

## C A P. X.

## An Act to amend the Quebec Controverted Elections' Act.

[Assented to 21st December, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 466, §6,  
replaced.

**1.** Paragraph 6 of article 466 of the Revised Statutes is replaced by the following :

Corrupt prac-  
tice defined.

“6. The term “corrupt practice” means every act declared to be such by article 252 of the Quebec Election Act, 1895, or by any other act of the Legislature of this Province.”

R. S., 482,  
amended.

**2.** Article 482 of the said Revised Statutes is amended by replacing the number : “372,” in the fourth line, by the words : “213 of the Quebec Election Act, 1895.”

R. S., 483, re-  
placed.

**3.** Article 483 of the said Revised Statutes is replaced by the following :

Delay to pre-  
sent petition  
in certain  
cases.

“**483.** Nevertheless, if the petition questions the validity of a return or election, upon a specific allegation of corrupt practice, prohibited by the Quebec Election Act, 1895, committed since the time of the return of election, such petition may be presented within thirty days after the date of the commission of the corrupt practice alleged, provided that such corrupt practice falls within the scope of articles 277 and 280 of the said election act.”

R. S., 486,  
amended.

**4.** Article 486 of the said Revised Statutes, as amended by the act 54 Victoria, chapter 10, section 3, is further amended by replacing the words : “fifteen hundred,” in the first line, by the words : “one thousand”.

R. S., 513,  
amended.

**5.** Article 513 of the said Revised Statutes is amended by replacing the words : “corrupt practices,” in the first and second lines, by the words : “corrupt practices prohibited by the Quebec Election Act, 1895”.

R. S., 514, re-  
placed.

**6.** Article 514 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 10, section 6, is again replaced by the following :

Proof against  
another can-  
didate.

“**514.** On the trial of a petition, the respondent may give evidence to show that any other candidate has been guilty of corrupt practice prohibited by the Quebec Election Act, 1895, in the same manner and with the same effect as if he had himself presented a petition complaining of such election or of the conduct of such candidate.

Before entering into such proof, the respondent shall give notice thereof to such candidate, if he be not already in the cause, who may cross-examine the witnesses against him and produce others in his own behalf." Notice to such candidate.

7. Article 516 of the said Revised Statutes, as amended by the act 54 Victoria, chapter 10, section 7, is replaced by the following : R. S., 516, replaced.

"516. All proceedings respecting the trial of an election petition shall, on the mere application of the sitting member, be suspended, during the sessions of the Legislature, and during the eight days which precede and the eight days which follow such sessions." Suspension of proceedings during the session.

8. The second clause of article 541 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 10, section 8, is again replaced by the following : R. S., 541, amended.

"This inscription shall be accompanied, if the petition has been presented elsewhere than at Quebec or Montreal, by the payment to the prothonotary of a sum of ten dollars for making up and transmitting the record." Payment required therewith.

9. Article 551 of the said Revised Statutes is replaced by the following : R. S., 551, replaced.

"551. When any charge is made in an election petition of any corrupt practice prohibited by the Quebec Election Act, 1895, having been committed at the election, the court shall further transmit to the Speaker, together with its judgment, a report in writing stating : Report of the court to the Speaker.

1. Whether any corrupt practice, prohibited by the said act, has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, stating the name of such candidate and the nature of such corrupt practice ;

2. The names of any person against whom, during the trial of the petition, the commission of any corrupt practice prohibited by the aforesaid act has been proved ;

3. Whether corrupt practices, prohibited by the said act, have, or whether there is reason to believe that such corrupt practices have extensively, prevailed at the election to which the petition relates."

10. Article 553a of the said Revised Statutes, as enacted by the act 52 Victoria, chapter 10, section 1, is amended by replacing the words : "corrupt practice," in the fourth line, by the words : "corrupt practice prohibited by the Quebec Election Act, 1895." R. S., 553a, amended.

Arts. added  
after R. S.,  
555.

