

## CAP. XCVIII.

NOTE—*This act is to form the third title of the Revised Statutes of the Province of Quebec.*

An Act respecting the Executive power.

[Assented to 21st June, 1886].

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

## SECTION FIRST.

## LIEUTENANT-GOVERNOR.

**1.** The Lieutenant-Governor, or person administering the Government of the Province, is a corporation sole. C. S. C. c. 10, s. 1.

Lieutenant-Governor, a corporation sole.

**2.** Bonds, recognizances and other instruments, by law required to be taken to him in his official capacity, shall be taken to him in his name of office.

Bonds, &c. to be taken to him in official name.

All sums of money, which should be so paid to him, are paid to him in his official capacity; they may be recovered by suit in his name of office. C. S. C., c. 10, s. 1.

Sums to be paid in his public capacity and so recovered.

**3.** The amount of such bonds, recognizances and other instruments is not in any case paid to or vested in the personal representatives of the Lieutenant-Governor, or person administering the government of the Province, during whose administration the same were received. C. S. C., c. 10, s. 1.

Amount of bonds, &c. not to vest in representatives of Lieutenant-Governor &c.

## SECTION SECOND.

## EXECUTIVE COUNCIL.

**4.** The Executive Council of the Province of Quebec is composed of such persons as the Lieutenant-Governor deems expedient to appoint. 45 V., c. 2, s. 1.

Composition of Executive Council.

**5.** The Lieutenant-Governor may appoint, under the Great Seal of the Province, from among the members of the Executive Council, the following officers who remain in office during pleasure: the Attorney General, the Solicitor General, the Provincial Secretary, the Provincial Treasurer, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works. 45 V., c. 2, s. 2; 48 V., c. 6. s. 2.

Number of officers and their titles.

6. Of these officers, the person holding the recognized position of First Minister receives an annual salary of five thousand dollars, and the others receive an annual salary of four thousand dollars each, without prejudice to their allowance as Legislative Councillor or member of the Legislative Assembly. 45 V., c. 2, s. 3. Their salary.

7. The powers, duties, and functions of the officers forming part of the Executive Council may, by order in council, be, in whole or in part, conferred for a limited term or otherwise upon any other of these officers. 45 V., c. 2, s. 4. Their several powers &c. may be conferred on other members of the Council.

### SECTION THIRD.

#### PRESERVATION OF ANCIENT FRENCH RECORDS.

8. The Lieutenant-Governor in Council, with a view of giving cheap and easy access thereto and that they may be kept in a state of preservation and safety so that they may be useful, may make orders touching the arrangement, removal, digesting, printing, publishing, distributing, preserving and disposing, in whole or in part, of the papers, manuscripts and records interesting to such of the inhabitants of the Province who hold property under titles acquired prior to the cession, and of divers ancient records relating to the city of Montreal and other parts of the Province. C. S. L. C., c. 3 s. 4. Lieutenant-Governor may in relation to the preservation and publication of old French records, make certain orders, &c.

9. Every person, possessed of any papers, manuscripts and records, appurtenant to any public office or office of public deposit prior to the cession, who surrenders the same in virtue of such orders is as justifiable as if the same were delivered up under a statute framed for that purpose. C. S. L. C., c. 3, s. 4. Persons surrendering documents under such orders protected.

10. It is as unlawful for any person, possessed of any such public paper, manuscript or record, to withhold or detain the same contrary to such orders, as if they were withheld or detained against any statute expressly commanding the restitution thereof to the proper office to which the same belongs or appertains. C. S. L. C., c. 3, s. 4. Withholding such documents contrary to such orders to be unlawful.

### SECTION FOURTH.

#### USE OF PARCHMENT DISPENSED WITH.

11. It is not necessary that any commission, letters-patent, charter of incorporation, or proclamation by the Lieutenant- Use of parchment for certain

documents  
dispensed  
with.

Governor or other public document of any kind whatsoever, issued by the government of this Province, be written upon parchment.

Paper is  
sufficient.

Such public documents may be written or printed upon ordinary paper. 33 V., c. 7 s. 1.

## SECTION FIFTH.

### INQUIRIES CONCERNING PUBLIC MATTERS.

Power of  
commissioners  
appointed to  
make inquiries  
concerning  
public matters.

**12.** 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, or the administration of justice, and such inquiry is not regulated by any special statute, he may, by a commission issued to that effect, confer upon the commissioners by whom such inquiry is to be conducted, the power of summoning before them any witnesses and of requiring them to give evidence on oath, orally or in writing, and to produce such documents and things as such commissioners deem requisite to the full investigation of the matters into which they are appointed to examine. 32 V., c. 8 s. 1.

Powers of the  
treasury board  
and others,  
in cases of  
inquiries  
instituted  
by them.

**13.** The treasury board and the commissioners named by it; the provincial auditor; the board of inspectors of prisons, hospitals and other institutions and each of such inspectors; the civil service board, and the commissioners appointed by it; the council of public instruction and each of the committees thereof and the commissioners appointed by them; the superintendent of public instruction; the secretaries of the department of public instruction, and school inspectors, have, by law, the power mentioned in the foregoing article; the Lieutenant-Governor may, by order in council, whenever he deems it advisable in the interest of the public service, confer the same power upon any other board, body or person who demands the same, for the purpose of any inquiry to be made by such board, body or person. 31 V., c. 8, s. 16; c. 9, s. 42; 32 V., c. 8, s. 2; 40 V., c. 22, s. 7; 41 V., c. 6, s. 8; 45 V., c. 4, ss. 11 and 19.

Power to com-  
pel attendance  
of witnesses.

**14.** The power thus conferred by law, or by the Lieutenant-Governor in virtue of either of the preceding articles, carries with it the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of law in civil cases; but no witness is compelled to answer any question, when his answer might render him liable to a criminal prosecution. 32 V., c. 8, s. 3

Proviso.

## SECTION SIXTH.

## PUBLIC NOTICES.

**15.** All advertisements, notices and documents whatever, which are required to be published, are published in the Quebec Official Gazette, unless any other mode of publication is prescribed by law. 31 V., c. 13, s. 3. Publication of notices &c.

