

SCHEDULE.—*Continued.*

STATUTES.	Chapter.	Extent of Repeal.
42-43 Victoria.....	47	The whole.
42-43 Victoria.....	48	The whole.
42-43 Victoria.....	49	The whole.
43-44 Victoria.....	36	The whole.
44-45 Victoria.....	30	The whole.
45 Victoria.....	40	The whole.
46 Victoria.....	36	The whole.
46 Victoria.. ..	37	The whole.
46 Victoria.....	39	The whole.
48 Victoria.....	5	The whole.

## CAP. XCVII.

NOTE. *This act, with the electoral act and the controverted elections act, will form title second of the Revised Statute: the Province of Quebec.*

An act respecting the Legislative power.

[Assented to 21st June, 1886].

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

## SECTION FIRST.

## GENERAL PROVISIONS.

§ 1.—*The Legislature.*

Composition of  
the Legisla-  
ture.

1. As provided by the British North America Act, 1867, the Legislature of the Province of Quebec is composed of the Lieutenant-Governor, and of two Houses called the Legislative Council of Quebec and the Legislative Assembly of Quebec. B. N. A. Act, 1867. s. 71.

Effect of a  
general  
election.

2. Every general election of members of the Legislative Assembly constitutes a new Legislature. C. S. C., c. 1, s. 25.

§ 2.—*Demise of the Sovereign.*

3. No Legislature of the Province shall determine or be dissolved by the demise of the Sovereign; but it shall continue and may meet, convene and sit, proceed and act notwithstanding such demise, in the same manner as if such demise had not happened. 32 V., c. 5, s. 1.

SECTION SECOND.

LEGISLATIVE COUNCIL.

§ 1.—*Composition of the Legislative Council.*

4. The Legislative Council of Quebec is composed of twenty-four members, called Legislative Councillors. They are appointed for life by the Lieutenant-Governor in the name of the Queen, by instrument under the Great Seal of the Province of Quebec, and each of them shall represent one of the twenty-four divisions of the province for the Legislative Council. B. N. A. Act., 1867, s. 72.

§ 2.—*Speaker of the Legislative Council.*

5. Previous to the first session of each Legislature, the Lieutenant-Governor, in Council, appoints one of the members of the Legislative Council, Speaker of the Council. 45 V. c. 3 s. 1.

6. The Speaker is appointed for the duration of the Legislature. 45 V. c. 3 s. 2.

7. Should a vacancy occur in such office, the Lieutenant-Governor in Council appoints another member of the Legislative Council to fill it. 45 V. c. 3, s. 3.

8. If the Speaker leaves the chair during a sitting he is placed during his absence by the Legislative Councillor whom he selects as temporary president. 45 V. c. 3 s. 5.

If the Speaker, owing to illness or otherwise, cannot be present at the opening of a sitting, the Legislative Council, being informed thereof by the clerk, nominates one of its members temporary president to replace him during his absence from such sitting.

If, after forty-eight hours consecutively, the Speaker cannot occupy the chair, the Legislative Council may choose one of its members temporary president to occupy the chair during the absence of the latter. 45 V., c. 3, s. 4.

Speaker not to  
be member of  
Executive  
Council.

**11.** The Speaker cannot be a member of the Executive Council of the Province. 45 V., c. 3, s. 7.

### SECTION THIRD.

#### LEGISLATIVE ASSEMBLY.

##### § 1.—*Representation.*

Composition of  
Legislative  
Assembly.

**12.** The Legislative Assembly of Quebec is composed of sixty-five members. B. N. A. Act, 1867, s. 80.

Districts  
forming an  
electoral  
college.

**13.** Each of the electoral districts of the counties of Argenteuil, Bagot, Beauce, Beauharnois, Bellechasse, Berthier, Bonaventure, Brome, Chambly, Champlain, Charlevoix, Châteauguay, Compton, Deux Montagnes (*Two Mountains*), Dorchester, Gaspé, Hochelaga, Huntingdon, Iberville, Jacques Cartier, Joliette, Kamouraska, Laprairie, L'Assomption, Laval, Levis, L'Islet, Lotbinière, Maskinongé, Mégantic, Missisquoi, Montcalm, Montmagny, Montmorency, Napierville, Nicolet, Ottawa, Pontiac, Portneuf, Quebec, Richelieu, Rimouski, Rouville, Shefford, Soulanges, Stanstead, St. Hyacinthe, St. Johns, St. Maurice, Temiscouata, Terrebonne, Vaudreuil, Verchères and Yamaska, forms an electoral college and sends one member to represent it in the Legislative Assembly. C. S. C., c. 2, s. 10.

United dis-  
tricts forming  
one electoral  
college.

**14.** The united electoral districts of the counties of Chicoutimi and Saguenay form one electoral college, and so do likewise the united electoral districts of the counties of Drummond and Arthabaska, and the united electoral districts of the counties of Richmond and Wolfe. Each of these three electoral colleges sends one member to represent it in the Legislative Assembly. C. S. C., c. 2, ss. 7 and 10.

Cities forming  
electoral  
college.

