



1950

# c 202 Legislative Assembly Act

Ontario

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## Bibliographic Citation

*Legislative Assembly Act*, RSO 1950, c 202

## Repository Citation

Ontario (1950) "c 202 Legislative Assembly Act," *Ontario: Revised Statutes*: Vol. 1950: Iss. 2, Article 81.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1950/iss2/81>

## CHAPTER 202

## The Legislative Assembly Act

**1.** The Assembly shall be composed of so many members as is fixed from time to time by *The Representation Act*. R.S.O. 1937, c. 12, s. 1. Assembly, how composed. Rev. Stat., c. 340.

**2.**—(1) The Legislature shall not determine or be dissolved by the demise of the Crown, but shall continue, and may meet, convene and sit, proceed and act, in the same manner as if such demise had not happened. Demise of the Crown.

(2) Nothing in this section shall alter or abridge the power of the Crown to prorogue or dissolve the Legislature. R.S.O. 1937, c. 12, s. 2. Power to prorogue or dissolve not affected.

**3.** Every Legislature shall continue for five years from the fifty-fifth day after the date of the writs for the election and no longer, subject to being sooner dissolved by the Lieutenant-Governor. R.S.O. 1937, c. 12, s. 3. Duration of Legislature.

**4.** There shall be a session of the Legislature once at least in every year, so that 12 months do not intervene between the last sitting of the Legislature in one session and its first sitting in the next. R.S.O. 1937, c. 12, s. 4. Yearly session.

**5.** It shall not be necessary for the Lieutenant-Governor in proroguing the Legislature to name any day to which it is prorogued, nor to issue a formal proclamation for a meeting of the Legislature when it is not intended that the Legislature shall meet for despatch of business. R.S.O. 1937, c. 12, s. 5. Prorogation of Legislature.

## QUALIFICATION OF MEMBERS, ETC.

**6.**—(1) Subject to subsection 2, the persons qualified to sit and vote as members of the Assembly shall be any male or female persons of the full age of 21 years who are British subjects by birth or by naturalization under the laws of Canada from time to time in force, resident in Ontario and not disqualified by this or any other Act from election to the Assembly. Qualification of members of Assembly.

When women to be deemed British subjects.

(2) For the purposes of this Act a female person shall be deemed to be a British subject,

- (a) if she was born a British subject and is unmarried, or is married to a British subject and has not become a subject of a foreign power; or
- (b) if she has herself been personally naturalized as a British subject and has not since become the subject of a foreign power; or
- (c) if she has become a British subject by marriage or by the naturalization as a British subject of her parent while she was a minor, and in either case has done nothing to forfeit or lose her status as a British subject, and has obtained a certificate under the signature of a judge of the Supreme Court or of a county or district court, and the seal of the court, certifying that she is of the full age of 21 years, has resided in Canada a sufficient length of time and is possessed of all requirements necessary to entitle her, if unmarried, to become naturalized as a British subject, and that she has taken the oath of allegiance to His Majesty. R.S.O. 1937, c. 12, s. 6.

Senators and members of House of Commons disqualified.

7.—(1) No person who on the day of nomination for election to the Assembly is a member of the Senate of Canada or of the House of Commons of Canada shall be eligible as a member of the Assembly or be returned as elected thereto, and if any such person receives a majority of votes at an election the votes cast for him shall be thrown away and the returning officer shall return the person having the next greatest number of votes if he is otherwise eligible. R.S.O. 1937, c. 12, s. 7.

Vacation of seat.

(2) If a member of the Assembly is elected and returned to the House of Commons of Canada or is appointed to the Senate of Canada, his seat in the Assembly shall thereupon be vacated and a writ shall issue forthwith for a new election to fill the vacancy. R.S.O. 1937, c. 12, s. 8.

Disqualification of persons holding office under Crown.

8.—(1) Except as hereinafter specially provided, no person accepting or holding any office, commission or employment in the service of the Government of Canada, or of the Government of Ontario at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada or of the Government of Ontario to which any salary, fee, wage, allowance, emolument or profit of any kind is attached shall be eligible as a member of the Assembly, or shall sit or vote therein. R.S.O. 1937, c. 12, s. 9 (1).

(2) Nothing in this section shall render ineligible as afore-<sup>Exceptions.</sup> said or disqualify from sitting and voting in the Assembly when not otherwise disqualified,

(a) a member of the Executive Council;

(b) an officer or other member of His Majesty's navy, army or air force, or an officer in the militia or a militiaman;

(c) a justice of the peace, coroner, notary public or public school inspector;

(d) any person holding any temporary employment in the service of the Government of Canada requiring special qualifications or professional skill, or a commissioner appointed under *The Inquiries Act* (Canada);

R.S.C. 1927,  
c. 99.

(e) a member of any commission, committee or other body appointed under any Act of the Legislature and declared by such Act to be entitled to any remuneration or allowance while a member of the Assembly. R.S.O. 1937, c. 12, s. 9 (2); 1939 (2nd Sess.), c. 11, s. 4 (1).

