

1927

c 12 Legislative Assembly Act

Ontario

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CHAPTER 12.

The Legislative Assembly Act.

1. The Assembly shall be composed of so many members as shall, from time to time, be fixed by *The Representation Act*. R.S.O. 1914, c. 11, s. 2.

Assembly—
how
composed.
Rev. Stat.
c. 6.

2.—(1) The Assembly 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.

Not dissolved
by demise of
the Crown.

(2) Nothing in this section shall alter or abridge the power of the Crown to prorogue or dissolve the Assembly. R.S.O. 1914, c. 11, s. 3.

Power to pro-
rogate or dis-
solve not
affected.

3. Every Assembly shall continue for four 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. 1914, c. 11, s. 4.

Duration of
Assembly.

4. There shall be a session of the Legislature once at least in every year, so that twelve months shall not intervene between the last sittings of the Legislature in one session and its first sittings in the next. R.S.O. 1914, c. 11, s. 5.

Yearly
session.

5. It shall not be necessary for the Lieutenant-Governor in proroguing the Legislature to name any day to which the same 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. 1914, c. 11, s. 6.

Prorogation
of Legisla-
ture; formal
proclamations
unnecessary.

6.—(1) Subject to the provisions of 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 twenty-one years who are British subjects by birth or by naturalization under the laws of the Dominion 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.

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

When
women to
be deemed
British
subjects.

(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 any 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 such female is of the full age of twenty-one 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. 1926, c. 5, s. 2.

DISQUALIFICATIONS.

Senator or
Member of
House of
Commons
disqualified.

7. No person who on the day of nomination for election to the Assembly is a Senator or member 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. 1914, c. 11, s. 8.

Vacation
of seat.

8. If a member of the Assembly is elected and returned to the House of Commons 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. 1914, c. 11, s. 9.

Disqualifica-
tion of
persons
holding
office under
Crown.

9.—(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.

Exceptions.

(2) Nothing in this section shall render ineligible as aforesaid or disqualify from sitting and voting in the Assembly when not otherwise disqualified,—

- (a) a member of the Executive Council;
- (b) a Legislative Secretary for Northern Ontario;

- (c) an officer of His Majesty's army or navy, or an officer in the militia or a militiaman;
- (d) a justice of the peace, coroner, notary public or public school inspector;
- (e) any person holding any temporary employment in the service of the Dominion of Canada requiring special qualifications or professional skill, or a commissioner appointed under the Revised Statutes of Canada, 1906, chapter 104; or
- (f) a member of any commission, committee or other body appointed under the authority of any Act of this Legislature and declared by such Act to be entitled to any remuneration or allowance while a member of the Assembly. 1926, c. 5, s. 3.

10. No person holding or enjoying, undertaking or exercising, 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. 1914, c. 11, s. 11.

11.—(1) No person shall be ineligible as a member of the Assembly,— Exceptions.

- (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; Trustees for estates of contractors.
- (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 for the Province, and such building or work has not been let by tender to the lowest bidder; Shareholders in contracting companies not disqualified. Exceptions.
- (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 respecting the purchase or payment of the public stock or debentures of Ontario on terms common to all persons; Lenders of money to Government.
- (d) by reason of his being the holder of a mining license or having a contract or agreement with His Majesty or with any public officer or department Holder of mining license, etc.

with respect to the same or to mines or mining rights; but no such person shall vote on any question affecting such license, 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 the Province, 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 license, permit or permission for cutting timber, or being interested in any such license, 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 license, 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 license, 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 license, 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 postmasters 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. R.S.O. 1914, c. 11, s. 12 (1), cls. (a-i).

Receipt of compensation for land not to disqualify.

- (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 Ontario, 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. 1925, c. 8, s. 2.

- (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. R.S.O. 1914, c. 11, s. 12 (1), (j).

Rev. Stat.
c. 52.

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. 1914, c. 11, s. 12 (2).

Duty of
sureties who
have been
elected.

12. No disqualification, under sections 9 or 10 on any ground arising before 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 such 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 11, nor as affecting the right of the Assembly to expel a member according to the practice of Parliament or otherwise. R.S.O. 1914, c. 11, s. 13.

When
disqualifica-
tion to
become
operative.

Exceptions.

13. 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. 1914, c. 11, s. 14.

Effect of
election of
disqualified
person.