**15.** Each of the three electoral districts of the city of Montreal, of the three electoral districts of the city of Quebec, and of the electoral districts of the cities of Sherbrooke and Three Rivers, forms one electoral college and sends one member to represent it in the Legislative Assembly. C. S. C., c. 2, s. 10; 23 V., c. 1, s. 4.

##### § 2.—*Eligibility.*

Qualification  
of members.

**16.** A member of the Legislative Assembly must be twenty-one years of age, of the male sex, a subject of Her Majesty by birth or naturalization, and free of any legal disability. 45 V., c. 7, s. 1.

§ 3.—*Incompatibility.*

**17.** No Legislative Councillor is eligible as a member of the Legislative Assembly, nor can he sit therein or vote as such. 32 V., c. 3, s. 1.

Legislative Councillor cannot be member of Assembly.

**18.** No member of the Senate or of the House of Commons of Canada is eligible as a member of the Legislative Assembly, nor can he sit therein or vote as such. 37 V., c. 4, s. 1.

Senators &c members of Assembly.

**19.** Any member of the Legislative Assembly, who consents to become a candidate at any election for the House of Commons or who accepts the office of Senator, vacates his seat and ceases to be a member and cannot sit or vote as such. 37 V., c. 4, s. 2.

Member becoming candidate for Commons or a senator, vacates his seat &c.

**20.** Whoever infringes the provision of articles 18 or 19 incurs a penalty of one thousand dollars for each day he sits or votes.

Penalty for in fractions of articles 18 or 19.

Such sum may be recovered by any person who sues therefor before any competent court. 37 V., c. 4, s. 3.

Who may recover such sum.

§ 4.—*Disqualification.*

**21.** Whosoever has, by any tribunal for the trial of election petitions, been found guilty of corrupt practices, is ineligible as a member of the Legislative Assembly, and cannot sit or vote therein during the seven years following the decision of the tribunal; but if the witnesses, on whose testimony such person has so become disqualified, or any of them, be convicted of perjury in respect of such testimony, the tribunal before which the conviction for perjury is had, may relieve such person from the disqualification. 38 V., c. 7, ss 267, 270 and 271.

Persons found guilty of corrupt practices at an election, ineligible. Proviso.

**22.** Whosoever is disqualified from sitting in the House of Commons on account of corrupt practices is ineligible as a member of the Legislative Assembly and cannot sit or vote therein, during the whole time that such disqualification lasts. 38 V., c. 7, s. 277.

Person disqualified from sitting in Commons ineligible as member.

§ 5.—*Resignation of members.*

**23.** Any member may, in his place in the Legislative Assembly, verbally resign his seat.

Member may verbally resign his seat.

The clerk shall enter such resignation in the Journals of the House, and the Speaker, under his hand, addresses his warrant to the Clerk of the Crown in Chancery so that he may issue a writ for the election of a new

Entry to be made by clerk. Warrant for writ of election.

member in the place of the member resigning ; and a writ is issued accordingly. 32 V., c. 3., s. 8.

Member may resign in writing by declaration to Speaker.

**24.** Any member may likewise, during a session or in the interval between two sessions, address and cause to be delivered to the Speaker a declaration resigning his seat, by a writing under his hand before two witnesses.

Warrant for writ of election.

Upon the reception of such declaration, the Speaker, under his hand, addresses his warrant to the Clerk of the Crown in Chancery, so that he may issue a writ for the election of a new member in the place of the member resigning ; and a writ is issued accordingly.

Entry to be made.

An entry of such declaration is afterwards made in the Journals of the House. 32 V., c. 3., s. 9.

Resignation of member between two sessions.

**25.** If a member wishes to resign his seat in the interval between two sessions, and there is then no Speaker, or the Speaker is absent from the province or if such member is himself the Speaker, he may address and cause to be delivered to two members a similar declaration.

Warrant for writ of election.

Upon the reception of such declaration, such two members may, under their hands, address their warrant to the Clerk of the Crown in Chancery, so that he may issue a writ for the election of a new member in the place of the member resigning ; and a writ is issued accordingly.

Entry to be made.

An entry of such declaration is afterwards made in the Journals of the House. 32 V., c. 3, s. 10.

Effect of proceedings above mentioned.

**26.** By following any of the above proceedings, a member vacates his seat and ceases to be a member of the Legislative Assembly. 32 V., c. 3, s. 11.

Member cannot resign pending contestation &c.

**27.** A member cannot resign his seat while his election is lawfully contested, nor until after the time during which it may by law be contested on other grounds than corruption or bribery. 32 V., c. 3, s. 12.

#### § 6.—*Vacancies in the Assembly.*

Warrant by Speaker for new writ of election if vacancy occurs by death or otherwise.

**28.** If a vacancy happens in the Legislative Assembly by the death of any member or by his accepting any office, commission or employment, or by his becoming interested in a public contract, or by becoming a candidate for the House of Commons of Canada, or by his acceptance of the office of senator or legislative councillor, the Speaker, on being informed of such vacancy by any member in his place, or by written notice under the hands of two members, addresses his warrant to the Clerk of the Crown in

Chancery, so that he  
member to fill  
ingly. 32 V.,

election of a  
writ is issued accord-

**29.** If, when such vacancy happens, or if at any time afterwards before the issue of the warrant, there is no Speaker of the House, or if the Speaker of the House is absent from the province, or if the member whose seat is vacated is himself the Speaker, two members, under their hands, address their warrant to the Clerk of the Crown in Chancery, so that he may issue such writ; and a writ is issued accordingly. 32 V., c. 3, s. 14.