**11.** The following articles are added after article 555 of the said Revised Statutes :

Affidavit to  
support appli-  
cation for  
leave to dis-  
continue, &c.,  
required.  
Form of affi-  
davit.

**“555a.** The application for leave to discontinue an election petition or any essential proceeding therein, which, being abandoned, would cause the petition to fail, must be accompanied by an affidavit in the following terms :

“ I, (*description of the petitioner or one of the petitioners*), being duly sworn, depose and say :

That, in discontinuing the election petition (*or the proceeding, as the case may be*)—(*describe the petition by the names of the parties, the number and date*)—I do not act in collusion with the defendant, or with any other person for him or in his interest; nor on account of any understanding or agreement, express or implied, with the respondent, or with any person representing or acting for him or in his interest; nor on account of any promise, agreement or undertaking, express or implied, by reason whereof I have received, or shall or may receive any gift, sum of money, reward, profit or advantage whatever; nor on account of any agreement or understanding, express or implied, by reason whereof any election petition that is now pending, or which is to be taken, or any judicial proceeding whatever now pending or to be taken, will be discontinued, abandoned or suspended ;

That the only reason for my discontinuing the said petition (*or proceeding*) is that, after having personally made all possible efforts, I was unable to find and procure proof of the facts alleged in the said petition (*or proceeding*), and that the efforts that I made to find and procure the said proof are the following : (*describe here in detail all steps taken and the means employed*) ;

That, in discontinuing the said petition (*or proceeding*), I do not act in any way to favor the respondent, but solely in the interests of justice and truth.

And I have signed (*or I declare that I have heard the present affidavit read, and, not knowing how to write, have made my mark, as the case may be.*)

Sworn before me, at  
this                      day of                      , 189 . }

When appli-  
cation may be  
granted.

**“555b.** Such application shall not be granted unless the court or judge is convinced, from the allegations of the affidavit and the details of the steps taken, that the deponent is in good faith.

Report to  
Speaker if ap-  
plication  
granted.

**“555c.** If the court or judge decides that the application for leave to withdraw should be allowed, he gives judgment granting such application and immediately reports to the Speaker the reasons which occasioned hi





within the meaning of paragraph 10 of article 2 of the Quebec Election Act, 1895.

**16.** The act 54 Victoria, chapter 10, is repealed.

54 V., c. 10,  
repealed.

**17.** This act shall come into force on the day of its sanction.

Coming into  
force.

## CAP. XI.

An Act to amend the law respecting inquiries concerning public matters.

[Assented to 21st December, 1895.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Article 596 of the Revised Statutes is replaced by the following :

R. S., 596, re-  
placed.

**" 596.** Whenever the Lieutenant-Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of the Province, the conduct of any part of the public business, the administration of justice, or any matter connected with the good government of any city, town, village or other municipality of the Province, he may, by a commission issued to that effect, appoint one or more commissioners by whom such inquiry is to be conducted.

Appointment  
of commis-  
sioners to  
hold inquiries.

**" 596a.** The commissioners so appointed shall take the following oath of office before a judge of the Superior Court, before taking any other steps :

Oath of com-  
missioners.

I, A. B., do swear that I will fulfil the powers and duties vested in me by the act 59 Victoria, chapter 11, intituled : " An Act to amend the law respecting inquiries concerning public matters," according to the best of my knowledge and judgment. So help me God.

Form of oath.

**" 596b.** The commissioners may appoint one or two stenographers, one of whom shall be the secretary of the commission, and such clerks and messengers as may be thought necessary by the Attorney-General.

Stenograph-  
ers, &c.

The salaries of the stenographers shall not exceed four dollars per diem, which shall cover the transcribing of their notes and furnishing copies thereof.

The salaries  
of stenograph-  
ers.

The salaries of clerks and messengers shall not exceed, for the clerks, more than two dollars per diem, and for the messengers, one dollar and fifty cents per diem.

Salaries of  
clerks, &c.