14. Notwithstanding anything in any Act where a member of the Assembly is appointed a member of the Executive Council within three months after the day fixed for polling at a general election and before the opening of the first session held after such date, he shall not, by reason of the acceptance of such appointment, vacate his seat or be disqualified from sitting or voting in the Assembly. 1926, c. 5, s. 4.

When
re-election
unnecessary
on appoint-
ment to
Executive
Council.

15.—(1) If a member of the Assembly by becoming a member of the Executive Council, or by accepting any other office or becoming a party to a contract or agreement as in

Disqualifica-
tion
through
acceptance
of office.

Re-election.

sections 9 and 10 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.

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 Lands and Forests, Minister of Mines, Minister of Agriculture, Minister of Public Works and Highways, Minister of Education, Minister of Health or Minister of Labour, and being at the same time a member of the Assembly, resigns his office, and within one month after his resignation accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly, unless the Administration of which he was a member has resigned, and a new Administration occupies the said offices; and in case a member of the Executive Council holding any one of the said offices, 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. R.S.O. 1914, c. 11, s. 15.

Penalty upon disqualified person sitting or voting.

16.—(1) Subject to the provisions of section 12, 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 said sum may be recovered from him by any person who sues for the same in any court of competent jurisdiction.

Recovery.

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. 1914, c. 11, s. 16.

OATH OF MEMBER ELECT.

Affidavit as to election expenses, etc.

17. Before a member elect is permitted to take the oath required by section 128 of *The British North America Act*, he shall file with the clerk, an affidavit, Form I. R.S.O. 1914, c. 11, s. 17.

DISCLAIMER.

18. 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. 1914, c. 11, s. 18. Disclaimer by member elect.

19. A member elect who desires to disclaim may transmit, postpaid and registered, through the post office, directed to "The Clerk of the Legislative Assembly, Toronto," or may cause to be delivered to the Clerk, a disclaimer signed by the member in the presence of two subscribing witnesses to the effect following:— 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. 1914, c. 11, s. 19.

20. The Clerk 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 Appellate Division at Toronto; in County of York or Toronto.

(b) in the case of an election which has taken place elsewhere, to the local registrar, or if there is no local registrar, to the deputy clerk of the Crown of the High Court for the county or provisional judicial district, as the case may be, in which the electoral district for which the member so disclaiming or any part thereof is situate, was elected. in other places.
R.S.O. 1914, c. 11, s. 20.

21. A petition which has been presented before the 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 Appellate Division on notice to the petitioner and on proof by affidavit that such disclaimer has been given in the prescribed manner. R.S.O. 1914, c. 11, s. 21. Dismissal of petition where disclaimer filed.

22. 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. 1914, c. 11, s. 22. Issuing writ when no petition filed after disclaimer. Rev. Stat. c. 11.

RESIGNATION.

Resignation
before
meeting of
Legislature.

23. 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 meeting of this 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. 1914, c. 11, s. 23.

In other
cases.

24.—(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 immediately entered by the Clerk 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. 1914, c. 11, s. 24.

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

25. If a member wishes to resign his seat in the interval between two sessions of this Legislature, and there is then no Speaker, or the Speaker is absent from the Province, 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. 1914, c. 11, s. 25.

26.—(1) A member or member elect tendering his resignation in any manner heretofore 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. 1914, c. 11, s. 26. Time for resignation.

27. Forthwith after the receipt by the Speaker, or if there is no Speaker, or the Speaker is absent from the Province, by the Clerk of the House, of a certificate under *The Controverted Elections Act* that an election was void, the Speaker or Clerk, 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. 1914, c. 11, s. 27. Issue of writ for new election, when election declared void. Rev. Stat. c. 11.

28. The Speaker shall forthwith after the receipt of the certificate, in the next preceding section mentioned, communicate the same to the Clerk of the Assembly. R.S.O. 1914, c. 11, s. 28. Notification.

29. The proceedings taken under the next preceding six sections by the Speaker or Clerk shall be reported to the Assembly at the earliest practicable time, and shall be forthwith entered on the Journals. R.S.O. 1914, c. 11, s. 29. Report to Assembly.

30.—(1) If a person returned as elected appears by the certificate mentioned in section 27 not to have been duly returned or elected, he shall not thereafter unless re-elected sit or vote in that 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. 1914, c. 11, s. 30. Rights of persons declared elected.

31. No writ shall issue under any of the provisions of the next preceding eight sections during a session of the Assembly. R.S.O. 1914, c. 11, s. 31. Writ not to issue during session.