**9.** No person holding or enjoying, undertaking or executing, directly or indirectly, alone or with another, by himself or by the interposition of a trustee or third person, any contract or agreement with His Majesty, or with any public officer or department, with respect to the public service of Ontario, or under which any public money of Ontario is to be paid for any service, work, matter or thing, shall be eligible as a member of or sit or vote in the Assembly. R.S.O. 1937, c. 12, s. 10. <sup>Disqualification of public contractors.</sup>

**10.—(1)** No person shall be ineligible as a member of the <sup>Exceptions,</sup> Assembly,

(a) by reason of his being interested as an executor, administrator or trustee only, having otherwise no beneficial interest in any such contract or agreement; <sup>trustees for estates of contractors;</sup>

(b) by reason of his being a shareholder or stockholder in an incorporated company having any such contract or agreement, unless such contract or agreement is for the building of a public work of Ontario, and such building or work has not been let by tender to the lowest bidder; <sup>shareholders in contracting companies;</sup>

(c) by reason of his being a contractor for the loan of money or for securities for the payment of money to the Government of Ontario under the authority of the Legislature after public competition or respect- <sup>lenders of money to Government;</sup>

ing the purchase or payment of the public stock or debentures of Ontario on terms common to all persons;

holders of  
mining  
licences, etc.;

(d) by reason of his being the holder of a mining licence or having a contract or agreement with His Majesty or with any public officer or department with respect to the same or to mines or mining rights, but no such person shall vote on any question affecting such licence, contract or agreement or in which he is interested by reason thereof;

owners and  
persons  
interested  
in certain  
newspapers;

(e) by reason of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which official advertisements are inserted which appear in other newspapers or publications in Ontario, or which is subscribed for by the Government of Ontario, or any department thereof, or by any of the public institutions of Ontario, unless such advertisements or subscriptions are paid for out of the public moneys of Ontario at rates greater than usual rates;

timber  
licensees;

(f) by reason of his holding a licence, permit or permission for cutting timber, or being interested in any such licence, permit or permission, directly or indirectly, alone or with another, by himself or by the interposition of a trustee or third person, or by reason of there being money due or payable to His Majesty in respect of timber cut, but no such person shall vote on any question affecting such licence, permit or permission, or in which he is interested by reason thereof;

fishery  
licensees;

(g) by reason of his being the holder of a fishery licence, or having a contract or agreement with His Majesty or with any public officer or department with respect to the same or to fisheries or fishing rights, but no such person shall vote on any question affecting such licence, contract or agreement, or in which he is interested by reason thereof;

certain  
sureties or  
obligors;

(h) by reason of his being a surety or contractor or liable for the payment of money for or on account of the maintenance or tuition of an inmate or pupil of any Government institution;

certain post-  
masters and  
mail carriers;

(i) by reason of his being a postmaster elsewhere than in a city, town or incorporated village, or interested in a contract for carrying the mail between two or more post offices neither of which is in a city, town or

incorporated village or of his being the surety of any such postmaster or contractor;

(j) by reason of his receiving or having received or agreed to receive compensation in respect to any property taken or purchased by the Crown or by any department or commission of the Government of Ontario or with respect to any interest in such property where the amount of such compensation has been fixed by an award made under *The Public Works Act* or any other general or special Act of the Legislature, or has been agreed upon and the judge of the county or district court of the county or district in which the property is situate has certified in writing that the amount of compensation is fair and reasonable, but no such person shall vote on any question arising in the Assembly touching such matter;

receipt of compensation for land not to disqualify;

Rev. Stat., c. 323.

(k) by reason of his being a surety for a public officer or Ontario land surveyor or other person required by law to furnish security to the Crown.

sureties of public officers.

(2) A person elected a member of the Assembly who is at the time of his election a surety as aforesaid shall, before he sits or votes therein, take and complete such action as may be requisite to relieve him from any thereafter accruing liability in respect of his suretyship, and no person who is liable as such surety in respect of any accruing matter shall sit or vote in the Assembly. R.S.O. 1937, c. 12, s. 11.

Duty of sureties who have been elected.

11. No disqualification under section 8 or 9 on any ground arising between the election shall be held by any court to affect the seat of a member of the Assembly or to disentitle any person to sit or vote therein until the disqualification has been duly found and declared by an election court; but this is not to be construed as affecting the cases provided for by subsection 2 of section 10, nor as affecting the right of the Assembly to expel a member according to the practice of Parliament or otherwise. R.S.O. 1937, c. 12, s. 12.

When disqualification to become operative.

12. If a person who is disqualified or ineligible or incapable of being elected a member of the Assembly is nevertheless elected and returned, his election and return shall be null and void. R.S.O. 1937, c. 12, s. 13.

Effect of election of disqualified person.

