

No. XVI.

An Act to render certain persons herein described incapable of being elected or of sitting and voting as Members of the Legislative Council and to make void the election of certain Members. [Reserved—
30th October, 1846.]

DISQUALIFICATIONS
FOR ELECTION.

WHEREAS it is expedient that provision be made to secure as far as may be the independence of the Members of the Legislative Council. Be it enacted by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof That no person who shall be in receipt of a salary or pension chargeable on or payable out of Schedules A B or C appended to an Act of the Imperial Parliament passed in the fifth and sixth year of the reign of her present Majesty intituled “*An Act for the Government of New South Wales and Van Diemen’s Land*” nor any person holding any office of profit or having any pension from the Crown during pleasure or for term of years shall be capable of being elected or of sitting or voting as an elected Member of the said Legislative Council in any Council which shall be hereafter summoned and holden.

Persons incapable of
being elected Mem-
bers of the Legis-
lative Council.

Disqualifications for Election.

Circumstances disqualifying Members.

Proviso as to officers of the Navy or Army.

Disqualifying Ministers of Religion from being elected Members of the Legislative Council.

Disqualifying contractors and persons interested in contracts from being elected Members of the Legislative Council.

Election of disqualified persons void.

Penalty on their sitting or voting.

2. And be it enacted That if any elected Member of the said Legislative Council shall accept of any such office of profit or of any such pension from the Crown his election shall thereupon be and is hereby declared to be void and a writ shall forthwith issue for a new election as if such Member were naturally dead Provided however that nothing in this Act contained shall extend or be construed to extend to any person in the receipt only of pay half-pay or a pension as an officer of Her Majesty's Navy or Army or who shall receive any new or other Commission in the Navy or Army respectively or any increase to such pension.

3. Provided always and be it enacted That no person shall be capable of being elected a Member to serve in the said Legislative Council or of sitting or voting therein who shall be a Minister of the Church of England or a Minister Priest Ecclesiastic or Teacher either according to the rites of the Church of Rome or under any other form or profession of religious faith or worship.

4. And be it enacted That any person who shall directly or indirectly himself or by any person whatsoever in trust for him or for his use or benefit or on his account undertake execute hold or enjoy in the whole or in 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 Legislative Council during the time that he shall execute hold or enjoy any such contract or any part or share thereof or any benefit or emolument arising from the same Provided always that nothing herein contained shall extend to any contract or agreement made entered into or accepted by any incorporated company or any trading company consisting of more than twenty persons where such contract or agreement shall be made entered into or accepted for the general benefit of such incorporated or trading company Provided also that if any person being a Member of the said Legislative Council shall enter into any such contract or agreement or having entered into it shall continue to hold it his seat shall be void.

5. And be it enacted That if any person by this Act disabled or declared to be incapable to sit or vote in any Council hereafter to be summoned and holden shall nevertheless after the dissolution or determination of this present Council be elected and returned as a Member to serve in the said Legislative Council for any county district city town borough or boroughs such election and return are hereby declared and enacted to be void to all intents and purposes whatsoever and if any person so elected and returned contrary to the provisions of this Act shall presume to sit or vote as an elected Member of the said Legislative Council in any Council or Session of Council to be hereafter summoned and holden such person shall forfeit the sum of five hundred pounds to be recovered by any person who shall sue for the same in the Supreme Court of New South Wales or in any other Court of Record in the said Colony having competent jurisdiction by action of debt.