

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may create or maintain any other disabilities or disqualifications than those provided for by this act, are hereby repealed.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-

tive assembly, or of any of the members thereof, respectively, any copy of the journals of either of such houses, printed or purporting to be printed by the order of the same, shall be admitted as evidence of such journals by all courts, justices, and others, without any proof being given that such copies were so printed.

5. Any person who shall be a defendant in any civil proceedings commenced, in any manner soever, for or on account of, or in respect of, the publication of any report, paper, votes or proceedings, by such person or by his servant, by or under the authority of the legislative council or of the legislative assembly, may bring before the court in which such proceedings shall be so commenced, or before any judge of the same, first giving twenty-four hours notice of his intention so to do to the plaintiff in such proceedings, or to his attorney or solicitor, a certificate under the hand of the speaker or clerk of the legislative council, or of the legislative assembly, stating that the report, paper, votes or proceedings as the case may be, in respect whereof such civil proceedings shall have been commenced, was or were published by such person or by his servant, by order or under the authority of the legislative council or of the legislative assembly, together with an affidavit verifying such certificate; and such court or judge shall thereupon immediately stay such civil proceedings, and the same, and every writ or process issued therein, shall be, and shall be deemed and taken to be, finally put an end to, determined and superseded by virtue of this act.

In suit for publishing Court may stay proceedings on proof that the publication was by authority.

6. In case of any civil proceeding hereafter to be commenced, for, or on account or in respect of, the publication of any copy of such report, paper, votes or proceedings, the defendant at any stage of the proceeding may lay before the court or judge such report, paper, votes or proceedings, and such copy, with an affidavit verifying such report, paper, votes or proceedings, and the correctness of such copy; and the court or judge shall immediately stay such civil proceedings, and the same, and every writ or process issued therein, shall be, and shall be deemed to be, finally put an end to, determined and superseded by virtue of this act.

The like in cases commenced hereafter.

7. It shall be lawful in any civil proceeding in Quebec to be commenced, for printing any extract from or abstract of any such report, paper, votes or proceedings, to give in evidence under the general issue or denial, such report, paper, votes or proceedings, and to show that such extract or abstract was published *bonâ fide* and without malice, and if such shall be the opinion of the court or of the jury, as the case may be, judgment shall be rendered, or a verdict shall be entered, for the defendant.

Such proof may be made under the plea of general issue.