13. Notwithstanding anything in any Act, where a member of the Assembly is appointed a member of the Executive Council, he shall not, by reason of the acceptance of such appointment, vacate his seat or be disqualified from sitting

Member not disqualified on appointment to Executive Council.

or voting in the Assembly. R.S.O. 1937, c. 12, s. 14; 1941, c. 26, s. 1.

Disqualification through acceptance of office.

**14.**—(1) If a member of the Assembly by accepting any office or becoming a party to a contract or agreement as in sections 8 and 9 mentioned, is disqualified by law to continue to sit or vote in the Assembly, his seat shall be vacated; but he may be re-elected if he is not declared ineligible under this Act. R.S.O. 1937, c. 12, s. 15 (1); 1941, c. 26, s. 2 (1).

Saving in case of, exchange of offices in Executive Council;

(2) Nevertheless, whenever any person holding the office of President of the Council, Attorney-General, Secretary and Registrar of Ontario, Treasurer of Ontario, Minister of Agriculture, Minister of Education, Minister of Health, Minister of Highways, Minister of Labour, Minister of Lands and Forests, Minister of Mines, Minister of Municipal Affairs, Minister of Planning and Development, Minister of Public Welfare, Minister of Public Works, Minister of Reform Institutions or Minister of Travel and Publicity and being at the same time a member of the Assembly resigns his office and accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly.

additional offices in Executive Council.

(3) Where a member of the Executive Council holding any one of the offices mentioned in subsection 2 is appointed to hold another office in addition to or in connection with such first-mentioned office, he shall not thereby vacate his seat, and any increase or change of emolument arising from the holding of such two offices shall not cause a vacancy or render a re-election necessary. 1947, c. 55, s. 1.

Penalty upon disqualified person sitting or voting.

**15.**—(1) Subject to section 11, a person ineligible as a member of or disqualified from sitting or voting in the Assembly who sits or votes therein while he is so ineligible or disqualified, shall forfeit the sum of \$2,000 for every day on which he so sits or votes, and the sum may be recovered from him by any person who sues for the same in any court of competent jurisdiction.

Idem.

(2) If any action is brought and judgment is recovered against the defendant, no other action shall be brought or proceeding taken against the same person for any offence under this section committed before notice to him of the recovery of the judgment.

Staying proceedings in other actions.

(3) The court wherein any other action is brought contrary to the intent and meaning of this Act, may upon the defendant's motion, stay the proceedings therein, if the first-mentioned action be prosecuted without fraud and with effect, but no action shall be deemed an action within this section unless so prosecuted. R.S.O. 1937, c. 12, s. 16.

OATH OF MEMBERS

**16.** Before a member elect is permitted to take the oath of allegiance required by the *British North America Act*, he shall file with the Clerk of the Assembly, an affidavit (Form I). R.S.O. 1937, c. 12, s. 17.

Affidavit to be filed before oath taken.

DISCLAIMER

**17.**—(1) A member elect may at any time before his election is complained of disclaim his seat in the manner hereinafter provided, and he shall thereby vacate the seat, and cease to be a member in respect of the seat so disclaimed. R.S.O. 1937, c. 12, s. 18.

Disclaimer by member elect.

(2) A member elect who desires to disclaim may transmit by prepaid registered mail addressed to the Clerk of the Legislative Assembly, Toronto, or cause to be delivered to the Clerk of the Assembly, a disclaimer signed by the member in the presence of two subscribing witnesses to the following effect:

Mode of disclaiming.

I, *A.B.*, member elect to the Legislative Assembly for the electoral district of....., hereby disclaim all my right or title to sit or vote or in any manner to act as such member.

Form of disclaimer.

R.S.O. 1937, c. 12, s. 19.

(3) The Clerk of the Assembly shall, on receiving a disclaimer, forthwith send a copy thereof,

Transmission of copy of disclaimer,

(a) in the case of an election which has taken place in the County of York or the City of Toronto, to the Registrar of the Supreme Court at Toronto;

in County of York or Toronto;

(b) in the case of an election which has taken place elsewhere, to the local registrar for the county or provisional judicial district in which the electoral district for which the member so disclaiming or any part thereof is situate, was elected. R.S.O. 1937, c. 12, s. 20.

in other places.

(4) A petitioner has notice of the filing of a disclaimer and in which the election is complained of on any ground other than of corrupt practices committed by the member elect or of corrupt practices having extensively prevailed at the election and in which the seat is not claimed for the petitioner or some other person, may be dismissed by a judge of the Court of Appeal on notice to the petitioner and on proof by affidavit that such disclaimer has been given in the prescribed manner. R.S.O. 1937, c. 12, s. 21.

Dismissal of petition where disclaimer filed.



Issuing writ when no petition filed after disclaimer.

Rev. Stat., c. 67.

(5) If no petition is filed within the time limited for that purpose by *The Controverted Elections Act*, or if the petition is dismissed, the Lieutenant-Governor in Council may direct the issue of a new writ for the election of a member in the place of the member disclaiming. R.S.O. 1937, c. 12, s. 22.