Warrant by  
two members,  
if no Speaker.  
&c.

**30.** If such vacancy happens subsequently to a general election and before the first meeting of the new Legislature, the election to be held under such writ shall not affect the rights of any person entitled to contest the previous election; and the report of the tribunal appointed to try such previous election, if in favor of any other candidate than the person returned therefor, shall void the subsequent election and entitle the candidate, so declared duly elected at the previous election, to take his seat as if no subsequent election had taken place. 32 V., c. 3, s. 15; 38 V., c. 8, s. 8.

New election  
not to affect  
contestation of  
preceding  
one.

Effect of  
report upon  
subsequent  
election.

#### § 7.—*Duration of the Assembly.*

**31.** Every Legislative Assembly shall continue for five years from the day of the return of the writs for the general election of members; but the Lieutenant-Governor has always the right of dissolving it sooner if he deems it advisable. 44-45 V., c. 7, ss. 1 and 2.

Duration  
of every  
Legislative  
Assembly.  
Proviso.

#### § 8.—*Fiscal legislation.*

**32.** As provided by the British North America Act, 1867, every bill for the appropriation of public moneys, or for the imposition of taxes, or for the creation of imposts, must originate in the Legislative Assembly. B. N. A. Act, 1867, ss. 53 and 90.

Bills that must  
originate in  
Assembly.

**33.** The Legislative Assembly does not adopt or pass any vote, resolution, address or bill for the appropriation of any money forming part of the consolidated revenue fund, or for the appropriation of any tax or impost, to any purpose which has not been first recommended by message of the Lieutenant-Governor during the session in which such vote, resolution, address or bill is proposed. 31 V., c. 9, s. 5.

Message from  
Lieutenant-  
Governor  
required in  
certain cases.

§ 9.—*Speaker of the Assembly.*

Temporary  
president of  
Assembly in  
certain cases.

**34.** If the Speaker of the Legislative Assembly leaves the chair during a sitting he shall call a member to the chair as temporary president, to act as Speaker during the remainder of the day, unless the Speaker himself resume the chair before the close of the sitting. 31 V., c. 4 s. 1.

Temporary  
president in  
case of illness  
of Speaker &c.

**35.** If the Speaker, owing to illness or otherwise, cannot be present at the opening of a sitting, the Legislative Assembly, being informed thereof by the clerk, nominates another of its members temporary president to replace him during his absence from such sitting.

§ 10.—*Internal Economy of the Assembly.*

Commission  
of internal  
economy for  
Legislative  
Assembly.

**36.** The Speaker of the Legislative Assembly and three members of the Executive Council, being members of the Assembly, selected by the Lieutenant-Governor, and whose names, offices and appointment must be communicated to the Assembly, by message of the Lieutenant-Governor, during the first week of each session, are appointed and constituted commissioners for the purpose of carrying out the provisions of this subsection.

Quorum.

Three of such commissioners, of whom the Speaker must be one, form a quorum. 39 V., c. 12 s. 1.

Annual  
estimate to be  
prepared by  
the clerk of the  
Legislative  
Assembly.

**37.** The clerk of the Legislative Assembly shall annually prepare an estimate of the sums which the Legislature will probably be required to provide for the payment of the indemnity and mileage of members, the Speaker's salary, and the salaries, allowances and contingent expenses of the House and of the several officers and employees under the control of the clerk, and of the stationery of the House, for the fiscal year commencing on the first of July following.

Estimate to be  
prepared by  
sergeant-at-  
arms.

The sergeant-at-arms of the Legislative Assembly shall also annually prepare an estimate of the sums which the Legislature will probably be required to provide for the payment of the salaries and allowances of the messengers, door-keepers and servants of the House under his control, and of the expenses to be incurred under his direction, for the fiscal year commencing on the first of July following.

Approval of  
estimates.

These estimates are submitted to the Speaker for his approval and may be modified and approved as he considers proper.

Speaker to  
prepare  
estimate.

The Speaker shall prepare an estimate of the sums required for the various services above enumerated and affix his signature thereto.

Estimates to be  
transmitted  
to provincial

Such several estimates of the clerk, sergeant-at-arms and Speaker are, by the latter, transmitted to the treasurer for

his approval and shall be severally laid before the treasurer. Legislative Assembly with the estimates for the year. 39 V., c. 12 s. 2.

**38.** The sums of money voted by the Legislature upon such estimates or payable to the members for their indemnity and mileage, and to the Speaker for his salary, are paid over to and held by the treasurer subject to the order of the commissioners or any three of them, of whom the Speaker is one, and are paid or transferred to them or their order in such sums as they deem requisite. 39 V., c. 12, s. 4.

Sums voted upon estimates to be paid over to order of commissioners.

**39.** The sums specified in the preceding article are paid according to the orders of the commissioners.

How sums are paid.