## SECTION SEVENTH.

## PUBLIC OFFICERS.

§ 1.—*Appointment and removal of public officers.*

**16.** Unless otherwise specially provided, every public officer or employee is appointed by the Lieutenant-Governor in Council, by commission or otherwise, and remains in office during pleasure. 31 V., c. 8, s. 17. Appointment of public officers.

**17.** A public officer or employee, who is appointed under permanent commission but who is removable from office, can be dismissed by order in council only. Their dismissal.

The head of any department may suspend any public officer or employee belonging to his department or attached thereto ; he may also cause the suspension to cease and reinstate him. 31 V., c. 8, s. 17 ; 40 V., c. 9, s. 16. Their suspension.

§ 2.—*Renewal of commissions upon the demise of the Sovereign.*

**18.** Upon the demise of the Sovereign, it is not necessary to renew any commission or appointment by virtue whereof any public officer or employee of the Province held his office or exercised his profession during the preceding reign ; but a proclamation is issued by the Lieutenant-Governor authorizing every such officer or employee to continue in the exercise of his functions or profession. Commission of officers upon the demise of the Sovereign. Proclamation gives right to continue their offices &c.

Every such officer or employee shall, as soon thereafter as may be, take the oath of allegiance before the officers thereunto appointed. C. S. C., c. 12, s. 1. Oath of allegiance after proclamation.

**19.** Such proclamation being issued and oath taken, every public officer or employee continues in the exercise of the duties of his office or profession, as fully as if again appointed by commission or order in council under the new Sovereign ; all acts and things done and performed, in good faith, by every such officer or employee in the exercise of his duties, between the time of such demise and the issue of the proclamation, are good and valid, provided always that the oath of allegiance be duly taken. C. S. C., c. 12, s. 1. Effect of proclamation and of taking oath of allegiance.

§ 3.—*Oaths of allegiance and of office.*

Oaths of allegiance and of office required of certain officers.

**20.** Every person appointed to any office or employment, every mayor, every member or officer of any public corporation, and every person admitted to practise as an advocate, notary or land surveyor shall, in addition to the oath of office for the faithful performance of the duties of his office and for the due exercise of his profession, take and subscribe the following oath of allegiance, that is to say:

Form of oath of allegiance.

“ I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Victoria, (*or the reigning sovereign for the time being*), her heirs and successors, according to law,—So help me God.” C. S. C., c. 12, s. 3; C. S. L. C., c. 37, schedule A; B. N. A. Act, 1867, schedule 5; The Imperial Promissory Oaths Act of 1868, s. 2; 43-44 V., c. 17, schedule A.

Above form to be oath of allegiance.

**21.** The form hereinbefore set forth is that of the oath of allegiance to be administered to every person who, either of his own accord or in compliance with a lawful requirement, or in obedience to the directions of any statute, desires or is required to take such oath of allegiance. C. S. C., c. 12, s. 4.

Who may administer oath.

**22.** Judges, magistrates, and all other persons authorized by virtue of their office or by special commission from the Crown for that purpose, may administer the oath of allegiance. C. S. C., c. 12, s. 4.

§ 4.—*Security to be given by public officers.*

Security to be given by officers of departments, &c.

**23.** Every person appointed to an office or employment in a public department of the government or an office or place of trust, in which he receives or pays out public moneys, shall give security. 32 V., c. 9, ss. 1 and 2.

Security to be given by judicial officers &c.

**24.** Prothonotaries of the Superior Court, clerks of the Circuit Court, sheriffs, coroners, bailiffs of the Superior Court and registrars are likewise obliged to give security. C. S. L. C., c. 37, s. 102; c. 82, s. 9; c. 83, s. 162; c. 92, s. 1; 36 V., c. 15, s. 1.

Security may be required of other officers.

**25.** The Lieutenant-Governor in Council may also require any other public officer or employee or any class of public officers or employees to give security. 32 V., c. 9, s. 2.

Amount of security.

**26.** The Lieutenant-Governor by order in council determines the amount of the security and the time within which it is to be given, if not already determined by law.

He may also declare any security already given to be insufficient and require other security to be given in its place. 32 V., c. 9, s. 2. <sup>Insufficiency of security.</sup>

**27.** The security given by any public officer or employee is a guarantee of the faithful performance of his duties ; of his accounting for and paying over all public or other moneys entrusted to him or under his control, to the persons authorized or entitled to receive the same ; of his faithful performance under all circumstances of the obligations imposed upon him ; and of the payment of the damages occasioned to the Province or to any person through his negligence, misconduct or malversation. C. S. L. C., c. 37, s. 102 ; c. 82, s. 9 ; c. 83, s. 162 ; c. 92, s. 2 ; 32 V., c. 9, s. 1. <sup>Security to be guarantee of faithful performance of duty, &c.</sup>

**28.** Such security must be a security by the pledge of money or debentures, or a security by guarantee policy, or, at the option of the Lieutenant-Governor in Council, hypothecary security. 32 V., c. 9, s. 3 ; 42-43 V., c. 6, s. 1 ; 47 V., c. 5, s. 1. <sup>Various kinds of security.</sup>

**29.** Security by pledge consists in the deposit in money to the amount of the security, by the public officer or employee, or by any surety for him, in the hands of the provincial treasurer or to his credit in any bank approved by him ; or in the deposit by the public officer or employee, or by any surety for him, in the hands of the provincial treasurer of debentures approved by the latter to the amount required, at the rate fixed. <sup>Security by pledge.</sup>

Security by guarantee policy consists in a guarantee policy in favor of the provincial treasurer, issued by the European Assurance Society, mentioned in the Imperial Act, twenty-second Victoria, chapter twenty-five, or by any company incorporated and empowered for like purposes, approved by the Lieutenant-Governor in Council. <sup>Security by guarantee policy.</sup>

Hypothecary security consists in a duly registered hypothecation of real estate of sufficient value, by the public officer or employee, or by a surety for him, for the amount required, in favor of the provincial treasurer. 32 V., c. 9, s. 3. <sup>Hypothecary security.</sup>

**30.** Any person may take communication of the document constituting the security, in the treasury department, on paying the fee which is determined by order in council. C. S. L. C., c. 92, s. 3. <sup>Communication of documents constituting security.</sup>

**31.** In the case of security by pledge, all interest arising from the moneys or debentures deposited as security belong and are paid to the person who has given such <sup>Property in interest upon moneys, &c., deposited as security.</sup>

security, so long as there is no violation thereof. 32 V., c. 9, s. 7.