32.—(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 10, 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 Proceedings in case of vacancy by death or acceptance of office.

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 the Province, 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. 1914, c. 11, s. 32.

Filling a vacancy before Assembly meets after a general election.

33.—(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 meeting of the Assembly thereafter, by reason of any of the causes mentioned in the next preceding section, 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. 1914, c. 11, s. 33.

Where vacancy exists for three months.

34. Subject to the provisions of section 31, 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. 1914, c. 11, s. 34.

THE SPEAKER.

Election of Speaker.

35. The Assembly at its first meeting after a general election shall proceed to elect one of its members to be Speaker. R.S.O. 1914, c. 11, s. 35.

Filling vacancy in office of Speaker.

36. In case of a vacancy happening in the office of Speaker, the Assembly shall proceed to elect another of its members to be Speaker. R.S.O. 1914, c. 11, s. 36.

Salary.

37. Such salary shall be payable to the Speaker as may be appropriated for that purpose. R.S.O. 1914, c. 11, s. 37.

38. The Speaker shall preside at all meetings of the Assembly. Duty to preside.
R.S.O. 1914, c. 11, s. 28.

39. Whenever 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. In case of illness, etc., of the Speaker.
R.S.O. 1914, c. 11, s. 39.

40. Whenever 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. 1914, c. 11, s. 40.

41. If the Speaker is absent from the chair for a period of forty-eight 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 Speaker. Election of Speaker pro tem.
R.S.O. 1914, c. 11, s. 41.

42. Every Act 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. 1914, c. 11, s. 42.

POWERS AND PRIVILEGES OF THE ASSEMBLY.

43. 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. 1914, c. 11, s. 43.

44. Whenever 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 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. Speaker's warrant for attendance, etc.
R.S.O. 1914, c. 11, s. 44.

45. 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; 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. Protection of persons acting under authority. Warrants may command aid.
R.S.O. 1914, c. 11, s. 45.

Privilege of
speech, etc.

46. 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. 1914, c. 11, s. 46.

Freedom
from
arrest.

47. 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 twenty days preceding and the twenty days following the session. R.S.O. 1914, c. 11, s. 47.

Exemption of
members and
officers from
serving as
jurors.

48. During the periods mentioned in the next preceding section, 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. 1914, c. 11, s. 48.

Members not
to receive fees
for drafting
bills, etc.

49. 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. 1914, c. 11, s. 49.

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

50. No barrister or solicitor who, in the practice 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 in the next preceding section mentioned. R.S.O. 1914, c. 11, s. 50.

Penalty for
violation of
ss. 49 and 50.

51. Any person violating any of the provisions of the next preceding two sections shall incur 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. 1914, c. 11, s. 51.

Breach of s.
49 to be
deemed
a corrupt
practice.

52. Any violation of section 49 shall be a corrupt practice, and an election petition setting up the same 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. 1914, c. 11, s. 52.

Vacation
of seat.

53. If judgment is recovered against a member of the Assembly for any penalty under section 51 of this Act, or if by a resolution of the Assembly it is declared that a member thereof has been guilty of a violation of section 49, or if

upon an election petition it is found that a member has been guilty of a violation of section 49, his election shall become void, and his seat shall be vacated, and a writ shall issue for a new election as if he were naturally 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. 1914, c. 11, s. 53.

54.—(1) The Assembly shall have all the rights and ^{Jurisdiction of Assembly.} 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:—

- (a) Assault, insult or libel upon a member of the Assembly during the session of the Legislature and ^{Assaults, insults, libels.} twenty days before and after the same;
- (b) Obstructing, threatening or attempting to force or ^{Threats.} intimidate a member of the Assembly;
- (c) 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.}
- (d) Assault upon or interference with an officer of the Assembly, while in the execution of his duty; ^{Interference with officers.}
- (e) Tampering with a witness in regard to evidence to be given by him before the Assembly, or a committee thereof; ^{Tampering with witness.}
- (f) 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; ^{False evidence.}
- (g) 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 45; ^{Disobedience to subpoena.}
- (h) Presenting to the Assembly or to a committee thereof a forged or false document, with intent to deceive the Assembly or committee; ^{Presenting false documents.}

Falsifying
records, etc.

- (i) 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;

Bringing action or arrest-
ing for con-
duct as
member.

- (j) 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 for
debt, etc.