The Speaker appoints for that purpose an accountant of the Legislative Assembly, and requires him to give security, for the faithful performance of his duties, to an amount which the commissioners deem advisable. 39 V., c. 12, s. 5.

Accountant of the Legislative Assembly.

**40.** An account is opened in one of the banks of Canada, in the name of the accountant, and the commissioners pay or transfer the sums they deem requisite for that purpose, to the credit of the accountant by means of an order signed by the Speaker and two other commissioners.

Account to be opened in a bank by accountant.

In the case of the death or removal from office of the accountant, the moneys standing to his credit in such account are forthwith paid by the bank to the commissioners. 39 V., c. 12, s. 5.

In case of death &c. of accountant.

**41.** If the sums voted by the Legislature shall for any fiscal year be more than sufficient to pay and discharge all charges which they are intended to cover, the commissioners shall, at the end of such year, refund the surplus to the treasurer to form part of the consolidated revenue fund. 39 V., c. 12, s. 7.

Balance at end of year to be paid to consolidated revenue fund.

**42.** For the purposes of this subsection, the person, filling the office of Speaker at the time of any dissolution of the Legislative Assembly, is deemed to be Speaker until a Speaker has been appointed by the new Assembly. 39 V., c. 12 s. 8.

Power of Speaker after dissolution.

**43.** In the event of the death, disability or absence from the Province of the Speaker during any dissolution or prorogation of the Legislature, the three other commissioners may execute the provisions of this subsection. 39 V., c. 12, s. 8. 43-44 V., c. 20, s. 1.

Power of commissioners in absence &c. of Speaker after dissolution.



§ 11.—*Employees of the Assembly.*

Speaker may cause inquiry to be made on complaint against any officer.

Suspension of such officer after inquiry.

Officers to take oath of allegiance.

Register of such oaths.

**44.** If any complaint or representation is made to the Speaker, of the misconduct or unfitness of any officer, employee, messenger, door-keeper or servant of the Legislative Assembly, the Speaker may cause an inquiry to be made into the conduct or fitness of such person.

If, upon such inquiry, the Speaker is convinced that such person has been guilty of misconduct or is unfit to hold his office, he may, if such person has been appointed by the Crown, suspend him and report such suspension to the Lieutenant-Governor ; but if he has not been appointed by the Crown, the Speaker may suspend or dismiss him, as the case may be. 39 V., c. 12, s. 9.

**45.** Before entering upon the duties of his office, the clerk of the Legislative Assembly must take and subscribe the oath of allegiance before the Speaker, and all the other officers, employees, messengers and door-keepers of the Legislative Assembly must do so before the clerk.

The clerk shall keep a register of such oaths. 39 V., c. 12, s. 10.

## SECTION FOURTH.

## BOTH HOUSES.

§ 1.—*Immunities and privileges of both Houses.*

Power of Houses to compel attendance of witnesses &c.

**46.** Each House of the Legislature may command and compel before it or before any of its committees the attendance of such persons, or production of such papers and things as it may deem necessary for its proceedings or deliberations, saving the privileges of the other House. 33 V., c. 5, s. 2.

Protection of persons acting under authority of either House.

**47.** No person shall be liable in damages or otherwise for any act done under the authority of either House, within its powers, or in virtue of any warrant issued under such authority. 33 V., c. 5, s. 3.

Assistance may be required under authority of warrants from either House.

**48.** Warrants issued under the authority of either House may command the aid and assistance of all sheriffs, constables or other persons ; and every refusal or failure to give such aid and assistance when required constitutes a violation of the provisions of this subsection. 33 V., c. 5, s. 3.

What to be deemed in infractions of this subsection.

**49.** The following are prohibited and shall be deemed infractions of the provisions of this subsection :

1. Assaulting, insulting or publishing libels against any Legislative councillor or member of the Legislative Assembly during the session or twenty days before or after each session ; Assaulting members.
2. Obstructing, threatening or attempting to force or intimidate a legislative councillor or member of the Legislative Assembly ; Threatening.
3. Attempting to bribe a legislative councillor or member of the Legislative Assembly by offering gifts, or the acceptance by any one of them of gifts so offered ; Attempting to bribe.
4. Assaulting or interfering with officers of either House when in the performance of their duties ; Assaulting officers.
5. Suborning or attempting to suborn any witness in regard to any evidence to be given by him before either House or before any committee of either House ; Suborning witnesses.
6. Presenting to either House or to any committee thereof any forged or falsified document, with intent to deceive such House or committee ; Presenting forged document.
7. Forging, falsifying or unlawfully altering any of the records of either House, or of any committee thereof, or any document or petition presented or filed, or intended to be presented or filed before such House or committee, or the setting or subscribing, by any person, of the name of any other person to any such document or petition with intent to deceive or mislead. 33 V., c. 5, s. 4. Forging records, &c.

**50.** No legislative councillor or member of the Legislative Assembly shall be liable to any action, arrest or imprisonment or damages by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, before the House or by reason of anything said by him before such House. Freedom of speech &c.

The bringing of such action, the causing or effecting of any such arrest or imprisonment, and the awarding of any damages shall be deemed to be violations of the provisions of this subsection. 33 V., c. 5, s. 5. Effect of such suits &c.