Moneys, &c., deposited as security not liable to seizure.

**32.** The moneys and debentures given in security are not, while such security lasts, liable to seizure either before or after judgment. 32 V., c. 9, s. 9.

Surety may free himself from future liability by giving notice.

**33.** The surety of a public officer or employee may free the moneys or debentures given in security, or the real estate hypothecated by him, from future liability under his suretyship, by giving at least three months' previous notice to that effect to the provincial treasurer. 32 V., c. 9, s. 8.

Payment of premiums on policies in case of salaried officers.

**34.** The premiums upon guarantee policies in the case of public officers or employees receiving salaries from the Government, are paid by the provincial treasurer, who obtains the receipts therefor and deposits them among the records of the treasury department.

Reduction on salary for such purpose.

The sum so paid by the treasurer for each officer or employee is deducted from his salary. 42-43 V., c. 6, ss. 2. and 3.

Renewal receipt to be forwarded by non-salaried officers.

**35.** In the case of public officers or employees not receiving salaries from the Government, each shall, during the month before the expiry of the guarantee, transmit to the Treasury Department a renewal receipt or a new guarantee policy. 42-43 V., c. 6, s. 4.

Effect of hypothecary security.

**36.** The hypothecary security has the effect of a principal obligation for the stated amount thereof, although the amount recoverable for the breach thereof be uncertain and undetermined.

Ranking.

Such hypothec ranks from the date when the bond was registered. 32 V., c. 9, s. 4.

Cancelling of hypothec.

**37.** The hypothec so constituted is cancelled by means of the certificate of one of the law officers of the Crown, in accordance with article 2151 of the Civil Code. 32 V., c. 9, s. 5.

Report on the sufficiency of securities.

**38.** The provincial treasurer shall, from time to time, inquire into the sufficiency of the securities; and if any security has ceased to be sufficient, he shall communicate such fact to the Lieutenant-Governor in Council. 32 V., c. 9, s. 11.

Forfeiture of office in default of security.

**39.** Every public officer or employee failing to give, continue or renew any security, when he is obliged to do so, *ipso facto* forfeits his office or employment; but such forfeiture does not make void any act done by him whilst he held such office.

The Lieutenant-Governor in council may enlarge the delay to give security, if it appears that it is insufficient owing to special circumstances. He may also, in any case in which the failure to give security has not arisen from wilful neglect, remit the forfeiture and reinstate the officer or employee who has so forfeited his office. 32 V., c. 9, s. 12.

Lieutenant-Governor may enlarge delay to give security. Remission of forfeiture in certain cases.

**40.** In any document made or suit brought under this subsection, the personal name of the provincial treasurer need not be used. 32 V., c. 9, s. 19.

Personal name of treasurer need not be used in suits.

**41.** In any action brought for the recovery of any sum due in virtue of any security, in consequence of any breach thereof, the certificate of the provincial treasurer is proof of such breach and of such amount being due. 32 V. c. 9, s. 10.

Certificate of treasurer to be evidence of breach.

**42.** The security enures in the first place and preferentially to the provincial treasurer to cover any loss to the Province arising from any breach thereof, and in the second place, to any person who has suffered loss by reason of any such breach.

To whose benefit security enures.

Any person, having first obtained the authorization of one of the law officers of the Crown, may, for his own benefit, but at his own risk as regards costs, bring suit in the name of the provincial treasurer for the recovery of his loss out of such security. 32 V., c. 9 s. 14.

Suits for recovery of loss out of security furnished.

**43.** The authorization mentioned in the previous article shall not be granted, unless the person applying for the same gives security, to the satisfaction of one of the law officers of the Crown, for the payment of all costs that may be incurred by reason of his failure in any such suit or in any proceeding therein. 32 V., c. 9, s. 15.

Security by person wishing to sue, before authorization given.

**44.** Any person having such authorization may, upon payment of the sum which is determined by order in council, obtain from the assistant provincial treasurer a copy of the document constituting the security upon which he intends to bring suit.

Copy of document constituting security to be obtained from assistant-treasurer.

This copy, which shall be certified by the assistant-provincial treasurer, is authentic evidence of the security. 32 V., c. 9 s. 16.

Such copy certified is authentic.

**45.** Excepting in the case of registrars, the moneys or debentures may be returned, or the certificate of cancellation given, during the course of the year from the death, resignation or dismissal of the public officer or employee, and in the case of the withdrawal of the security, during

When moneys or debentures may be returned. &c.

the course of the year following the three months after the notice of withdrawal, if the provincial treasurer is of opinion that there has been no breach of the security. 32 V., c. 9 s. 6.

Extinction of security given by registrars after certain time.

**46.** If, within three years after the decease, resignation or dismissal of any registrar, or if, within three years next after the three months after the notice of withdrawal of his security, it does not appear that such registrar has been guilty of negligence, misconduct or malversation, the security given is extinguished.

Extinction of security given by others.

If, within the year after the death, resignation or removal of any public officer or employee other than a registrar, or if, within the year which follows the three months after the notice of the withdrawal of the security of such officer or employee, it does not appear that he has been guilty of negligence, misconduct or malversation, the security given is also extinguished.

Return of moneys, &c.

In both cases the moneys or debentures pledged as security are afterwards returned or the hypothec cancelled, as the case may be.

Proviso as to future liability of officers and their heirs.

