

*The Provincial Statutes of Canada*, passed in the year 1842. Kingston: Stewart Derbshire & George Desbarats, 1842.

6 Victoria – Chapter 2

**An Act to make the Law for vacating the Seats of Members of the Legislative Assembly accepting Office, uniform throughout this Province. 12th October, 1842.**

Whereas it is expedient to make the Law for vacating the Seats of Members of the Legislative Assembly accepting Office, uniform throughout the Province, and for that purpose to extend to Members elected for places in Canada West the enactments in that behalf applicable to Members elected for places in Canada East: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government for Canada*, and it is hereby enacted by the authority of the same, that if any person chosen and returned as a Representative or Member of the Legislative Assembly of this Province for any place within that part of this Province, which formerly constituted the Province of Upper Canada, shall accept of any office of profit from the Crown, or accept, as a Commissioner or otherwise, any appointment from the Crown whereby he shall become accountable for any public money, his election shall be void, and the Seat of such Member shall thereafter become and be vacant, and a writ shall forthwith issue for a new Election as if such person so accepting such Office, Commission or Appointment as aforesaid, were naturally dead; any Law, usage or custom to the contrary notwithstanding: Provided always, that such person shall nevertheless be as capable of being re-elected to serve as a Representative or Member of the Legislative Assembly during the same or any ensuing Parliament, as if his Election had not been made void and his Seat become vacant as aforesaid.

II. Provided always, and be it enacted, that nothing herein contained shall extend or be construed to extend to any Member of the Legislative Assembly, being an Officer in Her Majesty's Navy or Army, or in the Militia of this Province, who shall be appointed or receive any new Commission in the Navy or Army, or in the Militia of this Province respectively, excepting only Officers on the Staff of the Militia receiving permanent salaries.