

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1842.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1842.

5 Victoria – Chapter 18

**An Act to vacate the Seats of Members of the Assembly in certain cases. Passed 29th March 1842.**

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, any Member of the House of Assembly who shall accept of the office of Executive Councillor, or any office of profit or emolument under the Crown, shall be incapable of taking or holding his Seat in the General Assembly of this Province while in such office, unless re-elected after his acceptance thereof.

II. And be it enacted, That any Member of the House of Assembly who shall hereafter enter into any Contract for the performance of any Public Work authorized by any Law of this Province, or under the immediate controul of the Executive Government of the Province, or who shall become security for the same, shall vacate his Seat in the said House of Assembly in the same manner and under the same regulations as are provided by this Act in cases where he shall have accepted the office of Executive Councillor, or any office of profit or emolument under the Crown.

III. And be it enacted, That henceforth in the event of any vacancy occurring in manner aforesaid in the present or any future Assembly during any recess of the General Assembly, it shall be the duty of the Speaker, within ten days after the same shall be certified to him in writing by at least two Members, one of whom to be a Member of the County or City in which the vacancy may happen, (or in case such vacancy occurs in a County only represented by one Member, then in the next adjoining County,) to send his Warrant to the Clerk of the Crown in Chancery, to cause a Writ to be issued for the Election of a Member to fill such vacancy; and that the said Clerk of the Crown shall upon the receipt of such Warrant, issue out a Writ for that purpose, with as much expedition as the same may be done; and in case such vacancy shall be occasioned by the Speaker's acceptance of any such office as is aforementioned, or of his becoming Contractor for any Public Work, or surety for any such Contractor, in manner aforesaid, or during the time there is no Speaker to the Assembly, during any recess as aforesaid, any four Members, one of whom to be a Member of the County or City for which such Speaker shall have been elected, may send their Warrant to the said Clerk of the Crown to cause a Writ to be issued for the Election of a Member to fill the vacancy so made; and that the said Clerk of the Crown shall upon the receipt of such Warrant issue out a Writ for that purpose, with as much expedition as the same may be done: Provided always, that if the Speaker shall be a member for a County represented by only one Member, then the Warrant to the Clerk of the Crown may be made by any four Members.