

such commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.

Lieutenant-Governor may confer like powers on certain other persons.

2. The board of inspectors of prisons, hospitals and other institutions, and any one of such inspectors, and the board of examiners for the civil service, and the council of public instruction shall have, by law, at all times, the power mentioned in the foregoing section; and the lieutenant-governor may by order in council, and 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 requiring to be made by such board, body, or person.

Power to compel attendance of witnesses.

3. The power thus conferred by law, or by the lieutenant-governor, in virtue of either of the preceding sections, shall carry with it the same power to enforce the attendance of such witnesses, and to compel them to give evidence, as is vested in any court of law in civil cases; but no party or witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution.

C A P . I X .

An Act respecting the security to be given by Officers of the Province of Quebec.

[Assented to 5th April, 1869.]

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

Interpretation.

1. The following terms shall, in this act, unless the context otherwise requires, have the meanings hereby assigned to them, that is to say :

"Public officer."

The term "public officer" shall mean every person holding, or who may hereafter hold, or be appointed to, any office or employment, under the control of this province, which is remunerated out of the consolidated revenue fund of the province, or out of moneys provided by the legislature, or out of, or by, fees authorized by some public statute or by some order in council or departmental order made thereunder.

"Security."

The word "security" shall mean security for the due performance by the public officer of any trust reposed in him, for his duly accounting for and paying over all public moneys entrusted to him, or under his control, and for the due fulfilment in every way of his duty, or of any obligation undertaken by him or legally imposed on him as such.

The word "treasurer" shall mean the treasurer of the "Treasurer." province.

2. The lieutenant-governor in council may require any public officers, or classes of public officers, to give security, and may, by regulations or otherwise, determine the amount of such security, the time within which it shall be given, and the manner of receiving, recording and depositing the same; and may, from time to time, declare any security already given to be insufficient, and require other sufficient security to be given in lieu thereof.

3. Such security may be either hypothecary security, deposit security, stock security, or guarantee security.

Hypothecary security shall consist in a duly registered hypothecation of a sufficient property, by the public officer or by any surety for him, for the amount required, and in favor of the treasurer.

Deposit security shall consist in the deposit in money of the amount of the security, by the public officer or by any surety for him, in the hands of the treasurer, or to the treasurer's credit in any bank approved by him.

Stock security shall consist of the transfer, to the treasurer, by the public officer or by any surety for him, of such debentures, stock or shares as the treasurer may approve of, and to the amount required.

Guarantee security shall consist in the bond or policy of guarantee, given in favor of the treasurer, by the European assurance society mentioned in the imperial act, twenty-second Victoria, chapter twenty-five, or by any incorporated or joint stock company, incorporated and empowered for like purposes, and approved of by the lieutenant-governor in council.

4. Notwithstanding articles 2017 and 2044 of the civil code, any hypothec given under this act shall be considered as a principal obligation for the stated amount thereof, and be valid although the amount recoverable for a breach of the security be contingent and uncertain in amount, and shall rank for any amount which may become recoverable under the security, from the date when such security was given.

5. The hypothec of any hypothecary security may be cancelled by means of the certificate of either of the law officers of the crown, and in accordance with article 2151 of the civil code.

6. In the case of the hypothecary security having been given by the public officer himself, and of the death of such officer, the certificate mentioned in the preceding article shall be granted within six months from such death, unless the treasurer is of opinion that there has been a breach of the security.

In the case of the hypothecary security having been

given by a surety, and of the death of the public officer, or of the withdrawal of the surety, the said certificate shall be granted within six months from such death or from the notice of such withdrawal, as the case may be, unless the treasurer is of opinion that there has been a breach of the security.

Interest and profits of deposit or stock security to be payable to surety.

7. In the cases where deposit security or stock security shall have been given, all interest, dividends or profits whatever, arising from or payable on account of the moneys deposited, or the debentures, stock or shares transferred, shall continue to be payable to and recoverable by the person who has given such security, in the same manner as if such deposit or transfer had not been made.

1954, C. C. Surety may withdraw after 3 months notice.

8. Notwithstanding and without prejudice to article 1954 of the civil code, any surety of a public officer may free himself, and the land, money, debentures, stock or shares given in security, from future liability under his suretyship, by giving at least three months previous notice to that effect to the treasurer

Property given in security to be exempt from seizure.

9. No money, debentures, stock or shares, given in security under this act, shall, while such security lasts, be liable to seizure or attachment either before or after judgment.

Certificate of treasurer to be evidence of breach.

10. 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 treasurer shall be *prima facie* evidence of such breach, and of such amount being due.

Treasurer to enquire and report as to sufficiency of sureties.

11. It shall be the duty of the treasurer to enquire from time to time into the sufficiency of any security given under this act, and to report to the lieutenant-governor in council if the same shall have ceased to be sufficient.

Forfeiture of office in default of security.

12. Every public officer failing to give security in accordance with this act when duly required to do so, shall forfeit his office; but such forfeiture shall not annul or make void any act or thing done by him during the time he actually held such office; and the lieutenant-governor in council may remit the forfeiture, in any case in which the failure to give security has not arisen from wilful neglect.

Remission of forfeiture in certain cases.

Security under this act to be sufficient.

13. Any public officer giving security under this act shall not be bound to do so under any other act; and upon his giving security under this act, any other security already given shall cease for the future, but shall continue to avail for any liability previously incurred by reason of any breach thereof.

To whose benefit security shall enure.

14. The security given under this act shall enure preferentially to the treasurer, to cover any loss to the province arising from any breach thereof, and secondarily to any person who has suffered loss by reason of any such breach; and any such 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 treasurer for the recovery of his loss, out of such security.

15. The authorization mentioned in the preceding article shall not be granted, unless the person applying for the same gives security, to the satisfaction of the law officer 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.

Person requiring authorization to sue as surety must give security.

16. Any person having such authorization may, on payment of such fee as may be chargeable, obtain from the officer having custody of the securities given under this act, a copy of the document evidencing the particular security upon which he intends to bring suit. This copy shall be certified by such officer, and shall be authentic evidence of the security.

Person authorized to sue may obtain copy of instrument of security. Copy to be evidence.

17. The treasurer shall cause to be prepared, for the information of the legislature, within fifteen days after the opening of every session thereof, a detailed statement of all bonds or securities given under this act, and of any changes or entries that have been made in reference to the names and residence of any sureties, and of the amounts in which they have become severally liable, since the period of the previous return submitted to the legislature.

Treasurer to furnish statement of all securities given.

18. All bonds and securities heretofore given by any public officer and his sureties, or any of them, under any law now in force in this province, shall be held to be and continue valid and binding, notwithstanding the changes effected by the *British North America Act*, 1867, until other security shall have been given in lieu thereof under this act, and even after such other security shall have been given, in so far as regards liabilities incurred for any breach of such bonds or securities; subject nevertheless to the right of the sureties therein named to relieve themselves from liability in the manner provided for that purpose by this act, or by the act under which such bonds or securities were given.

Securities already given to continue valid.

19. In any document made, or suit brought, or other legal proceeding had, under this act, the personal name of the treasurer need not be used.

Personal name of treasurer need not be used.

20. This act shall come into force on such day as shall be fixed for that purpose by proclamation.

Commencement of this act.