Such public officers and employees, however, and their legal representatives remain personally liable, in accordance with the provisions of the Civil Code, for the damages arising from their negligence, misconduct or malversation. C. S. L. C., c. 37, s. 104; c. 92, s. 7; 32 V., c. 9, s. 6.

Amount of security to be furnished by :

**47.** The security to be given by the officers hereinafter named, are so given for the following sums, that is to say :

Prothonotaries.

1. By the prothonotaries of the Superior Court for the districts of Quebec and Montreal, four thousand dollars each ; and by those of the other districts, two thousand dollars each ;

Clerks of Circuit Courts.

2. By the clerks of the Circuit Court, six hundred dollars each ;

Sheriffs.

3. By the sheriff of the district of Montreal, twelve thousand dollars ; by the sheriff of the district of Quebec, eight thousand dollars ; by the sheriff of the district of Three Rivers, four thousand dollars ; and by the sheriffs of the other districts, two thousand dollars each ;

Coroners.

4. By the coroners of the districts of Quebec and Montreal, one thousand four hundred dollars each ; by the coroner of the district of Three Rivers, four hundred dollars ; by the coroners of the districts of St. Francis and Gaspé, two hundred dollars each ; by the coroners of the districts of Ottawa and Kamouraska, the sum determined by the Lieutenant-Governor in Council ; and by the coroners of the other districts, the sum also determined by the Lieute-

nant Governor in Council, but not exceeding the sum fixed for those of the districts of Ottawa and Kamouraska ;

5. By bailiffs of the Superior Court, four hundred dollars Bailiffs. each ;

6. By the registrar of the registration division of Quebec, Registrars. sixteen thousand dollars ; by those of the two registrations divisions of Montreal and the registration division of the counties of Hochelaga and Jacques Cartier, ten thousand dollars each ; by those of the registration divisions of Three Rivers and Sherbrooke, eight thousand dollars each ; and by those of the other registrations divisions, four thousand dollars each ;

7. By the superintendent of public instruction, eight Superintendent of Public Instruction. thousand dollars. C. S. L. C., c. 15, s. 23 ; c. 37, s. 102 ; c. 83, s. 162 ; c. 92, s. 2 ; 36 V., c. 15, s. 3 ; 38 V., c. 17, s. 10 ; 39 V., c. 15, s. 2.

48. Prothonotaries of the Superior Court, clerks of the When certain judicial officers are to furnish security. Circuit Court, sheriffs, coroners and bailiffs of the Superior Court must give security within three months after the date of their appointment and before entering upon the discharge of the duties of their office ;

2. Registrars must give security within one month from When registrars are to furnish security. the date of their appointment, if they are then in the Province ; and within three months, if absent, unless they arrive before the end of the first two months, and in that case, within one month after their arrival. C. S. L. C., c. 37, s. 102 ; c. 82, s. 9 ; c. 83, s. 162 ; c. 92, s. 1.

49. Every sheriff or coroner who acts as such in civil Penalty against sheriffs and coroners acting in civil matters without furnishing security. matters, without having first given security, or without having renewed the same when necessary, incurs a penalty not exceeding two thousand dollars, of which one half belongs to Her Majesty and the other half to any person who, within six months after the commission of the offence, sues therefor. C. S. L. C., c. 92, s. 6.

50. The provincial treasurer shall within the first Annual statement of securities furnished. fifteen days of the opening of each session, produce, for the information of the Legislature, a detailed statement of all securities given under the authority of this subsection and of any changes that may have been made thereto, since the period of the previous return submitted to the Legislature. 32 V., c. 9, s. 17.

§ 5.—*Limit of salaries.*

51. No public officer or employee of the Province shall Maximum of salaries of public employees. receive a salary exceeding three thousand dollars per annum. 43-44 V., c. 19, s. 6.

## SECTION EIGHTH.

## ADMINISTRATIVE DEPARTMENTS.

Constitution of departments. **52.** For the administration of the public affairs of the Province, the departments hereinafter named are constituted :

- |                               |  |
|-------------------------------|--|
| Executive Council.            | 1. The department of the Executive Council, presided over by the First Minister ;  |
| Law Officers of the Crown.    | 2. The department of the Law Officers of the Crown, presided over by them ;  |
| Secretariat.                  | 3. The department of the Provincial Secretary, presided over by him ;  |
| Treasury.                     | 4. The Treasury department, presided over by the Provincial Treasurer ;  |
| Crown Lands.                  | 5. The department of Crown Lands, presided over by the Commissioner of Crown Lands ;   |
| Agriculture and Public Works. | 6. The department of Agriculture and Public Works, presided over by the Commissioner of Agriculture and Public Works.  |
| Public Instruction.           | 7. The department of Public Instruction, which is under the Provincial Secretary, but of which the administrative direction is confided to the Superintendent of Public Instruction. 31 V., c. 8, s. 2 ; 32 V., c. 11, s. 1 ; 32 V., c. 15, ss. 1 and 2 ; 39 V., c. 15, s. 1 ; 48 V., c. 6, s. 3 ; 49-50 V., c. 4. |

## SECTION NINTH.

## CIVIL SERVICE.

§ 1.—*Composition of the Civil Service.*

Composition of the Civil Service. **53.** The members of the Civil Service are the deputy-heads, clerks and messengers, permanently employed in the departments at the seat of government, and the special officers similarly employed, if, with respect to the latter, the Lieutenant-Governor in Council so orders. 40 V., c. 9 s. 1.

§ 2.—*Deputy-Heads.*

- Deputy-Heads. **54.** The Deputy-Heads are :
1. The Clerk of the Executive Council ;
  2. The Assistant of the Law Officers of the Crown ;
  3. The Assistant Provincial Secretary ;
  4. The Deputy Provincial Registrar ;
  5. The Assistant Provincial Treasurer ;
  6. The Provincial Auditor ;

7. The Assistant Commissioner of Crown Lands ;
8. The Assistant Commissioner of Agriculture and Public Works ;
9. The Secretaries of the Department of Public Instruction. 31 V., c. 8, s. 3 ; 39 V., c. 15 ss. 8 and 10.