**51.** Excepting for a breach of the provisions of this subsection, no legislative councillor or member of the Legislative Assembly can be arrested, detained or molested for any debt or cause whatever of a civil nature during any session nor during the twenty days preceding or following such session. Freedom from arrest.

Every such arrest, detention or molestation shall be an infringement of the provisions of this subsection. 33 V., c. 5, s. 6. Effect of such arrest.

**52.** During the periods of time mentioned in the preceding article, every legislative councillor and member of the Legislative Assembly, and every officer and employee of Freedom of members and officers from attending as

jurors, or in  
civil matters as  
witnesses.

of either House and every witness summoned to attend before such Houses or any committee thereof, are exempt from serving or attending as jurors before any court in this province, or as witnesses in civil matters. 33 V., c. 5, s. 7.

Punishment  
for infractions.

**53.** Whosoever infringes any of the provisions of this subsection is liable to an imprisonment for such time during the session then being held, as may be determined by the House inquiring into such infringement. 33 V., c. 5, s. 8.

How breaches  
shall be  
inquired into  
and punished.

**54.** All infringements of the provisions of this subsection may be summarily inquired into by the House in respect of which they have been committed, in such manner and form as such House deems proper; and, for the purposes of this subsection, each House is vested with all the powers and jurisdiction necessary for inquiring into, deciding and pronouncing upon any such infringement and awarding and carrying into execution the punishment thereof provided by this subsection. 33 V., c. 5, s. 9.

Protection  
of persons  
publishing  
parliamentary  
papers.

**55.** In the case of the institution of any civil action by reason or in consequence of the publication of any copy of any report, paper, votes and proceedings of either House, the defendant may, at any stage of the proceedings, lay before the court or judge such report, paper, votes or proceedings, and such copy, with an affidavit verifying such report, paper, and votes or proceedings, and the correctness of such copy.

Duty of court  
upon suit with  
respect there-  
to.

Upon such production the court or judge must immediately stop such civil proceedings so instituted, and the writ or process issued therein, as well as all proceedings had in the cause become void and must be dismissed. 33 V., c. 5, s. 10.

Protection of  
persons pub-  
lishing  
abstracts  
of such papers.

**56.** It is lawful, in any civil suit instituted for printing any extract from or abstract of any such report, paper, votes or proceedings, to give in evidence under the general issue, such report, paper, votes or proceedings, and to show that such extract or abstract was published in good faith and without malice; if the court or jury, as the case may be, is of such opinion, judgment shall be rendered or a verdict entered for the defendant. 33 V., c. 5, s. 11.

Printed copies  
of journals to  
be evidence.

**57.** In every such action, a copy of the Journals of either House, printed or purporting to be printed by its order, shall be admitted as evidence of such journals by all courts, judges, magistrates and others, without its being necessary to furnish other evidence to prove that such journals were so printed. 33 V., c. 5, s. 12.

§ 2.—*Independence of the Legislature.*

**58.** Except as hereinafter specially provided, no person accepting or holding any office, commission or employment of a permanent or temporary nature, at the nomination of the Crown or of the Lieutenant-Governor, to which an annual salary, or any fee, allowance, emolument or profit of any kind whatever, coming from the Province, is attached, can be appointed a legislative councillor or be eligible as a member of the Legislative Assembly, or in either case sit or vote as such, while holding such office, commission or employment. 36 V., c. 4, s. 1.

No person holding office of emolument to be eligible for either House.

**59.** Nothing in the previous article shall, however, disqualify, by reason of the salary, fees or emoluments received in such capacity, the Attorney General, the Solicitor General, the Provincial Secretary, the Provincial Treasurer, the Commissioner of Crown Lands, the Commissioner of Agriculture and Public Works, or any other member of the Executive Council, from being appointed a legislative councillor, or sitting or voting as such, or shall render any of them ineligible or disqualified to sit or vote as a member of the Legislative Assembly, if elected thereto while holding such office. 32 V., c. 3, s. 2; 45 V., c. 2, s. 2; 48 V., c. 6, s. 2.

Exception as regards executive council and certain officers.

**60.** No person accepting or holding any office, commission or employment at the nomination of the Crown or of the Governor-General, to which an annual salary, or any fee, allowance, emolument or profit of any kind, in lieu of an annual salary, coming from the Dominion, is attached, can be appointed a legislative councillor or be eligible as a member of the Legislative Assembly, or, in either case, sit or vote as such, while holding such office, commission, or employment.

No person holding federal office of emolument to be eligible for either House.

2. But nothing in this article shall disqualify, so to sit or vote in the Legislative Council, the Speaker of the Senate or any Senator, by reason of the salary, fees or emoluments received as such, nor any member of the Privy Council not disqualified to sit or vote in the House of Commons of Canada;

Exception as to senators and Privy councillors sitting &c. in the Legislative Council.

3. Nor shall any thing in this article render ineligible or disqualify, so to sit or vote, by reason of the salary, fees or emoluments received as such, any officer in the militia or militiaman, not receiving permanent salary on the staff of the militia, or any postmaster whose yearly salary or profit from his office is not over one hundred dollars. 32 V., c. 3, s. 3; 37 V., c. 4, s. 1

Exception as to militia officers.

