

C A P . I I .

An Act respecting the Indemnity to Members of the Legislature, and the Salary of the Speaker of the Legislative Assembly.

[Assented to 5th April, 1869.]

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

31 Vic. c. 5,
revived and
amended.

1. The act passed in the thirty-first year of her majesty's reign, intituled "An Act respecting the Indemnity to Members of the Legislature, and the Salary of the Speaker of the Legislative Assembly," is hereby so revived and continued in force, as that all provisions thereof touching the salary of such speaker shall apply to this year, and all touching the indemnity to such members to this session ; the latter, however, amended as follows :

(a) By the substitution at the end of the first section of the act, of the words " six hundred dollars and no more, " for the words " four hundred and fifty dollars and no more. "

(b) By the insertion in the second section of the act, after the words " but each day during the session, " of the words " after the first on which the member attends as aforesaid. "

(c) By the addition to such second section, of the following sub-section :

" 2. A member shall not be entitled to the said sessional allowance for less than thirty one days' attendance, reckoned as aforesaid, but his allowance for any less number of days shall be six dollars for each day's attendance. "

C A P . I I I .

An Act for securing the independence of the Legislature of this Province.

[Assented to 5th April, 1869.]

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

No member of
Legislative
Council to sit
in Legislative
Assembly.

1. No member of the legislative council shall be eligible as a member of the legislative assembly, or sit or vote as such.

2. Except as hereinafter specially provided :

No person hold-

1. No person accepting or holding any office, commis-

sion or employment, 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 or amount whatever, in lieu of an annual salary from the province is attached, shall be appointed a legislative councillor, or shall be eligible as a member of the legislative assembly, or, in either case, shall sit or vote as such, while holding such office, commission or employment.

ing Provincial office of emolument to be eligible for either House.

2. But nothing in this section shall disqualify, by reason of the salary, fees or emoluments he shall receive in such capacity, any person being a member of the executive council, speaker of the legislative council, attorney-general, secretary of the province, treasurer of the province, commissioner of crown lands, commissioner of agriculture and public works, solicitor-general, minister of public instruction, or president of the executive council, from being appointed a legislative councillor or sitting or voting as such, or shall render any such person ineligible or disqualified to sit or vote in the legislative assembly, if he be elected while holding such office.

Exception—as regards Executive Councilors and certain offices.

3. No person accepting or holding any office, commission or employment, at the nomination of the crown, or of the governor-general, to which any annual salary, fee, allowance, emolument or profit, of any kind or amount whatever, in lieu of an annual salary from the dominion is attached, shall be appointed a legislative councillor, or shall be eligible as a member of the legislative assembly, or, in either case, shall sit or vote as such, while holding such office, commission or employment.

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

2. But nothing in this section shall make ineligible as aforesaid, or disqualify so to sit or vote, the president of the senate, any senator, by reason of the salary, fees or emoluments, he shall receive in such capacity, or any member of the privy council, not disqualified to sit or vote in the house of commons.

Exception—as to Senators and Privy Councilors.

3. Nor shall anything in this section render ineligible as aforesaid, or disqualify so to sit or vote, by reason of the salary, fees or emoluments he shall receive in such capacity, any officer in the militia or militia-man not receiving permanent salary on the staff of the militia, or any postmaster the yearly salary or profit of whose office is not over one hundred dollars.

Exception—as to Militia officers and Postmasters.

4. Nothing in the present section contained shall apply to any member of the legislative council, holding any office, commission or employment, under an appointment made previously to the passing of this act, nor, until the next general election, to any member of the legislative assembly holding any office, commission or employment, under an appointment made previously to the passing of this act.

Exception—as to persons already holding office.

No public contractor to be a member of either House.

4. No person holding or enjoying, undertaking or executing, directly or indirectly, alone or with any other, 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 or of the dominion, with respect to the public service of the province, or of the dominion, or under which any public money of the province or of the dominion is to be paid for any service, work, matter or thing, shall be appointed a legislative councillor, or shall be eligible as a member of the legislative assembly, or, in either case, shall sit or vote as such.

Election of person disqualified to be null.

5. If any person hereby declared not to be eligible as a member of the legislative assembly, is nevertheless elected and returned as a member thereof, his election and return shall be null and void.

Penalty for sitting or voting if disqualified.

2. And if any person so declared ineligible or disqualified to sit or vote, by the second, third or fourth sections of this act, so sits or votes, he shall thereby forfeit the sum of one thousand dollars for each and every day on which he so sits or votes; and such sum may be recovered from him by any person who will sue for the same, in any court of competent jurisdiction in the province.

How recovered.

Member of Legislative Assembly becoming disqualified vacates his seat

6. If any member of the legislative assembly becomes disqualified under the second, third or fourth sections of this act to continue to sit or vote therein, his election shall thereby become void, and his seat be vacated, and a new writ shall forthwith issue for a new election; but he may be re-elected if he be eligible under the second subsection of the second section of this act.