**55.** When there are two deputy-heads in the same department, they are designated as joint deputy-heads or heads. first and second deputy-heads, as the case may be. 31 V., c. 8, s. 3.

**56.** Each deputy-head receives a salary of two thousand dollars for the first year after his appointment, and he may receive an annual increase of one hundred dollars, until his salary reaches the maximum. 40 V., c. 9 s. 3.

**57.** The maximum salary of deputy-heads is two thousand four hundred dollars per annum. 40 V., c. 9 s. 2.

§ 3— *Clerks.*

**58.** The clerks are divided into five classes, named as follows : first, second, third, fourth and fifth. c. 9, s. 4.

**59.** Every order of the Lieutenant-Governor in council, appointing any person a civil service clerk, shall assign him to one of such five classes ; and the salary of each clerk is determined according to the class so assigned to the salary him, pursuant to the following provisions. 40 V., c. 9. s. 6.

**60.** A clerk of the fifth class receives a salary of six hundred dollars for his first year of service, and may thenceforward receive an annual increase of fifty dollars, until his salary reaches eight hundred dollars per annum. 40 V., c. 9, s. 7.

**61.** A clerk of the fourth class receives a salary of eight hundred dollars for his first year of service, and may thenceforward receive an annual increase of fifty dollars, until his salary reaches one thousand dollars per annum. 40 V., c. 9, s. 8.

**62.** A clerk of the third class receives a salary of one thousand dollars for his first year of service, and may thenceforward receive an annual increase of fifty dollars, until his salary reaches twelve hundred dollars per annum 40 V., c. 9 s. 9.

Salary of second class clerk.

**63.** A clerk of the second class receives a salary of twelve hundred dollars for his first year of service, and may thenceforward receive an annual increase of fifty dollars, until his salary reaches fourteen hundred dollars per annum. 40 V., c. 9 s. 10.

Salary of first class clerk.

**64.** A clerk of the first class receives a salary of fourteen hundred dollars for his first year of service, and may thenceforward receive an annual increase of fifty dollars, until his salary reaches sixteen hundred dollars per annum. 40 V., c. 9 s. 11.

Conditions required for an increase of salary.

**65.** No clerk can receive an increase of salary, unless he has served one whole year in the class assigned to him and has a certificate from the deputy-head of the department in which he so served attesting his good conduct and the efficient nature of his services. 40 V., c. 9 s. 12.

Conditions required for promotion.

**66.** No clerk can be promoted to a higher class until after he has completed four years' service in the class he holds, unless the Lieutenant-Governor in Council for special reasons otherwise determines. 40 V., c. 9, s. 13.

Date of payment of increased salary.

**67.** In the case of promotion from one class to another, the increase of salary, if any, is payable only after the first day of the month following the promotion. 40 V., c. 9, s. 22.

#### § 4.—*Special officers.*

Appointment of special officers.

**68.** If the business of any department require that an employee should possess special professional, scientific or technical knowledge, any person having the necessary attainments may be appointed; to be employed in such department, under the designation of special officer with the salary deemed advisable.

Their rank.

Special officers are not included in any of the classes of clerks. 40 V., c. 9, s. 14.

#### § 5.—*Private secretaries.*

Appointment and salary of private secretary to head of department.

**69.** Any person having the necessary attainments may be appointed private secretary to the head of any department, under the designation of temporary employee, and he receives a salary which cannot exceed one thousand dollars per annum.

Proviso as to permanent clerk, if appointed.

A permanent clerk of the civil service may also be appointed to that office, but for performing the duties thereof he receives nothing additional to his salary.

§ 6.—*Supernumerary clerks.*

**70.** Whenever, by reason of temporary increase in work, or for any other cause, it becomes necessary to procure the assistance of supernumerary employees in a department, the number of persons required to do the necessary work may, upon the application of the deputy-head, be temporarily employed. Appointment of supernumerary clerks in departments.

**71.** The rate of remuneration for such temporary service shall not exceed the minimum salary of a fifth class clerk, unless the work to be done be technical or require special attainments. Salaries of such clerks.

§ 7.—*Messengers.*

**72.** Whenever any messenger enters into the service of any department, he receives the salary determined by the Lieutenant-Governor in Council, which shall not exceed four hundred dollars for the first year. Salaries of messengers.

He may thenceforward receive an annual increase of forty dollars, until his salary reaches six hundred dollars per annum. 40 V., c. 9, s. 15. Increase.

§ 8.—*Civil Service Board.*

**73.** The Lieutenant-Governor in Council appoints, from among the deputy-heads, not less than five of them who form a Board of Examiners for the civil service. 31 V., c. 8, s. 3; 39 V., c. 15, s. 10. Constitution of a board of examiners for the civil service.

**74.** The senior, in virtue of the date of his commission, or in virtue of another commission of the same or superior rank held by him previously to his actual office, or, in the event of equality in these respects, the senior in age of the two officers whose commissions bear the same date, presides over the Board of Examiners. 31 V., c. 8, s. 5. Presiding officer.

**75.** It is the duty of the Board of Examiners :

1. To make regulations as to the attainments required of candidates for employment as clerks or messengers in the civil service, and also as to the examinations to be passed for the five classes of clerks and for the office of messenger, which regulations are subject to the approval of the Lieutenant Governor in Council ; Duties of board. By-laws.

2. To examine all candidates who present themselves, in accordance with the regulations of the board or such other regulations as may be made by the Lieutenant-Governor in Council ; Examination of candidates.

Register of candidates.

3. To keep a register of the candidates for examination, showing the name, age, place of birth and residence of each candidate, and the result of his examination, mentioning the particular branch of the civil service, if any for which the candidate passing the examination has, in the opinion of the examiners, shown any special aptitude ;

Certificates of qualification.

4. To grant certificates of qualification to candidates whose examination as to fitness and whose testimonials as to character have been found satisfactory ;

Copies of minutes to be sent to clerk of Executive Council.

5. To cause to be transmitted to the clerk of the Executive Council, with all convenient speed, copies of the minutes of proceedings of each sitting of the board, certified by the chairman. 31 V., c. 8, s. 6 ; 40 V., c. 9, s. 19.

