

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 154

An Act to amend the Act for better securing the Independence of the Legislative Assembly of this Province. Assented to 14th June, 1853.

Whereas doubts have arisen as to the true intent and meaning of the eleventh Section of the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act for better securing the Independence of the Legislative Assembly of this Province*, in reference to the issue of a new Writ of Election in cases where after a General Election shall have been held in this Province, and before the meeting of Parliament, any Member who may have been elected at such General Election to serve in the Legislative Assembly of this Province, shall have accepted an office of profit or emolument under the Crown, or otherwise vacated his seat as a Member of the said Legislative Assembly; And whereas it is desirable to determine such doubts: Be it therefore declared and 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, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That it is and shall be lawful for a Warrant to issue to the Clerk of the Crown in Chancery, for the issuing of a new Writ for the election of a Member to fill up any vacancy arising subsequent to a General Election as aforesaid, by reason of the death of or acceptance of office by any Member of the said Legislative Assembly, at any time after such death or acceptance of office.

II. And be it enacted, That no person holding any office of emolument at the nomination of the Crown in this Province, shall after the dissolution of the present Parliament be eligible as a Member of the Legislative Assembly of this Province, and that any Member of the said Assembly who shall accept of any such office shall thereby vacate his seat; Provided always, that nothing in this Section contained shall render ineligible as aforesaid any person who shall be a Member of the Executive Council of this Province, or who shall fill any of the following offices, that is to say: of Receiver General, Inspector General, Secretary of the Province, Commissioner of Crown Lands, Attorney General, Solicitor General, Commissioner of Public Works, President of the Executive Council, or Postmaster General.

III. And be it enacted, That whensoever any person holding any one of the offices mentioned in the second Section of this Act, and being at the same time a Member of the Legislative Assembly, shall resign his office, and within one month after his resignation accept of any other of the said offices, he shall not thereby vacate his seat in such Assembly; any law, usage or custom to the contrary notwithstanding. Provided always, that nothing in this Clause contained shall apply to the Solicitor General accepting office as Attorney General.