No public contractor to be member of either House.

**61.** No person undertaking or executing or having, directly or indirectly, alone or with another, by himself or by the interposition of any trustee or third party, any contract or agreement with Her Majesty or with any public officer or department of the Province, with respect to the public service of this Province or under which any public money of the Province is to be paid for any service, work, matter or thing, can be appointed a legislative councillor or be eligible as a member of the Legislative Assembly or, in either case, sit or vote as such. 32 V., c. 3 s. 4 ; 48 V., c. 3 s. 1.

Exception as to shareholders in incorporated companies.

2. Nothing in this article however renders ineligible or disqualifies, from sitting or voting as a legislative councillor or member of the Legislative Assembly, any person who is a shareholder in an incorporated company having such contract or agreement, with the exception of a company having the execution of any public works.

Proviso.

Penalty in cases of articles 58, 60 and 61.

**62.** Whoever, declared ineligible or disqualified from sitting or voting by articles 58, 60 or 61, so sits or votes, incurs a penalty of one thousand dollars for every day he so sits or votes ; such sum may be recovered by any person suing for the same before a competent court.

Prescription of suits.

2. Such suits, to be valid, must be brought within twelve months from the date on which such person so sat or voted, contrary to the provisions of this subsection.

Pending suits a bar to others.

3. Whilst any such suit is pending no other such suit may be taken against the same defendant.

Suspension of suit in certain cases.

4. The court, wherein any such other suit is brought, contrary to the intent and meaning of this article, shall, upon the defendant's motion, stay the proceedings therein, if such first mentioned suit be effectively prosecuted without fraud.

Judgment a bar to other suits against same person.

5. When any suit has been brought, and judgment rendered against the defendant, no proceedings can be had in any other such action against the same person for any such offence committed before the time of service upon him of such judgment. 29 V., c. 1. s. 1 ; 32 V., c. 3, s. 5 ; 47 V., c. 2, s. 4.

Election of disqualified person to be null.

**63.** If any person, declared ineligible in the terms of this subsection as a member of the Legislative Assembly, or disqualified from sitting or voting therein, is nevertheless elected and returned as such, his election and return are null and void. 32 V., c. 3, s. 5.

Member becoming disqualified vacates his seat.

**64.** If any member of the Legislative Assembly becomes disqualified, in the terms of this subsection, to sit or vote therein, his election becomes void and his seat vacant and

a new writ is forthwith issued for a new election ; but he Proviso.  
 may be re-elected if eligible in the terms of article 59. 32  
 V., c. 3, s. 6.

**65.** Nevertheless whenever any person holding the Certain execu-  
 office of Attorney General, Solicitor General, Provincial tive officers  
 Secretary, Provincial Treasurer, Commissioner of Crown resigning may  
 Lands or Commissioner of Agriculture and Public Works, accept office  
 resigns his office, and within one month after his resignation within a month  
 accepts any of such offices, he does not thereby vacate his without vacat-  
 seat in the Legislative Assembly. 32 V., c. 3, s. 7 ; 45 V., c. ing seat.  
 2, s. 2 ; 48 V., c. 6, s. 2.

**66.** Whenever a legislative councillor becomes disqualified Letters-patent  
 in the terms of this subsection, the Letters-Patent of disqualified  
 under which he was appointed become null, and another councillor to  
 person shall be called to the Legislative Council in his be cancelled.  
 stead ; and any person so disqualified who sits or votes in  
 the Legislative Council, whether the Letters-Patent calling Penalties.  
 him to the Legislative Council be cancelled or not, incurs  
 all the penalties in this subsection mentioned. 32 V., c.  
 3, s. 16.

### § 3.—*Swearing of witnesses.*

**67.** Every committee of the Legislative Council or of the Committees  
 Legislative Assembly, sitting in the exercise of its func- may examine  
 tions, may examine witnesses under oath, upon matters witnesses  
 relating to business then before it ; and for that purpose the under oath.  
 chairman or any member of such committee may adminis-  
 ter the oath to the witness in the form of the schedule  
 hereto annexed. 32 V., c. 6, s. 1.

## SCHEDULE.

### FORM OF OATH TO BE ADMINISTERED.

The evidence you shall give to the committee, touching Oath.  
*(here state the matter then before the committee)*, shall be the  
 truth, the whole truth, and nothing but the truth : So help  
 you God.

### § 4.—*Salary of the Speakers.*

**68.** The Speaker of the Legislative Council receives an Salary of  
 annual salary of two thousand dollars, without prejudice Speaker of  
 to the legislative indemnity. 45 V., c. 3, s. 6. Council.

**69.** The Speaker of the Legislative Assembly receives an Salary of  
 annual salary of two thousand dollars, without prejudice to Speaker of  
 the legislative indemnity. 41-42 V., c. 2, s. 2. Assembly.

§ 5.—*Legislative indemnity.*

Sessional allowance to members of both Houses.

**70.** In every session of the Legislature, there is allowed to each legislative councillor and to each member of the Legislative Assembly attending thereat, six dollars for each day's attendance, if the session does not extend beyond thirty days; and, if the session extends beyond thirty days, there is paid to each legislative councillor and to each member of the Legislative Assembly attending thereat, a sessional allowance of six hundred dollars. 48 V., c. 4, s. 1.