Time and places of meeting.

**76.** The Lieutenant-Governor in Council determines the time and place of the sittings of the Board of Examiners for examinations, and notice thereof is given in the Quebec Official Gazette. 31 V., c. 8, s. 7.

Application to be sent by candidates. Order of examination. Exception as to persons holding diplomas.

**77.** Each candidate shall, at least eight days before the examination, forward an application to be admitted to examination, and the candidates are examined in the order of the receipt of their application ; but candidates holding a diploma from any incorporated university or normal school in the Province have precedence over the others. 31 V., c. 8, s. 8.

Nature of certificates granted.

**78.** The Board of Examiners grants certificates corresponding to the five classes of clerks. 40 V., c. 9, s. 19.

Board is also council of discipline and as such may make rules.

**79.** The Board of Examiners is also a council of discipline for the civil service, and may report to the Provincial Secretary draft rules prepared for the internal government of the departments.

Rules if approved to be submitted to Lieutenant-Governor for his approval.

The Provincial Secretary, if he deems it expedient, submits such proposed rules for the approval of the Lieutenant-Governor in Council, and, when approved, they have the force of law. 31 V., c. 8, s. 14.

Name of Board of Examiners.

**80.** The Board of Examiners is called the "Civil Service Board." 31 V., c. 8, s. 18.

Inquiry into conduct of employees.

**81.** When the Civil Service Board receives a copy of an order in council, commanding it to inquire into the conduct of an employee in the civil service, it shall make an inquiry into the conduct of such employee and into the complaints preferred against him.

Power to examine witnesses.

The board has power to examine witnesses and to appoint one or more commissioners to examine the employees and witnesses.

In urgent cases, an inquiry may take place on a reference from the member of the Executive Council presiding over the department to which such employee belongs. 31 V., c. 8, s. 16. Inquiries in urgent cases.

**82.** A sufficient sum for the contingent expenses of the board is, from time to time, allowed by the Lieutenant-Governor in Council, and the chairman of the board shall account for the same to the provincial treasurer. 31 V., c. 8, s. 19. Allowance for contingent expenses. Accounting.

§ 9.—*General provisions.*

**83.** The Lieutenant-Governor may, by order in council, make regulations for the government, control and management of the departments, and may, when necessary, create offices and positions therein; he may also, from time to time, determine the number of permanent employees who are required for the public service in the departments. Rules for government of departments.

**84.** The deputy-heads, special officers and temporary and supernumerary employees may be appointed without a preliminary examination. Certain officers may be appointed without examination.

No person can be appointed as a permanent clerk or messenger, unless he holds a certificate corresponding to the class which he is to occupy or to a higher class. 31 V., c. 8, s. 10; 40 V., c. 9, s. 20. Appointment of permanent clerks.

**85.** Deputy-heads, permanent clerks, special officers and permanent messengers are appointed by the Lieutenant-Governor in Council; but the promotion of clerks takes place upon the report of the deputy-head approved by the head of the department, and the increase in the salaries of clerks and messengers takes place in the same manner. Appointment of deputy-heads &c. Promotions of clerks.

Private secretaries and supernumerary employees are appointed by the head of the department. 40 V., c. 9, s. 12. Appointment of private secretaries &c.

**86.** Before entering upon their duties, the deputy-heads of departments and the employees of the civil service take the oath of allegiance, and that contained in schedule A hereunto annexed. Oath of allegiance &c. to be taken by deputy-heads and employees.

The same oaths may be exacted from private secretaries and supernumerary clerks by the head of the department. By private secretaries &c.

2. In addition to the oaths above mentioned, the clerk of the Executive Council and the employees thereof, as well as every other deputy-head or employee, when thereto required by the Lieutenant-Governor in Council, take that contained in schedule B hereunto annexed. Further oath to be taken by certain employees.

3. Such oaths are taken by the clerk of the Executive Council before the Lieutenant-Governor or before a person authorized for that purpose, and are taken by the other Before whom to be taken.

deputy-heads and by the employees before the clerk of the Executive Council.

Register of such oaths.

4. A register of such oaths is kept by the clerk of the Executive Council. 31 V., c. 8 s. 12.

#### SCHEDULE A.

Form of oath of office.

" I, A. B, swear that I will fulfil the duties of my office of \_\_\_\_\_, honestly and justly, and that I will not receive any sum of money or consideration, for what I have done or may do in the discharge of the duties of my office, to procure the purchase or exchange of any thing whatever by or with the government, other than my salary or what may be allowed me by law or by an order of the Lieutenant-Governor in Council : So help me God. " 40 V., c. 9 s. 24.

#### SCHEDULE B.

Form of oath of secrecy.

" I, A. B. further swear that I will not reveal or disclose, unless duly authorized, any thing that may come to my knowledge in the exercise of my duties : So help me God. "

Dismissal if oath not taken or if violated.

**87.** Every deputy-head or employee who fails to take or who violates such oaths is immediately dismissed. 31 V., c. 8 s. 13.

Duties of deputy-heads.

**88.** The deputy-head of each department superintends and directs the employees in his department.

His control.

He has, under the direction of the head of the department, the general control of the matters connected therewith, and exercises the other powers and duties assigned to him by the Lieutenant-Governor in Council.

Power of suspension.

In the absence of the head of the department, he may suspend any employee who refuses or neglects to obey his orders or whose conduct he may deem blameworthy ; he shall report such suspension to the head of the department. 40 V., c. 9 s. 16.

Duty to report such.

Replacing of absent deputy-heads.

**89.** The head of a department may entrust any first class clerk or special officer of such department with the duties of the deputy-head, in the absence of the latter ; and during the whole period that such clerk or officer discharges such duties, he has all the powers of the absent deputy-head. 40 V., c. 9, s. 17.

Employment of officers from different departments.

