



CHAPTER 12

An Act to amend the Revised Statutes, 1925, respecting inquiries into municipal affairs

[Assented to, the 24th of March, 1926]

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

1. Section 2 of the Public Inquiry Commission Act (Revised Statutes, 1925, chapter 8) is amended: R. S., c. 8,
s. 2, am.

a. By inserting therein, after the word: "justice", in the fifth line of the first paragraph thereof, the word: "or";

b. By striking out the words: "or any matter connected with the good government of any municipality of the Province", in the sixth, seventh and eighth lines of the first paragraph thereof.

2. Section 15 of the said act is repealed.

Idem, s. 15,
repealed.

3. Section 9 of the Municipal Bribery and Corruption Act (Revised Statutes, 1925, chapter 107) is amended: R. S., c. 107,
s. 9, am.

a. By replacing the words: "five hundred", in the sixth line thereof, by the words: "one thousand";

b. By replacing the words: "the sum of five hundred dollars as security for costs", in the ninth and tenth lines thereof, by the words: "as security for costs, the sum of one thousand dollars if the inquiry relates to a city, and of five hundred dollars if it relates to any other municipality. During the progress of the inquiry, the court, of its own accord or upon motion to that effect, may order that the deposit be increased at its discretion."

4. Section 10 of the said act is amended:

Id., s. 10,
am.

a. By replacing the words: "which are conferred by this

division or under any law respecting inquiries concerning public matters", in the sixth, seventh and eighth lines of the first paragraph thereof by the words: "ordinarily exercised by the Superior Court or by one of the judges thereof";

b. By striking out the words: "and shall report to the council upon the results of the inquiry and upon the evidence taken therein", in the second, third and fourth lines of the second paragraph thereof;

Payment of costs.

c. By replacing the third paragraph thereof by the following paragraphs:

"The judge, in rendering judgment upon the inquiry, shall designate the person or persons bound for the payment of the costs and, if occasion therefor, in what proportion, and shall order the payment thereof within the delay which he shall fix.

Amount of costs determined by judge.

The amount of such costs shall be determined by the judge himself either immediately or subsequently, and such costs shall be those provided for by the tariff mentioned in section 15*a*."

R. S., c. 107, ss. 10*a*-10*e*, added.

5. The said act is amended by inserting therein, after section 10 thereof, the following sections:

Powers of judge.

"**10*a*.** The judge may condemn any person to reimburse the municipality, or any party entitled thereto, the expenses incurred and the losses sustained in consequence of the acts of such person.

Idem.

He may also declare any person to have forfeited his office and to be disqualified from exercising any municipal office during the period determined in the judgment.

Execution of judgment.

The judgment shall be executory in the same manner as an ordinary judgment in the Superior Court.

Appeal of judgment.

"**10*b*.** The judgment, whenever it orders forfeiture of office, or pecuniary condemnation with the exception of that for costs only, shall be subject to appeal to the Court of King's Bench, consisting of five judges.

Part of judgment, executory immediately.

The part of the judgment ordering the forfeiture of office shall be executory immediately, notwithstanding an appeal, unless the Court of King's Bench, in term, or two judges of such Court, out of term, order its suspension.

No additional remuneration for judge.

"**10*c*.** The holding of the inquiry and the rendering of judgment therein shall be deemed to form part of the judicial functions of the judge and he shall not receive any additional remuneration therefor.

Powers of judge.

"**10*d*.** The judge may, by a summons under his hand, require the attendance before him, at a place and time therein specified, of any person whose evidence may be

material to the subject of inquiry, and may order any person to bring before him such books, papers, deeds and writings as appear necessary for arriving at the truth.

Every such person shall attend and answer all questions put to him by the judge touching the matter to be inquired into, and shall produce, before the judge, all books, papers, cheques, promissory notes, deeds and writings, required of him, and in his custody or control, according to the tenor of the summons. Witnesses.

The judge may require the usual oath or affirmation from every person examined before him, and may administer the same. Oath of witnesses.

"10e. Any person on whom any summons has been served, in person or by leaving a copy thereof at his usual residence, who fails to appear before the judge, at the time and place specified therein, may be proceeded against by the judge in the same manner as if he had failed to obey any lawful subpoena or process of the Superior Court." Failure to appear.

6. Section 14 of the said act is amended by replacing the number: "10", in the fourth line thereof, by the number: "11". R. S., c. 107, s. 14, am.

7. The said act is amended by inserting therein, after section 15 thereof, the following section: Id., s. 15a, added.

"15a. The Lieutenant-Governor in Council may make a tariff for the fees of the advocates of the parties to the inquiry and also for and upon all proceedings and matters pertaining to the said inquiry or incident thereto. Tariff for fees of advocates and proceedings.

In default of such tariff, that of the advocates and that of the Superior Court in force for first class actions before said Court shall apply *mutatis mutandis*. Tariff applicable in default of stated tariff.

8. Section 16 of the said act is replaced by the following: R. S., c. 107, s. 16, replaced.

"16. The judgment upon the inquiry shall be registered by the prothonotary of the Superior Court and the complete record shall be filed among the archives of the said Superior Court to form part thereof." Registration of judgment.

9. This act shall not affect pending cases. Pending cases.

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