- (k) 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 twenty days following and the twenty days preceding the session.

Jurisdiction
given as to
inquiring and
punishing.

(2) For the purposes of this Act, the Assembly shall possess all powers and jurisdiction necessary or expedient for inquiring into, adjudging and pronouncing upon the commission or doing the acts, matters or things mentioned in subsection 1 and for awarding and carrying into execution the punishment thereof. R.S.O. 1914, c. 11, s. 54.

Punishment
for contraven-
tion of s. 54.

55. Every person who, upon such inquiry, is found to have committed or done any of the acts, matters, or things in section 54 mentioned, 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 this Legislature then being held, as may be determined by the Assembly. R.S.O. 1914, c. 11, s. 55.

Proceeding on
contravention
of s. 54 and
arrest there-
under.

56.—(1) Wherever the Assembly declares that any person has been guilty of any breach of privilege or of a contempt in respect of any of the acts, matters and things in section 54 mentioned and directs that such person shall 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 such person into custody and to keep and detain him in custody in accordance with the order of the Assembly.

Warrant of
committal.

(2) Where the Assembly directs that the imprisonment shall be in the common gaol 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 gaol commanding the Sergeant-at-Arms to take such person into custody and to deliver him to the governor or keeper of such common gaol,

and commanding the governor or keeper of the common gaol to receive and keep and detain him in custody in accordance with the order of the Assembly. R.S.O. 1914, c. 11, s. 56.

57. The determination of the Assembly upon any proceeding under this Act shall be final and conclusive. R.S.O. 1914, c. 11, s. 57. Decision of Assembly to be final.

58.—(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 such proceeding is pending (first giving twenty-four 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 such 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 such certificate. Production persons publishing papers by order of Assembly.

(2) The court shall thereupon immediately stay such proceeding and the same and every writ or process issued therein shall be taken to be finally put an end to, determined and superseded. R.S.O. 1914, c. 11, s. 58. Stay of proceedings.

59.—(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 such report, paper, vote or proceeding and such copy with an affidavit verifying such report, paper, vote or proceeding and the correctness of such copy. Production of papers to court.

(2) The court shall thereupon immediately stay such proceeding and the same and every writ or process issued therein shall be taken to be finally put an end to, determined and superseded. R.S.O. 1914, c. 11, s. 59. Stay of proceedings.

60. 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. 1914, c. 11, s. 60. Bona fide publication.

61. Except so far as is provided by section 49, nothing herein 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. 1914, c. 11, s. 61. Saving of privileges inherent in Assembly or members.

Appointment
of librarian
and officers
of Library.

62. The Lieutenant-Governor in Council may appoint a librarian and such other officers, clerks and servants of the Legislative Library as may be deemed necessary. 1917, c. 27, s. 10.

PURCHASE AND DISTRIBUTION OF PUBLICATIONS.

Payment for
books ordered
by Printing
Committee.

63. 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 such work 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. 1917, c. 27, s. 11.

QUORUM AND MANNER OF VOTING.

Quorum.

64. At least twenty 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. 1914, c. 11, s. 62.

Voting.

65. 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. 1914, c. 11, s. 63.

MONEY VOTES.

Condition pre-
cedent to
appropria-
tions.

66. The Assembly shall not originate 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. 1914, c. 11, s. 64.

ESTATE BILLS.

Commission-
ers on estate
bills.

67. The judges of the Supreme Court shall be *ex officio* commissioners to report under the Rules and Orders of the Assembly, in respect of estate bills. R.S.O. 1914, c. 11, s. 65.

OATHS TO WITNESSES.

Power of
committees to
examine on
oath.

68. Any standing or select 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. 1914, c. 11, s. 66.

69. Where witnesses are not required to be orally examined, 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, or a commissioner for taking affidavits or a justice of the peace. R.S.O. 1914, c. 11, s. 67.

INDEMNITY TO MEMBERS.

70. In every session of the Assembly there shall be allowed to each member attending the session \$20 for each day's attendance, if the session does not extend beyond thirty days, and if the session extends beyond thirty days, then there shall be payable to each member attending such session a sessional allowance of \$2,000. R.S.O. 1914, c. 11, s. 68; 1925, c. 8, s. 4.

Allowance to members for attendance at any session.