#### RESIGNATION

Resignation before meeting of Legislature.

**18.** If a person returned as elected for one or more electoral districts at a general election wishes to resign his seat, or one of his seats, before the first session of the Legislature thereafter, he may address and cause to be delivered to any two members elect of the Assembly a declaration that he resigns his seat, made in writing under his hand before two subscribing witnesses, and the two members upon receiving the declaration shall forthwith 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 member for the electoral district in the place of the member so resigning, and the writ shall issue accordingly. R.S.O. 1937, c. 12, s. 23.

In other cases.

**19.**—(1) A member may also resign his seat,

(a) by giving in his place in the Assembly notice of his intention to resign it, which notice shall be entered immediately by the Clerk of the Assembly upon the Journals of the Assembly; or

(b) by addressing and causing to be delivered to the Speaker a declaration that he resigns his seat, made in writing under his hand before two subscribing witnesses, which declaration may be so made and delivered either during a session of the Legislature or in the interval between two sessions.

Record.

(2) An entry of the declaration so delivered to the Speaker shall thereafter be made upon the Journals of the Assembly.

New writ.

(3) Immediately after the notice of intention to resign has been entered upon the Journals, or after the receipt of the declaration, as the case may be, the Speaker shall 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 member in the place of the member so resigning, and in either case a writ shall issue accordingly. R.S.O. 1937, c. 12, s. 24.

Where there is no Speaker, or the member is himself the Speaker.

**20.** If a member wishes to resign his seat in the interval between two sessions of the Legislature, and there is then no Speaker, or the Speaker is absent from Ontario, or if the member is himself the Speaker, he may address and cause

to be delivered to two members the declaration before mentioned, and the two members upon receiving the declaration shall forthwith 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 member in the place of the member so resigning, and the writ shall issue accordingly. R.S.O. 1937, c. 12, s. 25.

**21.**—(1) A member or member elect tendering his resignation in any manner hereinbefore provided for shall be deemed to have vacated his seat and to have ceased to be a member of the Assembly in respect thereof. Consequences of resignation.

(2) A member or member elect shall not tender his resignation while his election is controverted, nor until after the expiration of the time within which an election petition may be filed. R.S.O. 1937, c. 12, s. 26. Time for resignation.

**22.**—(1) Forthwith after the receipt by the Speaker, or if there is no Speaker, or the Speaker is absent from Ontario, by the Clerk of the Assembly, of a certificate under *The Controverted Elections Act* that an election was void, the Speaker or the Clerk of the Assembly, as the case may be, shall 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 member for the electoral district, the election for which has been certified to be void, and the writ shall issue accordingly. R.S.O. 1937, c. 12, s. 27. Issue of writ for new election, when election declared void. Rev. Stat., c. 67.

(2) The Speaker shall forthwith after the receipt of the certificate, communicate the same to the Clerk of the Assembly. R.S.O. 1937, c. 12, s. 28. Notification.

**23.** The proceedings taken under sections 18 to 22 by the Speaker or Clerk of the Assembly shall be reported to the Assembly at the earliest practicable time, and shall be forthwith entered upon the Journals. R.S.O. 1937, c. 12, s. 29. Report to Assembly.

**24.**—(1) If a person returned as elected appears by the certificate mentioned in section 22 not to have been duly returned or elected, he shall not thereafter unless re-elected sit or vote in the Assembly. Disqualification of persons declared not elected.

(2) If a person, other than the person returned as elected, appears by the certificate to have been duly returned or elected, he shall thereupon be entitled to sit and vote in the Assembly. R.S.O. 1937, c. 12, s. 30. Rights of persons declared elected.

Writ not to issue during session.

**25.** No writ shall issue under any of the provisions of sections 18 to 24 during a session of the Legislature. R.S.O. 1937, c. 12, s. 31.

#### VACANCIES

Proceedings in case of vacancy by death or acceptance of office.

**26.**—(1) If a vacancy happens in the Assembly by the death of a member, or by his accepting an office, commission or employment, or by his becoming a party to a contract as mentioned in section 9, unless otherwise provided by this Act, the Speaker, on being informed of the vacancy by a member of the Assembly in his place, or by notice in writing under the hands and seals of two members, shall forthwith 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 the vacancy, and a writ shall issue accordingly.

Proceedings when Speaker is absent from Ontario, or there is no Speaker.

(2) If any such vacancy happens, or at any time thereafter, before the warrant for the writ has issued, there is no Speaker, or the Speaker is absent from Ontario, or if the member whose seat is vacated is himself the Speaker, then 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 member to fill the vacancy, and the writ shall issue accordingly. R.S.O. 1937, c. 12, s. 32.

Filling a vacancy before Legislature meets after a general election.

