

Laws of Her Majesty's Province of Newfoundland, passed in the year 1862.

25 Victoria – Chapter 9

An Act for the better securing the Independence of the House of Assembly of this Colony, by disabling certain Persons from being elected thereto, or of sitting or voting therein as Members. (Passed 27th March, 1862.)

Whereas the holding of Offices of Emolument under the Government by Members of the House of Assembly, except in certain cases, is subversive of the Independence of the Representative Branch of the Legislature; and it is necessary to make provision for the better securing the Independence of the House of Assembly in that behalf:

Be it enacted, by the Governor, Legislative Council, and Assembly, in Legislative Session convened:

That from and after the determination of the present General Assembly, no Person who shall hold any Office, Place, or Appointment of profit or emolument from or under the Government of this Colony, or from or under any Branch of the Legislature, or from or under any Board or Public Body the Members whereof are nominated by the Government, shall be eligible to be elected, or to sit or vote, as a Member of the House of Assembly: Provided that this Section shall not apply to the respective Persons who may hold the Offices of Attorney-General, Colonial Secretary, Receiver-General, Solicitor-General, Surveyor-General, Financial Secretary, nor to the Speaker, nor to Chairmen of Committees of the House of Assembly, nor to such Members of the House of Assembly as shall be Directors of the Savings' Bank.

II. Any Person who, after the determination of the present General Assembly, shall directly or indirectly himself, or by any Person whomsoever in trust for him, or for his use and benefit, or on his account, undertake, execute, or enjoy in the whole or part any Contract or Agreement for or on account of the Public Service, shall be incapable of being elected, or of sitting, or voting, as a Member of the Assembly during the time he shall execute, hold or enjoy any such Contract, or any part or share thereof, or any benefit or emolument arising therefrom; and if any Person, being a Member of the said House of Assembly, shall, after such time as aforesaid, enter into any such Contract or Agreement, or having entered into shall continue to hold it, his Seat shall be declared by the said Assembly to be void, and the same shall become void accordingly: Provided, this Section shall not apply to a Member of any Incorporated Body where such Corporation shall contract for the benefit of the Company, nor to Persons taking or holding Debentures of the Public Debt.

III. If any Person hereinbefore disabled or declared to be incapable to sit or vote in the House of Assembly of this Colony shall be elected and returned a Member for any District, such Election and Return shall be void to all intents and purposes; and if any Person so disqualified as aforesaid shall, after the dissolution or determination of this present General Assembly, presume to sit or vote as a Member of the said House of Assembly in any General Assembly to be hereafter convened, such Person so sitting or voting shall, for each time he shall sit or vote, forfeit the Sum of Fifty Pounds, to be recovered by any Person who may sue for the same in any of the Superior Courts of Record in this Colony.

IV. Nothing in this Act contained shall be of any effect until Her Majesty's pleasure thereon shall have been signified.