71.—(1) A deduction at the rate of \$15 per day shall be made from his sessional allowance for every day on which a member does not attend sittings of the Assembly, or of some committee thereof in case the Assembly sits on such days, but each day during the session, after the first on which the member attends on which there has been no sittings of the Assembly, in consequence of its having adjourned over the day or on which the member is travelling *bona fide* on his way to the place where the session is held, for the purpose of attending a sittings of the Assembly or on which the member was in the place where the session was held, or within ten miles thereof, but was prevented by sickness from attending the sittings shall be reckoned as a day of attendance at the session.

Deductions for non-attendance. What shall be reckoned as days of attendance.

(2) No deduction shall be made for or on account of the necessary absence of a member, so long as such absence does not exceed six days during the session. R.S.O. 1914, c. 11, s. 69.

When deduction not to be made for absence.

72. The compensation may be paid from time to time as the member becomes entitled to it, to the extent of \$20 for each day's attendance, and the remainder shall be retained by the Clerk until the close of the session, when the final payment shall be made. R.S.O. 1914, c. 11, s. 70.

How the compensation payable.

73. If a person is from any cause a member of the Assembly for a part only of a session, then in case he is a member for upwards of thirty days during the session, he shall be entitled to the sessional allowance, subject to the deduction for non-attendance as a member and also to a deduction of \$20

Where a person is a member for only part of the session.

for each day of the session before he was elected or after he ceased to be a member; but if he is a member for thirty days or less, he shall be entitled only to \$20 for each day's attendance at the session whatever be the length thereof. R.S.O. 1914, c. 11, s. 71.

Allowance for mileage.

74. There shall also be allowed to every member ten 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. R.S.O. 1914, c. 11, s. 72.

Final payment at the close of session.

75. The sum due to every member at the close of a session shall be paid to him, on his taking and signing before the Clerk or accountant or a justice of the peace, an oath, to be kept by the Clerk, stating the number of days' attendance and the mileage according to the shortest mail route, as determined and certified by the Speaker, and the amount of the allowance, after deducting the number of days, if any, which are to be deducted under any preceding section; and the oath may be according to Form 3. R.S.O. 1914, c. 11, s. 73.

Extra-allowance to leaders of groups.

76. To each member recognized by the Speaker as leader of an opposition group of ten or more members in the Legislative Assembly, there shall be payable over and above the sessional indemnity mentioned in section 70 an additional indemnity of \$1,500. 1920, c. 3, s. 2, *part*; 1924, c. 5, s. 2.

Allowance to members of committee sitting between Sessions.

77. Where a committee of the Assembly is authorized to meet during the interval between two Sessions of the Assembly there shall be payable to every member of the committee the sum of \$15 per diem for every day upon which he is absent from his home in going to, attending at, and returning from meetings of the committee, the said allowance to be payable upon the certificate of the chairman of the committee out of such moneys as may be appropriated for miscellaneous expenses of Legislation. 1919, c. 25, s. 4 (1).

FORM 1.

OATH OF MEMBER ELECT.

I, _____ of the _____
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. 1914, c. 11, Form 1.

FORM 2.

OATH TO BE ADMINISTERED.

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. 1914, c. 11, Form 2.

FORM 3.

OATH TO OBTAIN SESSIONAL ALLOWANCE.

I, A. B., a member of the Legislative Assembly, make oath and say that I reside at , in , which is distant by the shortest mail route miles, as determined by the Speaker, from Toronto, where the Session which began on the day of , 19 , was held.

That the first day during the said Session on which I was present was the day of , 19 .

That on the said day, and on each day of the said Session, after the said day, on which there was a sittings of the Assembly, I attended such sittings, or a sittings of some Committee thereof, (a) except only on days, (b) on , of which I was travelling bona fide on my way to the place where the Session is held for the purpose of attending a sittings of the Assembly, and (c) on of which I was prevented by sickness from attending, though I was then present at the said City of Toronto, or within ten miles thereof (d).

(Signature) A. B.

Sworn before me at , the day of , 19 .

L. K. C.

Clerk (or Accountant) of the Legislative Assembly,
or Justice of the Peace for the
of (as the case may be).

If the member attended a sittings of the Assembly or of some Committee on every sitting day after the first on which he so attended, omit the words from (a) to (d); and if his non-attendance was not on any day occasioned by travelling as therein set out or by sickness, omit the words from (b) to (d).

If the person making the declaration became or ceased to be a member after the commencement of the Session, vary the form so as to state correctly the facts upon which the sum due to the member is to be calculated.

R.S.O. 1914, c. 11, Form 3.