**27.**—(1) A warrant may issue under the hands and seals of two members elect to the Clerk of the Crown in Chancery for the issue of a writ for the election of a member to fill a vacancy arising subsequently to a general election and before the first session of the Legislature thereafter, by reason of any of the causes mentioned in section 26, and the writ may issue at any time after such vacancy.

Election being contested not affected.

(2) The election to be held under the writ shall not affect the right of any person entitled to contest the previous election; and the election court shall determine whether the member who has died or whose seat has become vacant as aforesaid, or any other person, was duly returned or elected, which determination, if adverse to the return of such member and in favour of any other candidate, shall avoid the election held under this section, and the candidate declared duly elected at the previous election shall be entitled to take his seat as if no subsequent election had been held. R.S.O. 1937, c. 12, s. 33.

Where vacancy exists for three months.

**28.** Subject to section 25, if the seat of a member of the Assembly has been vacant for three months and no writ has been issued, the Clerk of the Crown in Chancery shall issue the writ forthwith. R.S.O. 1937, c. 12, s. 34.

## THE SPEAKER

**29.**—(1) The Assembly at its first meeting after a general election shall proceed to elect one of its members to be Speaker. Election of Speaker.  
R.S.O. 1937, c. 12, s. 35.

(2) In case of a vacancy happening in the office of Speaker, the Assembly shall proceed to elect another of its members to be Speaker. Vacancy in office of Speaker. R.S.O. 1937, c. 12, s. 36.

**30.** The Speaker shall preside at all meetings of the Assembly. Duty to preside. R.S.O. 1937, c. 12, s. 38.

**31.** When the Speaker finds it necessary to leave the chair during any part of the sittings on any day, he may call upon any member to take the chair and to act as speaker during the remainder of the day unless the Speaker himself resumes the chair before the close of the sittings for that day. Illness, etc., of the Speaker.  
R.S.O. 1937, c. 12, s. 39.

**32.** When the Speaker is not present at the meeting of the Assembly on any day, the Assembly may elect a member to take the chair and act as speaker for that day. Election of Speaker for the day. R.S.O. 1937, c. 12, s. 40.

**33.** If the Speaker is absent from the chair for a period of 48 consecutive hours, the Assembly may elect another of its members to act as speaker, and the member so elected shall during the continuance of the absence of the Speaker have and execute all the powers, privileges and duties of the Speaker. Election of Speaker pro tem. R.S.O. 1937, c. 12, s. 41.

**34.** Every bill passed and every order made and thing done by the Assembly while any member is acting as speaker, shall be as valid and effectual as if done while the Speaker himself was in the chair. Validity of acts while acting Speaker presides. R.S.O. 1937, c. 12, s. 42.

## POWERS AND PRIVILEGES OF THE ASSEMBLY

**35.**—(1) The Assembly may at all times command and compel the attendance before the Assembly or a committee thereof, of such persons, and the production of such papers and things as the Assembly or committee may deem necessary for any of its proceedings or deliberations. Power to compel attendance of witnesses, etc. R.S.O. 1937, c. 12, s. 43.

(2) When the Assembly requires the attendance of any person before the Assembly or a committee thereof, the Speaker may issue his warrant directed to the person named Speaker's warrant for attendance, etc.

in the order of the Assembly, requiring the attendance of such person before the Assembly or committee and the production of such papers and things as may be ordered. R.S.O. 1937, c. 12, s. 44.

Protection of persons acting under authority.

**36.** No person shall be liable in damages or otherwise for any act done under the authority of the Assembly and within its legal power or under or by virtue of a warrant issued under such authority, and every such warrant may command the aid and assistance of all sheriffs, bailiffs, constables, and others, and every refusal or failure to give such aid or assistance when required shall be a contravention of this Act. R.S.O. 1937, c. 12, s. 45.

Privilege of speech, etc.

**37.** A member of the Assembly shall not be liable to any civil action or prosecution, arrest, imprisonment or damages, by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him before the Assembly or a committee thereof. R.S.O. 1937, c. 12, s. 46.

Freedom from arrest.

**38.** Except for a contravention of this Act, a member of the Assembly shall not be liable to arrest, detention or molestation for any cause or matter whatever of a civil nature during a session of the Legislature and during the 20 days preceding and the 20 days following the session. R.S.O. 1937, c. 12, s. 47.

Exemption of members and officers from serving as jurors.

**39.** During the periods mentioned in section 38, members, officers and employees of the Assembly, and witnesses summoned to attend before the Assembly or a committee thereof, shall be exempt from serving or attending as jurors in any court of justice in Ontario. R.S.O. 1937, c. 12, s. 48.

Members not to receive fees for drafting bills, etc.

**40.** No member of the Assembly shall knowingly accept or receive, either directly or indirectly, any fee, compensation or reward for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted or intended to be submitted to the Assembly or a committee thereof. R.S.O. 1937, c. 12, s. 49.

Barristers, etc., being partners of members not to receive fees for drafting bills, etc.