**90.** When the employees of a department cannot perform the duties entrusted to them with sufficient despatch for the public service, and assistance may be had from the employees in other departments, the deputy-head of such

department may confer with the deputy-heads of the other departments, for the purpose of obtaining the temporary services of the required number of employees; and such employees shall give their services without additional remuneration. 31 V., c. 8, s. 20.

**91.** Every month, the deputy-head of each department is bound to make a faithful report to the head thereof with respect to the regularity and efficiency of the service of all the employees under his control. 40 V., c. 9, s. 18.

Monthly reports by deputy-heads.

**92.** The payment of the salaries of the permanent members of the civil service and of the private secretaries, as well as that of the contingencies of the Civil Service Board is made out of the consolidated revenue fund; but the salaries of supernumerary clerks are paid out of the moneys voted by the Legislature for the payment of the contingencies of the departments in which they are employed.

Funds out of which permanent officers are paid, &c.

Funds out of which supernumeraries are paid.

**93.** Within the first fifteen days of every session of the Legislature, a statement showing the appointments and promotions which have been made in the civil service, since the preceding session, and also copies of the orders in council concerning such promotions, shall be submitted to the Legislative Assembly. 40 V., c. 9, s. 23.

Return to the Legislature.

## SECTION TENTH.

### PENSIONS OF PUBLIC EMPLOYEES.

#### § 1. *Pensions of employees.*

**94.** There is granted by the Lieutenant - Governor in council an annual pension to any permanent member of the civil service who has served as such during ten years or more, and has attained the full age of sixty years, or who has become incapable of discharging his ordinary duties by reason of physical or mental infirmity, provided such infirmity be not caused by bad conduct. 44-45 V., c. 14, s. 1; 48 V., c. 6, s. 3.

Pension of retired officers.

**95.** Such pension is calculated according to the total number of years of service of the public officer or employee, and the average of his salary during the three years immediately preceding his superannuation, in the manner following, that is to say :

Basis of calculation of pension.

For ten years of service, ten-fiftieths of such average salary ;

For eleven years, eleven-fiftieths ;

For twelve years, twelve-fiftieths, and so on, adding one-fiftieth of such average salary for every additional year's

service up to thirty-five-fiftieths, inclusively. 40 V., c. 10, s. 2 ; 44-45 V., c. 14, s. 2.

Limit of pension.

**96.** No additional grant can be made for more than thirty-five years of service.

Interruptions of service.

The interruptions which may have occurred during the time of service are not computed in the number of years which entitle to the pension. 40 V., c. 10, s. 4.

Diminution in pension in certain cases.

**97.** If the report of the head of the department, to which a public officer or employee, who is to be superannuated, belongs, shows that the services of such employee have, for any other reason than that of age or health, not been satisfactory, the Lieutenant Governor in council may allow him a smaller pension than that by law allowed. 44-45 V., c. 14, s. 1.

Services before the Union.

**98.** The time which any public officer or employee may have served before the Union as the permanent and salaried holder of any office, which entitles to a pension under this section, is reckoned. 40 V., c. 10, s. 3.

Certain other officers to be entitled to same pensions.

**99.** The same pension is granted upon the same conditions to the clerk of the Legislative Council, to the clerk of the Legislative Assembly and to all the permanent officers, clerks and messengers of the Legislative Council and of the Legislative Assembly ; to the clerk of the Crown in Chancery ; to the permanent officers of the library of the Legislature ; and to the law clerk of the Legislature and his permanent employees and messengers. 40 V., c. 10, s. 5.

Deduction out of salary.

**100.** Out of the salary of every public officer or employee to whom this section applies, a deduction is annually made of five per cent, for the first three years, and of three per cent for the subsequent years of his service.

Payable monthly to consolidated revenue fund.

Such sum deducted is paid monthly into the consolidated revenue fund. 40 V., c. 10 s. 7 ; 44-45 V., c. 14, s. 4.

### § 2 Pensions of widows and children.

Half pensions of widows of officers, &c.

**101.** From and after the first day of the month which follows the date of the death of a public officer or employee, half the pension which the deceased received, or which he would have been entitled to receive if he had been superannuated, is paid to his widow for life and during her widowhood.

Half pensions of children.

If the wife of a public officer or employee dies before him, or if, having survived him, she dies or marries again, such half pension is paid to those of the children of such officer or employee who have not attained the age of eighteen years and until they attain such age.

Such half pension shall also be paid in monthly instalments, and shall continue until the first day of the month

next after the date of the marriage or death of the widow, or the date at which the children of the deceased have attained the age of eighteen years. 40 V., c. 10, s. 10.

§ 3.—*Payment of pensions.*

**102.** No public officer or employee is entitled to the full amount of his pension, unless he has for fifteen years been subject to the deduction; and if the pension becomes payable before the expiration of such period, a sum equal to the deduction which would have been made from the salary of the public officer or employee, if he had remained in the service, is retained each month from the amount of his pension until such fifteen years of deduction have elapsed. 40 V., c. 10, s. 9.

Number of  
years of  
contribution  
required.

**103.** The pension of every superannuated public officer or employee is paid him during his life by the provincial treasurer by monthly payments, but not in advance.

Payment of  
pensions.

In the event of the death of such public officer or employee, his pension runs to the first day of the month following, and his widow, or in her default, his heirs, have a right to receive the monthly payment then due. 40 V., c. 10, s. 8.

Payment to  
widow, &c., in  
case of death in  
certain cases.

**104.** No pension or half pension is paid to persons residing beyond the limits of the Province, unless for special reasons, the Lieutenant-Governor in Council otherwise determines. 40 V., c. 10, s. 15.

Residence of  
pensioners.

§ 4.—*Final provisions.*

**105.** Pensions and re-imburements are paid out of the consolidated revenue fund. 44-45 V., c. 14, s. 7.

Funds out of  
which pension-  
ers are paid.

**106.** If any public officer or employee retires voluntarily from the service or his office be abolished, the sums which have been deducted from his salary and paid into the consolidated revenue fund are forthwith returned to him, without interest.

Return of con-  
tributions in  
certain cases.

