

Laws of Her Majesty's Province of Newfoundland, passed in the year 1850.

13 Victoria – Chapter 13

An Act to provide for the Vacation of Seats of Members of the House of Assembly in certain cases, and for the Election of Members in their stead. (Passed 30th April, 1850.)

Whereas it is expedient to make provision for the Vacation of Seats by Members of the House of Assembly in certain cases, and for the election of Members in their stead;

I. Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, in Legislative Session convened, that from and after the passing of this Act, whenever any Member of the House of Assembly of this Island shall accept any office of emolument from the Crown, his seat in the said House of Assembly shall immediately thereupon become vacant.

II. And be it further enacted, That whenever any Member shall accept any such office as aforesaid, or any Member who shall be desirous of resigning his seat as a Member of the said House of Assembly, shall, by writing under his hand, in the form hereunto annexed, tender to the Governor, or Person Administering the Government for the time being the resignation of his seat in the said House of Assembly, it shall and may be lawful for the Governor, or Person Administering the Government for the time being, to issue a writ, after such acceptance of office or resignation aforesaid, for the election and return of a Member in place of him so accepting office or resigning, as aforesaid: Provided always, that nothing herein contained shall prevent a Member so accepting office or resigning his seat as aforesaid, from being re-elected a Member of the said House of Assembly: Provided also, that any Member so resigning, and offering himself as a candidate at the election consequent on such resignation, shall bear the expenses of such election, so far as the same have been usually borne by the Colony; and shall, before he shall be nominated as a candidate for such election, deposit with the Colonial Secretary such sum of money, not exceeding the amount paid by the Colony for the last preceding election of the District for which such Member was returned, as the Governor in Council shall direct; which sum, or so much thereof as may be required for that purpose, shall be applied by the said Colonial Secretary in discharge of such expenses.

III. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to vacate the seat of any Member of the House of Assembly who may accept a commission or appointment in Her Majesty's Army or Navy, or who may accept any office which is now or may be hereafter compulsory or obligatory by the imposition of any fine or penalty by the laws of this Island, or who shall accept any acting appointment, where such acting appointment shall not continue beyond the period of six calendar months.

IV. And be it further enacted, That whenever any Member of the said House of Assembly shall be declared bankrupt or insolvent, the seat of such Member shall immediately thereupon become vacant, and the Governor, or Person administering the Government, shall issue a writ for the election and return of a Member in the stead of him so declared bankrupt or insolvent: Provided always, that nothing herein contained shall prevent such Member so declared bankrupt or insolvent from being re-

elected a Member of the said House of Assembly, he having first obtained a certificate of discharge pursuant to law, and being otherwise duly qualified.

V. And be it further enacted, That this Act shall not have any force or effect until Her Majesty's pleasure thereon shall have been first duly signified.

FORM OF RESIGNATION.

To His Excellency, &c.

MAY IT PLEASE YOUR EXCELLENCY;—

I, the undersigned, A. B., of _____ Esquire, Member of the General Assembly for the District of _____, hereby resign my seat as Member for the said District.

Given under my hand at _____ this _____ day of _____ A. D.
18 _____.

Signed by the said A. B., in presence
of us,
C. D., of &c.
E. F.

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