1960

c 208 Legislative Assembly Act

Ontario
CHAPTER 208

The Legislative Assembly Act

1. The Assembly shall be composed of as many members as is fixed from time to time by The Representation Act. R.S.O. 1950, c. 202, s. 1.

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.

(2) Nothing in this section alters or abridges the power of the Crown to prorogue or dissolve the Legislature. R.S.O. 1950, c. 202, s. 2.

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. 1950, c. 202, s. 3.

4. There shall be a session of the Legislature once at least in every year, so that twelve months do not intervene between the last sitting of the Legislature in one session and its first sitting in the next. R.S.O. 1950, c. 202, s. 4.

5. It is not necessary for the Lieutenant Governor in proroguing the Legislature to name a 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. 1950, c. 202, s. 5.

6.—(1) Subject to subsection 2, the persons qualified to sit and vote as members of the Assembly are 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 Canada from time to time in force, resident in Ontario and not disqualified by this or any other Act from election to the Assembly.

(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
1036 Chap. 208 LEGISLATIVE ASSEMBLY Sec. 6 (2) (b)

(b) if she has herself been personally naturalized as a British subject and has not since become a 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 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 Her Majesty. R.S.O. 1950, c. 202, s. 6.

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 is 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.

(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 is thereupon vacated and a writ shall issue forthwith for a new election to fill the vacancy. R.S.O. 1950, c. 202, s. 7.

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 is eligible as a member of the Assembly or shall sit or vote therein. R.S.O. 1950, c. 202, s. 8 (1).

(2) Nothing in this section renders ineligible as aforesaid or disqualifies 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 Her Majesty’s navy, army or air force, or an officer in the militia or a militiaman;
Sec. 10 (1) (d) — LEGISLATIVE ASSEMBLY

(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);

(e) a member of any commission, board, committee or other body holding office at the nomination of the Lieutenant Governor in Council, but this clause does not apply to members of the Ontario Labour Relations Board, The Liquor Licence Board of Ontario, the Ontario Municipal Board, the Workmen’s Compensation Board, the Ontario Securities Commission, The Milk Control Board of Ontario, the Civil Service Commission, or the Board of Parole. R.S.O. 1950, c. 202, s. 8 (2); 1953, c. 56, s. 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 Her 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, is eligible as a member of the Assembly or shall sit or vote therein. R.S.O. 1950, c. 202, s. 9.

10.—(1) No person is ineligible as a member of the 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;

(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;

(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;

(d) by reason of his being the holder of a mining licence or having a contract or agreement with Her Majesty...
owners and persons interested in certain newspapers

Sec. 10 (1) (d)

(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 Her 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 Her 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 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;

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 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;

(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. 1950, c. 202, s. 10 (1).

(l) by reason of having received payment from the Crown for the burial of indigents who were resident in territory without municipal organization. 1957, c. 60, s. 1, amended.

(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. 1950, c. 202, s. 10 (2).

11. No disqualification under section 8 or 9 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 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. 1950, c. 202, s. 11; 1953, c. 56, s. 2.

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 is void. R.S.O. 1950, c. 202, s. 12.

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 or voting in the Assembly. R.S.O. 1950, c. 202, s. 13.
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.

(2) Nevertheless, whenever a person holding any of the offices mentioned in section 2 of The Executive Council Act and being at the same time a member of the Assembly resigns his office and accepts any other of such offices, he does not thereby vacate his seat in the Assembly.

(3) Where a member of the Executive Council holding any one of the offices mentioned in section 2 of The Executive Council Act is appointed to hold another office in addition to or in connection with such first-mentioned office, he does not thereby vacate his seat, and any increase or change of emolument arising from the holding of such two offices does not cause a vacancy or render a re-election necessary. R.S.O. 1950, c. 202, s. 14, amended.

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 such sum may be recovered from him by any person who sues for it in any court of competent jurisdiction.

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

(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. 1950, c. 202, s. 15.