Reduction for non-attendance.

**71.** A reduction of five dollars per day is made from such allowance for every day on which a legislative councillor or member of the Legislative Assembly does not attend a sitting of the House of which he is a member, or a sitting of some committee thereof, provided the House sits on such day; but each day during the session, after the first on which the legislative councillor or member of the Legislative Assembly attends, on which there has been no sitting of the House or on which the member was prevented by sickness from attending, and during which he is at the capital, is reckoned as a day of attendance at the session. 33 V., c. 4, s. 2.

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What attendance necessary for sessional allowance.

**72.** No legislative councillor or member of the Legislative Assembly has a right to such allowance, unless he has attended for at least thirty-one days, calculated as aforesaid; but his allowance for any less number of days is six dollars for each day's attendance. 33 V., c. 3, s. 4.

Payment from time, to time, up to certain sum per day.

**73.** The allowance may be paid, from time to time, as the legislative councillor or member of the Legislative Assembly becomes entitled to it, to the extent of four dollars for each day's attendance; the remainder is retained until the close of the session, and then the final payment is made. 33 V., c. 4, s. 4; 39 V., c. 12, s. 12.

Case of member being present for part of session only.

**74.** If any person be a legislative councillor or member of the Legislative Assembly for a part only of the session, then, provided he be a member for upwards of thirty days during such session, he is entitled to the allowance, subject to the deduction for non-attendance, and also to a deduction of six dollars for each day of the session before he became a legislative councillor or member of the Legislative Assembly, or after he ceased to be such, but if he be a member for only thirty days or less, he is entitled only to six dollars for each day. 33 V., c. 4, s. 5.

Mileage.

**75.** There is also allowed to each legislative councillor and member of the Legislative Assembly ten cents for each mile of distance between the place of his residence and

the capital, reckoning such distance going and coming according to the shortest mail route, which is to be decided and certified by the Speaker of the Legislative Council or of the Legislative Assembly, as the case may be. 33 V., c. 4, s. 6.

**76.** Upon a solemn declaration made and signed by the legislative councillor or member of the Legislative Assembly before the clerk of the Legislative Council or the accountant of the Legislative Assembly, as the case may be, stating the number of days during which he attended, and the number of miles of distance which entitle him to the allowance, and the amount of such allowance, deduction being made of the number of days (if any) which are to be deducted, the sum due to him at the end of each session is paid to him by the clerk or the accountant.

The declaration may be in the form contained in the schedule hereunto annexed and has the same effect as an affidavit in the same form. It must remain in the hands of the clerk or the accountant, as the case may be, to be kept by him. 33 V., c. 4, s. 7; 39 V., c. 12, s. 12.

#### SCHEDULE.

I, A. B, Legislative Councillor (or one of the members of the Legislative Assembly) solemnly declare that I reside at in at a distance of miles from the city of Quebec, calculated by the shortest mail route as determined by the Speaker of this House.

That the first day of the session of the Legislature of Quebec, which commenced on the day of one thousand eight hundred and in which I was present in the city of Quebec, was the day of one thousand eight hundred and

That on the said day and on each day of the session after the said day on which there was a sitting of the House, I attended such sitting or a sitting of some committee thereof \* except only on \* \* on which I was prevented by sickness from attending though I was then present in the city of Quebec \* \* \*

(Signature) A. B.

Declared before me, at Quebec, }  
this day of one }  
thousand eight hundred and }

(Signature) C. D.

Clerk of the Legislative Council  
or  
Accountant of the Legislative Assembly.



If the Legislative Councillor or the member of the Legislative Assembly attended a sitting of the House or of some committee thereof on every sitting day after the first on which he so attended, the words from \* to \*\*\*; are omitted; and, if his absence was not occasioned by sickness, the words from \*\* to \*\*\*

If the person making the declaration, became or ceased to be a Legislative Councillor or member of the Legislative Assembly after the commencement of the session, the form is varied so as to state correctly the facts upon which the sum due him is to be calculated. 33 V., c. 4, schedule.

Appropriation  
for the pur-  
poses of this  
subsection.

**77.** There is granted to Her Majesty, out of any unap-  
propriated moneys forming part of the consolidated revenue  
fund, a sum sufficient to enable Her Majesty to advance to  
the clerk of the Legislative Council and to pay over to the  
provincial treasurer, respectively, the sums required to pay  
the estimated amount of such allowance. 33 V., c. 4, s. 8;  
39 V., c. 12, s. 12.

Accountability  
of officers  
receiving  
moneys under  
this subsection.

**78.** The clerk of the Legislative Council and the  
accountant of the Legislative Assembly shall account for  
the moneys received by them in virtue of this subsection, as  
well as of subsection four of this section, in the same  
manner as they are obliged to account for the contingent  
expenses of the Legislative Council and of the Legislative

Application of  
surplus.

Assembly; they may, respectively, apply any surplus  
thereof to the payment of contingent expenses, and may  
supply any deficiency in such estimated amount out of any  
public moneys in their hands, respectively, applicable to the  
payment of such contingent expenses. 33 V., c. 4, s. 9;  
39 V., c. 12, s. 12.