Certain officers may exchange office within a month without vacating.

7. Nevertheless whenever any person holding the office of attorney-general, secretary of the province, treasurer of the province, commissioner of crown lands, commissioner of agriculture and public works, solicitor-general, minister of public instruction, or president of the executive council, resigns such office, and within one month after his resignation, accepts any of such offices, he shall not thereby vacate his seat in the legislative assembly.

Member may resign by giving notice in his place.

8. Any member of the legislative assembly may resign his seat therein, by giving in his place in the legislative assembly, notice of his intention so to do: and thereupon the clerk shall forthwith enter such notice upon the journals of the house, and the speaker may address his warrant under his hand and seal to the clerk of the crown in chancery, for the issue of a writ for the election of a new member in the place of the member resigning; and the same shall issue accordingly.

Or member may send a declaration to the Speaker.

9. Or such member, whether during a session or in the interval between two sessions, may address and cause to be delivered to the speaker a written declaration of such

intention, under his hand and seal, before two witnesses : and thereupon the speaker may address his warrant, under his hand and seal, to the clerk of the crown in chancery, for the issue of a writ for the election of a new member in the place of the member so resigning, and the same shall issue accordingly ; and an entry of such declaration shall be thereafter entered in the journals of the house.

Notice to be entered.

10. If such 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 any two members of the house, the like declaration : and thereupon such two members may address their warrant under their hands and seals, to the clerk of the crown in chancery, for the issue of a writ for the election of a new member in the place of the member so resigning, and the same shall issue accordingly ; and an entry of such declaration shall be thereafter made in the journals of the house.

How member may resign between two sessions when there is no speaker.

11. A member tendering his resignation in any of such ways shall be held to have vacated his seat, and ceased to be a member of the house.

Member resigning ceases to be a member.

12. But no member shall so tender his resignation while his election is lawfully under contest, nor until after the time during which it may by law be contested on other grounds than corruption or bribery.

No member to resign while his seat is contested.

13. If a vacancy happens in the legislative assembly by the death of any member, or by his accepting any office, the speaker, on being informed of such vacancy by any member in his place, or by written notice under the hands and seals of any two members of the house, may thereupon address his warrant to the clerk of the crown in chancery for the issue of a writ for the election of a member to fill such vacancy : and the same shall issue accordingly.

How vacancy caused by death or accepting office shall be filled by speaker.

14. If when such vacancy happens, or afterwards and before such warrant has issued, there is no speaker of the house, or the speaker is absent from the province, or if the member whose seat is vacated is himself the speaker—any two members of the house may address their warrant under their hands and seals to the clerk of the crown in chancery for the issue of such writ, and the same shall issue accordingly.

Writ to issue.

15. If such vacancy happens subsequently to a general election, and before the first meeting of the legislature thereafter, the election to be held under such writ shall not affect any right of any person entitled to contest the previous election : and the report of any election committee appointed to try such previous election, if in favor

Subsequent election not to affect rights under previous election.

of any other candidate than the person returned therefor, shall avoid the subsequent election, and entitle the candidate so declared to have been duly elected at the previous election, to take his seat as if no subsequent election had taken place.

Letters-patent of disqualified Councillor to be cancelled.

16. Whenever any member of the legislative council shall become disqualified, under this act, the letters-patent calling such member to the said council shall be cancelled, and another member shall be called to the said council in his stead; and any person thus disqualified who shall sit or vote in the legislative council, whether the letters-patent calling him to the said council shall have been cancelled or not, shall incur all the penalties in this act mentioned.

17. All provisions in any law whatever now in force, which may be deemed contrary to, or inconsistent with the provisions of the present act, or which may create or maintain any other disabilities or disqualifications than those provided for by this act, are hereby repealed.

C A P . I V .

An Act to define the privileges, immunities and powers of the Legislative Council and Legislative Assembly of Quebec, and to give summary protection to persons employed in the publication of parliamentary papers.

[Assented to 5th April, 1869.]

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

Privileges, &c. of L. Council to be the same as those of the Senate.

1. The legislative council of Quebec, and the members thereof respectively, shall hold, enjoy and exercise such and the like privileges, immunities and powers, as are held, enjoyed and exercised by the senate of the dominion of Canada and by the respective members thereof.

To be noticed judicially.

2. The legislative assembly of Quebec and the members thereof respectively, shall hold, enjoy and exercise such and the like privileges, immunities and powers as are held, enjoyed and exercised by the commons house of Canada and by the respective members thereof.

Privileges, &c. of L. Assembly to be the same as those of the Commons of Canada.

3. Such privileges, immunities and powers shall be deemed to be, and shall be, part of the general and public law of Quebec, and it shall not be necessary to plead the same, but the same shall in all courts in Quebec, and by and before all judges, be taken notice of judicially.

Printed copy of Journals to be evidence thereof.

4. Upon any inquiry touching the privileges, immunities and powers of the legislative council or the legisla-