

*Laws of Her Majesty's Province of United Canada*, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 86

**An Act to amend the Act for better securing the Independence of the Legislative Assembly of this Province. Assented to 30th May, 1855.**

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 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 emolument and profit under the Crown or otherwise vacated his seat as a Member of 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, as follows:

I. 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 subsequently to a General Election and before the meeting of Parliament 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: Provided always, that any election so to be held shall not in any manner affect the rights of any person or persons who may be entitled to contest such previous election; and the report of any Election Committee appointed to determine the merits of such previous election, shall determine whether the Member who shall have so accepted an office of profit or emolument under the Crown, or any other person, was duly returned or elected thereat, which determination, if adverse to the return of such Member, and in favor of any other candidate, shall avoid the Election held under this Act, and the candidate declared duly elected at the previous election shall be entitled to take his seat as if no such second election had been held under this Act.

II. No person holding any office at the nomination of the Crown in this Province, to which an annual salary or any allowance, fees or emoluments in lieu of an annual salary are attached, shall be eligible as a Member of the said Legislative Assembly; and any Member of the said Legislative 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 Committees of the Executive Council or Postmaster General.

III. Whenever any person holding any one 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 Committees of the Executive Council, or Postmaster General, and being at the same time a Member of the Legislative Assembly, shall resign his office, and within one month after his resignation accept any other of the said offices, he shall not thereby vacate his seat in the said Assembly; any law, use or custom to the contrary notwithstanding.

IV. The Act passed in the sixteenth year of Her Majesty, and intituled, *An Act to amend the Act for better securing the independence of the Legislative Assembly of this Province*, shall be, and the same is hereby repealed.