That no person in or out of Parliament, who has been or shall be concerned in any attempt to consummate Acts creating new Courts of Law or Equity, or any other Offices, shall be eligible to or be capable of holding the same.

Persons concerned in procuring Acts not to get office under them.