16. Before a member elect is permitted to take the oath of allegiance required by The British North America Act, 1867, he shall file with the Clerk of the Assembly an affidavit (Form 1). R.S.O. 1950, c. 202, s. 16.
17.—(1) A member elect may at any time before his election is complained of disclaim his seat in the manner herein-after provided, and he thereby vacates the seat and ceases to be a member in respect of the seat so disclaimed.

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

I, . . . . 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.

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

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

(b) in the case of an election that 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.

(4) A petition that 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 Court of Appeal on notice to the petitioner and on proof by affidavit that the disclaimer has been given in the prescribed manner.

(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. 1950, c. 202, s. 17. R.S.O. 1960, c. 208, s. 18.

18. If a person returned as elected at a general election wishes to resign his seat 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
In other cases

10.—(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.

(2) An entry of the declaration so delivered to the Speaker shall thereafter be made upon the Journals of the Assembly. R.S.O. 1950, c. 202, s. 19 (1, 2).

(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 Chief Election Officer for the issue of a writ for the election of a member in the place of the member so resigning, and in either case the writ shall issue accordingly. R.S.O. 1950, c. 202, s. 19 (3); 1954, c. 44, s. 2.

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 Chief Election Officer 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. 1950, c. 202, s. 20; 1954, c. 44, s. 3.

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.
Sec. 26 (1) LEGISLATIVE ASSEMBLY Chap. 208

(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. 1950, c. 202, s. 21.

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 Chief Election Officer 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. 1950, c. 202, s. 22 (1); 1954, c. 44, s. 4.

(2) The Speaker shall forthwith after the receipt of the certificate, communicate the same to the Clerk of the Assembly. R.S.O. 1950, c. 202, s. 22 (2).

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. 1950, c. 202, s. 23.

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.

(2) If a person, other than the person returned as elected, appears by the certificate to have been duly returned or elected, he is thereupon entitled to sit and vote in the Assembly. R.S.O. 1950, c. 202, s. 24.

25. No writ shall issue under sections 18 to 24 during a session of the Legislature. R.S.O. 1950, c. 202, s. 25.

26.—(1) If a vacancy occurs 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 Chief Election Officer 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. 1950, c. 202, s. 26 (1); 1954, c. 44, s. 5 (1).
Proceedings when Speaker is absent from Ontario or there is no Speaker

(2) If any such vacancy occurs, 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 Chief Election Officer 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. 1950, c. 202, s. 26 (2); 1954, c. 44 s. 5 (2).

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 Chief Election Officer for the issue of a writ for the election of a member to fill a vacancy arising after 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. R.S.O. 1950, c. 202, s. 27 (1); 1954, c. 44, s. 6.

(2) The election to be held under the writ does 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, avoids the election held under this section, and the candidate declared duly elected at the previous election is entitled to take his seat as if no subsequent election had been held. R.S.O. 1950, c. 202, s. 27 (2).

Election being contested not affected

28. Subject to section 25, if the seat of a member has been vacant for three months and no writ has been issued, the Chief Election Officer shall issue the writ forthwith. R.S.O. 1950, c. 202, s. 28; 1954, c. 44, s. 7.

Where vacancy exists for three months

29.—(1) The Assembly at its first meeting after a general election shall proceed to elect one of its members to be Speaker.

(2) In case of a vacancy in the office of Speaker, the Assembly shall proceed to elect another of its members to be Speaker. R.S.O. 1950, c. 202, s. 29.

Election of Speaker

30. The Speaker shall preside at all meetings of the Assembly. R.S.O. 1950, c. 202, s. 30.

Vacancy in office of Speaker

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. R.S.O. 1950, c. 202, s. 31.

Duty to preside

Illness, etc., of the Speaker
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. R.S.O. 1950, c. 202, s. 32.

33. 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, during the continuance of the absence of the Speaker, has all the powers, privileges and duties of the Speaker. R.S.O. 1950, c. 202, s. 33.

34. Every bill passed and every order made and thing done by the Assembly while a member is acting as speaker is as valid and effectual as if done while the Speaker himself was in the chair. R.S.O. 1950, c. 202, s. 34.

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 deems necessary for any of its proceedings or deliberations.

(2) When the Assembly requires the attendance of a 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 his attendance before the Assembly or committee and the production of the papers and things as ordered. R.S.O. 1950, c. 202, s. 35.

