

or any other civic employee, if the secretary or secretary-treasurer or clerk is unable or refuses to act, may, for each copy required from him, collect from the corporation or council of which he is the officer, a sum not exceeding two cents for each name of a proprietor, tenant, occupant, corporation, firm or person entered in the valuation roll as proprietor, tenant or occupant of immoveable property, or as exercising any profession, trade, industry or business whatever ; provided that, in all cases, the total amount to be paid does not exceed four hundred dollars per annum in the city of Quebec, and twelve hundred dollars per annum, in the city of Montreal."

Coming into force.

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

C A P . X L I I .

An Act to prevent bribery and corruption in municipal and civic corporations.

[Assented to 12th January, 1895.]

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

Disqualification of member of municipal council interested in a contract.

1. Any member of a municipal council, who knowingly during the existence of his mandate has or had, directly or indirectly, by himself or his partner, any share or interest in any contract or employment, with, by or on behalf of the council, or who knowingly during the existence of his mandate, has or had through himself, or his partner or partners, any commission or interest, directly or indirectly, or who derives any interest, in or from any contract with the corporation or council of which he is a member, shall, upon a judgment obtained against him under the provisions of this act, be declared disqualified from holding any public office in the said council or under the control thereof during the space of five years.

Disqualification of a member of a municipal council deriving pecuniary remuneration from a contract, &c.

2. Any member of a municipal council, who knowingly during the existence of his mandate has or had, directly or indirectly, through a partner or partners, or through the agency of any other person, any interest, commission or percentage, with the municipal council of which he is a member, or knowingly during the existence of his mandate has or had derived any pecuniary remuneration from any contract for work performed or to be performed, shall, upon a judgment obtained against him under this act, be declared

disqualified from holding any public office in the said council or under the control thereof for the space of five years.

3. The preceding clauses shall not apply to the shareholders in a *bonâ fide* incorporated company.

Application of preceding clauses limited.

4. No alderman or councillor shall hold any office or place of profit in the pay of the corporation or municipality which he represents.

Alderman, &c., not to hold office of profit under council.

No alderman or councillor shall be appointed to any office in the gift of the corporation or municipality while he holds office as such alderman or councillor; and no nomination of such alderman or councillor for such office shall be valid, until he shall have resigned the office of alderman or councillor and such resignation has been accepted.

Not to be appointed while holding office.

5. The council of any city or municipality, by resolution thereof, or fifty electors of any city or municipality, may, by petition to a judge of the Superior Court, in the district in which such city or municipality is situated, in term or in vacation, require such judge to investigate any matter to be mentioned in the resolution or petition, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of one or more members of the council or officers of the municipality, or of any person or persons having a contract or contracts therewith, or, in case the council of any city or municipality sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the city or municipality, or the conduct of any part of the public business thereof, and if the council or the electors at any time petition the said judge to make the inquiry, the judge shall, after having given, to the parties incriminated, notice of the accusation and of the date at which he shall proceed with the inquiry, inquire into the same, and shall, for that purpose, have all the powers which are conferred by this act or under any law respecting inquiries concerning public matters.

Proceedings on petition, &c., for an investigation into conduct of municipal officers, &c.

Powers of judge holding inquiry.

The judge shall continue such inquiry from day to day, with all convenient despatch, and report to the council the result of the inquiry and the evidence taken thereon.

Inquiry to be continued.

The judge, in making his report, shall also report as to the costs.

Report.
Costs.

6. In the case of such petition being presented by the electors, they shall accompany the same by an affidavit of a credible rate-payer, whose name appears upon the valuation roll as proprietor of immoveable property of at least \$5,000 in value over all hypothecs in cities, and of at least \$500 in

Affidavit and deposit required before inquiry.

other municipalities, declaring that he has reason to believe that the allegations of the petition are true, and they shall deposit, with their petition, the sum of five hundred dollars, as security for costs.

Interrogatories in writing may be submitted.

7. The judge may, of his own accord, or at the request of any elector, deliver to any party interrogatories in writing upon any matter as to which discovery may be sought, and require such party, or, in the case of a body corporate, any of the officers of such body corporate, within three days, to answer the questions in writing, by affidavit to be sworn and filed in the ordinary way.

Matters upon which inquiry may be made.

8. The judge may enquire into subsequent transactions of the parties, if necessary, to ascertain if any remuneration was paid to any such alderman, councillor or public official, subsequent to the service rendered.

Examination of person or corporation accused.

The judge may, at his own discretion or at the request of other parties, examine any person or corporation accused of having bribed any of the functionaries herein mentioned, and may compel such parties to disclose what consideration was paid, or promised to be paid, whether it consisted of stock or shares at a rate lower than the market price, with promise of redemption at a higher price, or of a commission on the amount of contract obtained, or of a percentage on the amount of work done and materials furnished, or of a specific sum of money, or any other consideration whatever.

General powers of judge.

The judge may, generally, ascertain how any such reward or remuneration was or is to be paid, examine any party to a transfer of stock or securities of any kind, who is mentioned as the holder in trust of the proceeds of any bribery transaction, and compel such persons or corporations to disclose what they know about the transaction, and to produce any books supposed to contain a record of the transaction in question.

Persons who must testify.

9. No alderman, councillor or employee of any corporation shall be exempted from testifying on the ground that he is no longer an alderman, councillor or employee.

What they must disclose.

He may also be compelled to disclose any remuneration or reward whatsoever received or which he hopes to receive on account of services by him rendered in his official character, before or since the transaction in question was accomplished.

Copy of report, &c.

10. Any municipal elector may obtain a copy of such report and of the evidence and documents connected therewith.

Recovery by person who has paid

11. Every person who has paid any money, commission, fee or reward, to any member of a municipal

council for services performed or to be performed by such member of the municipal council, in his official capacity, whether it be service rendered by himself, directly or indirectly, or through a third party, and for the prosecution of any business before the council or before any committee thereof, may recover the same, at any time, by suit at law, in any court of competent jurisdiction.

moneys illegally to any member of council, &c.

12. Every person, called as a witness under this act, shall be admitted and be compellable to give evidence; notwithstanding that such person may have an interest in the matter in question.

Interested person as witness.

13. Any person omitting or refusing, without just cause, sufficiently to answer all questions as to which a discovery may be sought, within the above time or such extended time as the judge may allow, or to render any testimony in virtue of this act, shall be deemed to be in contempt, and punished accordingly; but no answer given by any person so heard as a witness can be alleged against him in any prosecution under this act or any other act of the Legislature of Quebec, if the judge has given him a certificate establishing that he has claimed the right to be excused from answering, for the reason above given, and has given full and truthful answers, to the satisfaction of the judge.

Penalty for refusing to answer.

Protection of witnesses.

14. Any person accused before a judge, under the provisions of this act, shall be heard personally, or by attorney, and may make his defence and produce his witnesses.

Appearance by attorney, &c.

15. Every suit, under the provisions of this act, shall be instituted by a *qui tam* action, under the provisions of articles 887 and following of the Code of Civil Procedure.

Provisions applicable to suits.

16. The term "member of a municipal council" shall include municipal councillors, aldermen and delegates to the county council.

Interpretation.

17. The provisions of this act shall not affect any recourse which may exist under any other act or under the common law.

Other recourse not affected.

CAP. XLIII.

An Act respecting abuses prejudicial to agriculture.

[Assented to 12th January, 1895.]

WHEREAS chapter 26 of the Consolidated Statutes for Lower Canada, intituled: "An act respecting abuses prejudicial to agriculture," and its amendments, was repealed by the Revised Statutes of the Province of Quebec,

Preamble.