

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**16.** The act 54 Victoria, chapter 10, is repealed.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repealed.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

Remuneration  
of commis-  
sioners.  
No charges  
for extra  
work.

The remuneration of the commissioners shall not exceed ten dollars per sitting of six hours.

No charge will be allowed for extra work or fractions of a day to any commissioner or employee on the commission.

When meet-  
ings to be  
held.

**"596c.** The commissioners shall, within a reasonable time after their appointment, hold meetings for the purpose of the inquiry, at the place where the necessary information is to be obtained.

Notice there-  
of.

They shall give notice, in two French and two English newspapers published nearest to the place of meeting, of the time and place of their first meeting.

Adjourn-  
ments.

The commissioners shall not adjourn the inquiry for a period exceeding one week, except they are duly authorized to that effect by the Attorney-General.

Duty of com-  
missioners.

**"596d.** The commissioners may, by all such lawful means as to them may seem best, with a view to the discovery of the truth, inquire into the matters referred to them for investigation.

Report.

As soon as the inquiry is completed, they shall report the result, with all evidence taken during the inquiry, to the Lieutenant-Governor in Council, who shall order such action to be taken in the matter as shall be warranted by the tenor of the evidence and report."

R. S., 598, re-  
placed.

**2.** Article 598 of the said Revised Statutes is replaced by the following :

Attendance of  
commission-  
ers and their  
powers.

**"598.** A majority of the commissioners must attend and preside at the hearing of witnesses, and they, or a majority of them, have, with respect to the proceedings upon the hearing, all the powers of a judge of the Superior Court in term."

Arts. added  
after R. S.,  
598a.

**3.** The following articles are added after article 598a of the said Revised Statutes, as enacted by the act 55-56 Victoria, chapter 6, section 1 :

Summoning  
of witnesses.

**"598b.** The commissioners, or any one of them, may, by a summons under his or their own hand, require the attendance before them, at a place and time therein specified, of any person whose evidence may be material to the subject of inquiry, and require any person to bring before them such books, papers, deeds and writings as appear necessary for arriving at the truth.

Persons to  
attend, &c.

All such persons shall attend and answer all questions put to them by the commissioners touching the matter to be inquired into, and shall produce for the commissioners, all books, papers, cheques, promissory notes, deeds

and writings, required of them, and in their custody or control, according to the tenor of the summons.

The commissioners or any one of them may require and shall receive the usual oath or affirmation from every person examined before them.

Oath of witnesses.

“ 598c. 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 commissioners, at the time and place specified therein, may be proceeded against by the commissioners in the same manner as if he had failed to obey any subpoena or any process lawfully issued from a court of justice.

Default to appear when summoned.

Any person refusing to be sworn when duly required, or omitting or refusing, without just cause, sufficiently to answer all questions that may be lawfully put to him, or to render any testimony in virtue of this act, shall be deemed to be in contempt and be punished accordingly.

Refusal to swear, &c.

No answer given, however, by any person so heard as a witness can be alleged against him in any prosecution under any act of this Legislature, if the commissioners have given him a certificate establishing that he has claimed the right to be excused from answering, and has given full and truthful answers to the satisfaction of the said commissioners.

Protection of witnesses.

If any person refuses to produce, before the commissioners, any papers, books, deeds or writings in his possession or under his control, which they deem necessary to be produced, or if any person is guilty of contempt of the commissioners or their office, the commissioners may proceed for such contempt in the same manner as any court or judge under like circumstances.

Contempt of persons upon refusing papers, &c.

“ 598d. The commissioners may allow to any witness summoned to appear before them, and who resides at a distance exceeding ten miles from the place of examination, the actual cost of his travelling expenses and cost of maintenance during the time he is detained by the inquiry.

Travelling expenses, &c., may be allowed certain witnesses.

“ 598e. In the case of an inquiry into the affairs of any city, town, village or other municipality, the expenses of such inquiry shall be paid as follows :

How expenses of commission to be paid.

When the inquiry concerns only the administration of the affairs of such city, town, village or other municipality, and where the system of administration is the subject of inquiry, the expenses of the commissioners shall be borne by the city, town, village or other municipality.

If inquiry into the administration of city, &c.

If, in the course of such inquiry, mal-administration on the part of officials, aldermen or councillors of such city, town, village or other municipality is proved, the costs of such inquiry shall be paid, in equal shares, by the officials,

Payment of costs by certain officials, &c., if mal-administration found.

aldermen or councillors implicated by the report of the commissioners.

Prosecution  
by Attorney-  
General to re-  
cover costs.

In default of the immediate payment of such costs, the Attorney-General shall prosecute the persons so in default, and they shall be liable to imprisonment until their proportionate share of such costs is fully paid up.

Protection  
and privileges  
of commis-  
sioners.

“**598f.** The commissioners shall have the same protection and privileges as are now conferred upon judges of the Superior Court, for any act done or omitted in the execution of their duty.

Writ of in-  
junction, &c.,  
not to lie.

“**598g.** No writ of injunction or prohibition or other legal proceeding shall interfere with or stay the proceedings of the commissioners in the inquiry.

Copies of evi-  
dence.

“**598h.** Certified copies of the evidence taken by the commissioners may be obtained by any person applying for the same, on payment therefor at the rate of ten cents per hundred words.

Date when  
labors, &c., to  
be completed.

“**598i.** The Lieutenant-Governor in Council shall fix the date when the commissioners shall complete their labors and reports, and the limit of expenditure on such commission; after which date all expenses of the commission shall cease.”

Coming into  
force.

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

## CAP. XII.

An Act to amend the law respecting the civil service.

[Assented to 21st December, 1895.]

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

Art. added  
after R. S.,  
665.

**1.** The following article is added after article 665 of the Revised Statutes :

Head of de-  
partment may  
hold or au-  
thorize in-  
quiries to be  
held by one or  
more deputy-  
heads.

“**665a.** It is lawful for the head of any department to hold, or to authorize in writing one or three deputy heads of departments to hold, in his stead, an inquiry into the conduct of any employee under his control, or into any matter connected with the administration or management of his department.

Powers dur-  
ing inquiry.

He has, as also the person or persons so authorized, power to interrogate witnesses on oath or affirmation, as the case may be.”