**41.** No barrister or solicitor who in the practise of his profession is a partner of a member of the Assembly shall knowingly accept or receive, directly or indirectly, any fee, compensation or reward for or in respect of any matter or thing mentioned in section 40. R.S.O. 1937, c. 12, s. 50.

Penalty.

**42.** Every person violating any of the provisions of sections 40 and 41 shall be liable to a penalty equal to the

amount or value of the fee, compensation or reward accepted or received by him and the sum of \$500. R.S.O. 1937, c. 12, s. 51.

**43.** Any violation of section 40 shall be a corrupt practice, and an election petition setting up the violation may be filed within six months after the offence in the same manner, and the proceedings thereupon shall be the same as in the case of other election petitions. R.S.O. 1937, c. 12, s. 52.

Breach of s. 40 to be a corrupt practice.

**44.** If judgment is recovered against a member of the Assembly for any penalty under section 42, or if by a resolution of the Assembly it is declared that a member thereof has been guilty of a violation of section 40, or if upon an election petition it is found that a member has been guilty of a violation of section 40, his election shall become void and his seat shall be vacated, and a writ shall issue for a new election as if he were dead and he shall be incapable of being elected to or of sitting in the Assembly during the remainder of the term for which he was elected. R.S.O. 1937, c. 12, s. 53.

Vacation of seat.

**45.—(1)** The Assembly shall have all the rights and privileges of a court of record for the purposes of summarily inquiring into and punishing, as breaches of privilege or as contempts and without affecting the liability of the offenders to prosecution and punishment criminally or otherwise according to law, independently of this Act, the acts, matters and things following:

Jurisdiction of Assembly.

1. Assault, insult or libel upon a member of the Assembly during the session of the Legislature and 20 days before and after the same. Assaults, insults, libels.
2. Obstructing, threatening or attempting to force or intimidate a member of the Assembly. Threats.
3. Offering to, or the acceptance by, a member of the Assembly of a bribe to influence him in his proceedings as such, or offering to or the acceptance by a member of any fee, compensation or reward for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted to or intended to be submitted to the Assembly or a committee thereof. Bribery and offering of fee.
4. Assault upon or interference with an officer of the Assembly while in the execution of his duty. Interference with officers.
5. Tampering with a witness in regard to evidence to be given by him before the Assembly or a committee thereof. Tampering with witness.

- False evidence. 6. Giving false evidence or prevaricating or misbehaving in giving evidence or refusing to give evidence or to produce papers before the Assembly or a committee thereof.
- Disobedience to subpoena. 7. Disobedience to a warrant requiring the attendance of a witness before the Assembly or a committee thereof, or refusal or neglect to obey a warrant mentioned in section 36.
- Presenting false documents. 8. Presenting to the Assembly or to a committee thereof a forged or false document with intent to deceive the Assembly or committee.
- Falsifying records, etc. 9. Forging, falsifying or unlawfully altering a record of the Assembly or of a committee thereof, or any document or petition presented or filed or intended to be presented or filed before the Assembly or committee, or the setting or subscribing by any person of the name of another person to any such document or petition with intent to deceive.
- Taking civil proceedings against member. 10. Taking any civil proceeding against, or causing or effecting the arrest or imprisonment of a member of the Assembly in any civil proceeding, for or by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him before the Assembly or a committee thereof.
- Arresting member for debt, etc. 11. Causing or effecting the arrest, detention, or molestation of a member of the Assembly for any cause or matter of a civil nature during a session of the Legislature and during the 20 days following and the 20 days preceding the session.

Jurisdiction given as to inquiring and punishing.

(2) For the purposes of this Act, the Assembly shall possess all the powers and jurisdiction necessary or expedient for inquiring into, adjudging and pronouncing upon the commission or doing of the acts, matters or things mentioned in subsection 1 and for awarding and carrying into execution the punishment thereof. R.S.O. 1937, c. 12, s. 54.

Punishment for contravention of s. 45.

**46.** Every person who, upon such inquiry, is found to have committed or done any of the acts, matters, or things mentioned in section 45, in addition to any other penalty or punishment to which he may by law be subject, shall be liable to imprisonment for such time during the session of the Legislature then being held as may be determined by the Assembly. R.S.O. 1937, c. 12, s. 55.

**47.**—(1) Where the Assembly declares that a person has been guilty of a breach of privilege or of a contempt in respect of any of the acts, matters and things mentioned in section 45 and directs that the person be kept and detained in the custody of the sergeant-at-arms attending the Assembly, the Speaker shall issue his warrant to the sergeant-at-arms to take the person into custody and to keep and detain him in custody in accordance with the order of the Assembly.

Proceeding on contravention of s. 45 and arrest thereunder.

(2) Where the Assembly directs that the imprisonment shall be in the common jail in the county of York, the Speaker shall issue his warrant to the sergeant-at-arms and to the governor or keeper of such common jail commanding the sergeant-at-arms to take such person into custody and to deliver him to the governor or keeper of such common jail, and commanding the governor or keeper of the common jail to receive and keep and detain him in custody in accordance with the order of the Assembly. R.S.O. 1937, c. 12, s. 56.