#### § 6.—*Printing.*

Annual  
estimate  
for printing  
services.

**79.** There shall be annually prepared by an officer  
acting for that purpose under the sanction of the Legisla-  
tive Council and the Legislative Assembly, an estimate of  
the sums which the Legislature will be called upon to pro-  
vide for the printing services during the fiscal year  
commencing on the first of July following, which estimate  
is transmitted to the provincial treasurer for his approval,  
and is laid before the Legislature with the estimates for  
such year. 39 V., c. 12, s. 3.

Disposal of  
sums voted  
for printing.

**80.** All sums of money voted by the Legislature for  
legislative printing are paid over to the provincial treasurer  
and employed by him in paying for such services.

An account is opened for such services, in one of the Bank account. banks of Canada, in such name as the Legislative Council and the Legislative Assembly may direct ; and the sums deemed necessary are paid over or transferred to the name of the person so indicated as the work progresses ; such sums are accounted for in the annual balance sheet of the account for printing services. 39 V., c. 12, s. 6.

## SECTION FIFTH.

### LIBRARY OF THE LEGISLATURE.

**81.** The books, oil-paintings, statues, maps and other Books &c. in library belong to Her Majesty articles in the joint possession of the Legislative Council and the Legislative Assembly belong to Her Majesty the Queen, for the use of both Houses of the Legislature, and are kept in suitable rooms in the Legislative buildings set Where kept. apart for that purpose. 47 V., c. 4, s. 1.

**82.** The management and control of the Library of the Control of library vested in Speakers of both Houses. Legislature, as well as of the officers and employees with joint committee during sessions. attached thereto, are vested in the Speaker of the Legislative Council and in the Speaker of the Legislative Assembly who are, during each session, assisted by a joint committee of both Houses. 47 V., c. 4, s. 2.

**83.** The Speakers of both Houses, assisted by the joint Power of Speakers and committee to make rules &c committee, have power to make and establish, for the management of the library and the proper application of the sums of money voted by the Legislature for the purchase of books, oil-paintings, statues, maps and other articles, such rules and regulations as they think proper, which are subject to the approval of the two Houses. 47 V., c. 4, s. 3.

**84.** The staff of the library consists of a librarian and Staff of library of two clerks, who are appointed by the Crown and remain in office during pleasure. 47 V., c. 4, s. 4.

**85.** The Speakers of the two Houses have power to Appointment of sessional clerks. appoint, for the sessions, such clerks, messengers and door-keepers as are necessary for the efficient service of the library. 47 V., c. 4, s. 5.

**86.** The librarian and the other officers and employees Responsibility of librarian &c. of the library are responsible for the faithful performance of their official duties as defined by the rules. 47 V., c. 4, s. 6.

Salaries &c. of  
permanent  
officers &c.

**87.** The salaries of the permanent officers of the library are determined by the Lieutenant-Governor in Council, and, as well as the incidental expenses connected therewith and the stationery therefor, are provided for out of the funds voted for that purpose by the Legislature. 47 V., c. 4, s. 7.

## SECTION SIXTH.

### FINAL PROVISIONS.

Repealing  
clause.

**88.** The acts and parts of acts mentioned in the annexed schedule are repealed, and this act is substituted therefor.

Nevertheless this act shall not be considered as new law, but it shall be interpreted and have the force of law as a consolidation and as being declaratory of the law as it exists in the acts and parts of acts so repealed and which this act replaces.

But if, upon any point, the provisions of this act are not the same as those of the acts or parts of acts repealed and for which it is substituted, then, in so far as regards transactions, matters and things subsequent to the time of its becoming executory, its provisions shall prevail; and as to transactions, matters and things previous to such time, the provisions of the acts and parts of acts repealed shall prevail.

### SCHEDULE.

Statutes.	Chapter	Extent of repeal.
Consolidated Statutes, Canada. . . .	1	Section 25.
Consolidated Statutes, Canada . . . . .	2	Sections 7 and 10.
23 Victoria . . . . .	1	Section 4.
29 Victoria . . . . .	1	The whole.
31 Victoria . . . . .	4	The whole.
31 Victoria . . . . .	9	Section 5.
32 Victoria . . . . .	3	The whole
32 Victoria . . . . .	5	The whole.

SCHEDULE.—*Continued.*

Statutes.	Chapter.	Extent of repeal.
32 Victoria.....	6	The whole.
32 Victoria.....	7	The whole.
33 Victoria.....	4	The whole.
33 Victoria.....	5	The whole.
36 Victoria.....	4	The whole.
37 Victoria.....	4	The whole.
38 Victoria.....	8	Section 8.
39 Victoria.....	12	The whole.
41-42 Victoria.....	2	The whole.
43-44 Victoria.....	20	The whole.
44-45 Victoria.....	7	The whole.
45 Victoria.....	3	The whole.
45 Victoria.....	7	The whole.
47 Victoria.....	2	Section 4.
47 Victoria.....	4	The whole.
48 Victoria.....	3	Section 1.
48 Victoria.....	4	The whole.