If any public officer or employee is compelled through physical or mental infirmity to leave the civil service, before the time when a pension could be granted to him, the sums which have been retained from his salary are forthwith returned to him; or if he dies before such time, the sums so retained are returned to his widow, or, if he leaves no widow, to his children.

No re-imburement whatever is made to any public officer or employee who has been dismissed. 40 V., c. 10, s. 13; 44-45 V., c. 14, s. 6.

Proviso as to  
officers  
dismissed from  
service.

Superannuation compulsory.

**107.** Superannuation is compulsory for every public officer or employee to whom a pension is offered; and such offer can in no manner be considered as a censure. 40 V., c. 10, s. 12.

Pensions not transferable or subject to seizure.

**108.** The pension or half pension is neither transferable nor subject to seizure. 40 V., c. 10, s. 14.

Offer of employment to pensioners.

**109.** Any public officer or employee aged less than sixty years, superannuated for any physical or mental infirmity, who becomes able to render services, may be called upon to fill any public office, of which his previous services have rendered him capable of discharging the duties, and which is not inferior in rank and emoluments to that which he had left; provided always that the discharge of the duties of such office permit of his residing either at the seat of Government or in the district in which he last resided.

Proviso.

During the time he so occupies such office the payment of his pension is suspended.

Suspension of pension when employed.

Effect of refusal of officer to accept employment.

If such public officer or employee refuses or neglects to discharge the duties of the office so offered, he *ipso facto*, as well as his widow and children, loses all further right to a pension or half pension. 40 V., c. 10, s. 17.

## SECTION ELEVENTH.

### LIABILITY TO SEIZURE OF THE SALARIES OF PUBLIC OFFICERS AND EMPLOYEES.

Salaries liable to seizure.

**110.** The salary, due and to become due, of any public officer or employee, is liable to seizure in the following proportions, that is to say:

Proportions.

1. One-fifth of the monthly payment of a salary not exceeding one thousand dollars per annum.
2. One-fourth of the monthly payment of a salary, exceeding one thousand dollars, but not exceeding two thousand dollars per annum.
3. One-third of the monthly payment of a salary exceeding two thousand dollars per annum. 38 V., c. 12, ss. 1 and 2.

Seizure how effected and adjudicated upon.

**111.** The seizure of such part of a salary is made and adjudicated upon in the same manner as attachments by garnishment after judgment before any competent court. 38 V., c. 12, s. 3.

Service of writ.

**112.** A copy of the writ of attachment is served and left with the head or deputy-head of the department or office in which the public officer or employee is employed and paid.

The bailiff must endorse upon such copy a declaration of the day of service and affix his signature thereto. 38 V., c. 12, s. 4. Endorsment to be made by bailiff.

**113.** The head or deputy-head of the department or office in which the salary so seized is paid, in lieu of making a declaration under oath, reports to the court, under his signature, stating the amount of the salary due at the time of the service of the writ of attachment and the amount of the salary to become due every month, if such public officer or employee continues his services under the same conditions. 38 V., c. 12, s. 5. OR Report by head or deputy-head in lieu of declaration.

**114.** It is however lawful for any creditor of a public officer or employee, before taking a suit or causing a writ of attachment to issue, to produce a sworn statement of his claim or a copy of judgment, at the department or office in which such public officer or employee receives his salary. Sworn statement may be produced by creditor.

If the public officer or employee acknowledges himself to be indebted in the sum demanded, and, in writing, authorizes the payment thereof out of the portion of his salary liable to seizure, the head or deputy-head of such department or office pays the creditor, according to the authorization, at each period of payment of salaries. If officer authorize, certain sum may be deducted from salary to pay claims.

If several creditors present themselves at the same time, they are paid concurrently in proportion to their respective claims. 38 V., c. 12, s. 6. If several creditors, to be paid concurrently.

**115.** Nothing in the preceding article can have the effect of preventing the seizure of the part of the salary liable to seizure under article 110 ; and in the event of such seizure, the authorization given under the preceding article becomes null and of no effect. 38 V., c. 12, s. 7. Proviso as to seizures.

## SECTION TWELFTH

### FINAL PROVISIONS.

**116.** The provisions of article 51 of this act do not apply to the present officers who receive a salary exceeding three thousand dollars per annum. 43-44 V., c. 19, s. 6. Art. 51 not to apply to certain officers.

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

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 REP. AL.                                 |
|--------------------------------------|----------|--|
| Consolidated Statutes, Canada.....   | 10       | The whole.   |
| Consolidated Statutes, Canada.....   | 12       | The whole, except sec. 7.                          |
| Consolidated Statutes, Lower Canada  | 3        | Section 4.   |
| Consolidated Statutes, Lower Canada. | 37       | Section 102, §§ 2, 3, 4 and 5,<br>and section 104. |
| Consolidated Statutes, Lower Canada. | 82       | Section 9.   |
| Consolidated Statutes, Lower Canada. | 83       | Section 162.                                       |
| Consolidated Statutes, Lower Canada. | 92       | Sections 1 to 8, inclusively.                      |
| 31 Victoria.....                     | 8        | The whole.   |
| 31 Victoria.....                     | 13       | Section 3.   |
| 32 Victoria.....                     | 8        | The whole.   |
| 32 Victoria.....                     | 9        | The whole.   |
| 33 Victoria.....                     | 7        | The whole.   |
| 36 Victoria.....                     | 15       | The whole.   |
| 38 Victoria.....                     | 12       | The whole.   |
| 33 Victoria.....                     | 17       | Section 10.  |
| 39 Victoria.....                     | 15       | Sections 1 and 10.                                 |
| 40 Victoria.....                     | 9        | The whole.   |
| 40 Victoria.....                     | 10       | The whole.   |
| 42-43 Victoria.....                  | 6        | The whole.   |
| 43-44 Victoria.....                  | 19       | Section 6.   |
| 44-45 Victoria.....                  | 14       | The whole.   |
| 45 Victoria.....                     | 2        | The whole.   |
| 47 Victoria.....                     | 5        | The whole.   |
| 48 Victoria.....                     | 6        | Sections 2, 3 and 4.                               |