Warrant of committal.

**48.** The determination of the Assembly upon any proceeding under this Act shall be final and conclusive. R.S.O. 1937, c. 12, s. 57.

Decision of Assembly to be final.

**49.**—(1) Any person who is a defendant in any civil proceeding commenced in any manner for or in respect of the publication of any report, paper, vote or proceeding by such person or by his servant, by or under the authority of the Assembly may bring before the court in which the proceeding is pending (first giving 24 hours notice of his intention so to do to the plaintiff or his solicitor), a certificate under the hand of the Speaker or of the Clerk of the Assembly, stating that the report, paper, vote or proceeding in respect whereof the proceeding has been commenced was published by such person or by his servant by order or under the authority of the Assembly together with an affidavit verifying the certificate.

Protection of persons publishing papers by order of Assembly.

(2) The court shall thereupon immediately stay the proceeding and it and every writ or process issued therein shall be taken to be finally put an end to, determined and superseded. R.S.O. 1937, c. 12, s. 58.

Stay of proceedings.

**50.**—(1) If a civil proceeding is commenced for or in respect of the publication of any copy of such report, paper, vote or proceeding, the defendant at any stage of the proceeding may lay before the court the report, paper, vote or proceeding and the copy with an affidavit verifying the report, paper, vote or proceeding and the correctness of the copy.

Production of papers to court.



Stay of proceedings.

(2) The court shall thereupon immediately stay the proceeding and it and every writ or process issued therein shall be taken to be finally put an end to, determined and superseded. R.S.O. 1937, c. 12, s. 59.

*Bona fide* publication.

**51.** It shall be a good defence to any civil proceeding against a person for printing any extract from or abstract of any such report, paper, vote or proceeding, that the extract or abstract was published *bona fide* and without malice. R.S.O. 1937, c. 12, s. 60.

Saving of privileges inherent in Assembly or members.

**52.** Except so far as is provided by section 40, nothing in this Act shall be construed to deprive the Assembly, or a committee or member thereof, of any right, immunity, privilege or power which the Assembly, committee or member might otherwise have been entitled to exercise or enjoy. R.S.O. 1937, c. 12, s. 61.

#### PURCHASE AND DISTRIBUTION OF PUBLICATIONS

Payment for books ordered by Printing Committee.

**53.** Where the Assembly has adopted the report of the Printing Committee of the Assembly recommending the purchase of any publication for the use of the members of the Assembly or for other persons, the publication may be purchased by the Treasurer of Ontario and distributed according to the recommendations of the report, and the cost thereof shall be paid out of any sum appropriated by the Legislature for stationery, printing and binding. R.S.O. 1937, c. 12, s. 63.

#### QUORUM AND MANNER OF VOTING

Quorum.

**54.** At least 20 members of the Assembly shall be necessary to constitute a quorum for the transaction of business; and for that purpose the Speaker shall be counted. R.S.O. 1937, c. 12, s. 64.

Voting.

**55.** Questions arising in the Assembly shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal the Speaker shall have a vote. R.S.O. 1937, c. 12, s. 65.

#### MONEY VOTES

Condition precedent to appropriations.

**56.** The Assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the Consolidated Revenue Fund, or of any tax or impost, to any purpose which has not been first recommended by a

message of the Lieutenant-Governor to the Assembly during the session in which the vote, resolution, address or bill is proposed. R.S.O. 1937, c. 12, s. 66; 1937, c. 37, s. 4.

## ESTATE BILLS

**57.** The judges of the Supreme Court shall be *ex officio* Commissioners on estate bills. commissioners to report under the Rules of the Assembly in respect of estate bills. R.S.O. 1937, c. 12, s. 67.

## OATHS TO WITNESSES

**58.** Any standing or special committee of the Assembly may require that facts, matters and things relating to the subject of inquiry be verified or otherwise ascertained by the oral examination of witnesses, and may examine witnesses upon oath, and for that purpose the chairman or any member of the committee may administer the oath (Form 2). R.S.O. 1937, c. 12, s. 68. Power of committees to examine on oath.

**59.** Where witnesses are not required to be examined orally, Affidavits. an affirmation, declaration or affidavit, which is required to be made or taken by or according to any rule or order of the Assembly, or by the direction of any committee, and in respect of any matter or thing pending or proceeding before the committee, may be made and taken before the Clerk of the Assembly, the clerk of the committee, a commissioner for taking affidavits or a justice of the peace. R.S.O. 1937, c. 12, s. 69.

## INDEMNITY TO MEMBERS

**60.**—(1) Every member of the Assembly shall be paid, Members' indemnities and allowances, amounts;

- (a) an indemnity at the rate of \$2,000 per annum; and
- (b) an allowance for expenses at the rate of \$1,000 per annum.

