



CHAPTER 53

An Act respecting certain officers of city and town municipalities

[Assented to, the 19th of February, 1932]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Revised Statutes, 1925, are amended by adding R.S., c. thereto, after chapter 107 thereof, the following chapter: 107A, added.

"CHAPTER 107A

"AN ACT RESPECTING THE DISMISSAL OF CERTAIN CITY AND TOWN OFFICERS

"1. This act may be cited as the *Municipal Officer Dismissal Act*. Short title.

"2. In this act, unless the context requires a different meaning: Interpretation:

1. The word: "judge" means a judge of the Superior Court, a judge of the Sessions of the Peace or a district magistrate;

2. The word "municipality" means a city incorporated under a general or special act, the population of which at the last federal census exceeded fifty thousand souls;

3. The words "municipal officer" mean the comptroller or the comptroller and auditor of a municipality within the meaning of this act, the treasurer or the director of departments and the director of the police department of such a municipality, or the person performing similar duties in such a municipality.

Dismissal of municipal officer. **"3.** No dismissal of a municipal officer may be ordered by the council of a municipality except in conformity with the provisions of this act.

Inquiry by judge. **"4.** The council of the municipality may, by resolution, apply to the chief justice or the acting chief justice of the Superior Court, residing within the limits of the appellate division which comprises the district in which is situated the municipality, to designate a judge to hold an inquiry into the facts and allegations invoked as reasons for the dismissal of the municipal officer mentioned in the resolution.

Resolution. No application of the council may be considered unless the resolution alleges the accusations, actions or facts, in a precise manner, which alone shall form the object of the inquiry.

By whom judge designated. **"5.** The chief justice or the acting chief justice of the Superior Court, on such application, shall designate a judge to hold such inquiry.

Opening of inquiry after notice. **"6.** The judge designated in the order for the holding of the inquiry shall, after having given to the municipality and to the municipal officer concerned notice of the date on which he will proceed, inquire into the accusations, actions or facts alleged in the resolution.

Continuation and report of inquiry. The judge shall continue such inquiry from day to day with all convenient despatch and shall report to the council upon the results of the inquiry and upon the evidence taken therein.

Powers of judge. **"7.** For the purposes of such inquiry, the judge shall have the powers of a commissioner appointed under the Public Inquiry Commission Act (Chap. 8), and, particularly, the provisions of the first paragraph of section 6, and sections 9, 10, 11, 12, 13, 16 and 17 of the said act shall apply, *mutatis mutandis*, in the case of an inquiry held under this act.

Clerk and stenographer. The judge may appoint a clerk and employ one or more stenographers for the purposes of the inquiry.

Transmission of judge's report, etc. **"8.** The report of the judge as well as the notes of evidence and the documents filed during the inquiry shall be forwarded by the judge to the clerk of the municipality concerned to form part of the archives of the municipal corporation.

A copy of the judge's report and of the notes of the evidence shall likewise be transmitted by the judge to the Minister of Municipal Affairs. Copy of notes, etc.

"9. Upon receipt of the judge's report, the council of the municipality may, by the favourable vote of three-fourths of all the members of the council, order the dismissal of the municipal officer mentioned in the resolution contemplated by the foregoing section 4. Vote on dismissal on receipt of report.

"10. All expenses incurred for the purposes of the inquiry provided for by this act, including the copy of the documents mentioned in the second paragraph of section 8, the summoning of witnesses, their taxation and the stenographic costs shall be borne by the municipality which applied for the inquiry." Payment of expenses, etc.

2. This act shall come into force on the day of its sanction. Coming into force.