(2) For the purpose of computing the amount of any indemnity or allowance payable under this section, a member shall be deemed to be a member from the polling day on which he is elected, and when the Legislature of which he is a member is dissolved he shall be deemed to be a member until the day preceding the polling day that follows the dissolution, or until his death, whichever occurs first. computation:

(3) Every indemnity and allowance under this section shall be paid on the 31st day of March in each year, but when a member resigns or dies or for any other reason ceases to be a member the amounts that are payable to him for the period then concluded shall be paid forthwith. when paid:

advances.

(4) Notwithstanding subsection 3, each member upon his request shall be paid by way of advance any part of the amount, not exceeding \$60 per month in respect of his indemnity and \$30 per month in respect of his allowance, that has accrued at the time the request is made. 1949, c. 50, s. 1, *part*.

Speaker's  
and Leader  
of the Oppo-  
sition's  
indemnities  
and allow-  
ances,  
amount;

**61.**—(1) In addition to his indemnity and allowance for expenses as a member, there shall be paid,

(a) to the Speaker, an indemnity at the rate of \$2,500 per annum; and

(b) to the Leader of the Opposition,

(i) an indemnity at the rate of \$3,000 per annum, and

(ii) an allowance for expenses at the rate of \$2,000 per annum.

computa-  
tion;

(2) For the purpose of computing the amount of any indemnity or allowance payable under this section, the Speaker and the Leader of the Opposition, respectively, shall be deemed to occupy the position from the polling day on which he is elected a member of the Assembly, and when the Legislature in which he occupies the position is dissolved he shall be deemed to occupy the position until the day preceding the polling day that follows the dissolution, or until his death, whichever occurs first; provided that when the occupant of the position changes, the member succeeding to the position shall be deemed to occupy the position from the day following that on which his predecessor ceased to occupy the position.

when paid;

(3) Every indemnity and allowance under this section shall be paid on the 31st day of March in each year, but when the Speaker or the Leader of the Opposition, as the case may be, ceases to occupy the position the amounts that are payable to him for the period then concluded shall be paid forthwith.

advances.

(4) Notwithstanding subsection 3, the Speaker or the Leader of the Opposition upon his request shall be paid by way of advance any part of the amount, not exceeding in the case of the Speaker, \$70 per month in respect of his indemnity, and in the case of the Leader of the Opposition, \$80 per month in respect of his indemnity and \$60 per month in respect of his allowance, that has accrued at the time the request is made. 1949, c. 50, s. 1, *part*.

Chairman of  
the Com-  
mittees of  
the Whole  
House,  
indemnity;

**62.**—(1) In addition to his indemnity as a member, the Chairman of the Committees of the Whole House shall be paid an indemnity of \$1,000 for each session.

(2) The indemnity under this section shall be paid at the close of the session, and if in any session more than one person occupied the position the indemnity shall be divided among them in proportion to the time that each occupied the position during the session. 1949, c. 50, s. 1, *part.*

**63.** There shall be paid to each member of a committee of the Assembly an allowance for expenses of \$20 in respect of every day during the interval between sessions of the Assembly, Allowance for attending committee meetings.

- (a) upon which he attends a meeting of the committee; or
- (b) upon which he is absent from home engaged on the work of the committee, other than days spent travelling to and from meetings of the committee. 1947, c. 55, s. 2, *part.*

**64.** There shall also be allowed to every member, Mileage allowance in respect of meetings of committees.

- (a) in respect of each session of the Assembly; and
- (b) in respect of each series of meetings of a committee of the Assembly held between sessions of the Assembly and which he attends as a member of the committee,

10 cents for every mile of the distance between his place of residence and Toronto reckoning the distance going and coming according to the shortest mail route, which distance shall be determined and certified by the Speaker. 1947, c. 55, s. 2, *part.*

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FORM 1

(Section 16)

AFFIDAVIT OF MEMBER ELECT

I, ....., of the.....of.....  
 in the County of....., elected to represent the Electoral  
 District of.....(as the case may be), in the Legislative  
 Assembly of the Province of Ontario, make oath and say: That, except  
 in respect of my personal expenses, I have not made, before, during or  
 since my election, any payment, advance, loan or deposit for the purposes  
 of the election last held for the said electoral district otherwise than  
 through my official agent appointed under *The Election Act*; and that  
 I will not hereafter make any payment, loan or deposit in respect of  
 the said election, except through my official agent appointed under the  
 said Act. I further say that I have not been guilty of any corrupt practice  
 in respect of my election.

Sworn before me, this.....

day of....., 19.....

Clerk of the Legislative Assembly.

R.S.O. 1937, c. 12, Form 1.

FORM 2

(Section 58)

OATH OF WITNESSES

The evidence you shall give to this Committee touching the subject  
 of the present inquiry shall be the truth, the whole truth, and nothing  
 but the truth. So help you God.

R.S.O. 1937, c. 12, Form 2.