36. No person is 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 is a contravention of this Act. R.S.O. 1950, c. 202, s. 36.

37. A member of the Assembly is not 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. 1950, c. 202, s. 37.

38. Except for a contravention of this Act, a member of the Assembly is not liable to arrest, detention or molestation for any cause or matter whatever of a civil nature during a session of the Legislature or during the twenty days preceding or the twenty days following a session. R.S.O. 1950, c. 202, s. 38.
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 are exempt from serving or attending as jurors in any court of justice in Ontario. R.S.O. 1950, c. 202, s. 39.

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. 1950, c. 202, s. 40.

41. 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 mentioned in section 40. R.S.O. 1950, c. 202, s. 41.

42. Every person contravening any of the provisions of section 40 or 41 is 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. 1950, c. 202, s. 42.

43. Any contravention of section 40 is a corrupt practice, and an election petition setting up the contravention may be filed within six months after the contravention in the same manner and the proceedings thereupon shall be the same as in the case of other election petitions. R.S.O. 1950, c. 202, s. 43.

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 has been guilty of a contravention of section 40, or if upon an election petition it is found that a member has been guilty of a contravention of section 40, his election becomes void and his seat shall be vacated, and a writ shall issue for a new election as if he were dead and he is 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. 1950, c. 202, s. 44.

45.—(1) The Assembly has 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:

1. Assault, insult or libel upon a member of the Assembly during a session of the Legislature or during the twenty days preceding or the twenty days following a session.
2. Obstructing, threatening or attempting to force or intimidate a member of the Assembly.

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.

4. Assault upon or interference with an officer of the Assembly while in the execution of his duty.

5. Tampering with a witness in regard to evidence to be given by him before the Assembly or a committee thereof.

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.

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.

8. Presenting to the Assembly or to a committee thereof a forged or false document with intent to deceive the Assembly or committee.

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.

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.

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 or during the twenty days preceding or the twenty days following a session.
(2) For the purposes of this Act, the Assembly possesses 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. 1950, c. 202, 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, is liable to imprisonment for such time during the session of the Legislature then being held as is determined by the Assembly. R.S.O. 1950, c. 202, s. 46.

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. R.S.O. 1950, c. 202, s. 47.

(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. 1950, c. 202, s. 47.

48. The determination of the Assembly upon any proceeding under this Act is final and conclusive. R.S.O. 1950, c. 202, s. 48.

49.—(1) Any person who is a defendant in a 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 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 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.
Sec. 55. 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. 1950, c. 202, s. 49.

50.—(1) If a civil proceeding is commenced for or in respect of the publication of a 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.

(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. 1950, c. 202, s. 50.

51. It is 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. 1950, c. 202, s. 51.

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 that the Assembly, committee or member might otherwise have been entitled to exercise or enjoy. R.S.O. 1950, c. 202, s. 52.

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. 1950, c. 202, s. 53.

54. At least twenty members of the Assembly is necessary to constitute a quorum for the transaction of business, and for that purpose the Speaker shall be counted. R.S.O. 1950, c. 202, s. 54.

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 has a vote. R.S.O. 1950, c. 202, s. 55.
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 that 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. 1950, c. 202, s. 56.

57. The judges of the Supreme Court are ex officio commissioners to report under the Rules of the Assembly in respect of estate bills. R.S.O. 1950, c. 202, s. 57.

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. 1950, c. 202, s. 58.

59. Where witnesses are not required to be examined orally, an affirmation, declaration or affidavit, that 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. 1950, c. 202, s. 59.

60.—(1) Every member of the Assembly shall be paid,

(a) an indemnity at the rate of $5,000 per annum; and

(b) an allowance for expenses at the rate of $2,000 per annum. R.S.O. 1950, c. 202, s. 60 (1); 1960, c. 57, s. 1 (1, 2).

(2) For the purpose of computing the amount of any indemnity or allowance payable under this section, a member shall be deemed to have been a member from the polling day on which he was elected and, when the Legislature of which he was a member was dissolved, he shall be deemed to have been a member until the day preceding the polling day that followed the dissolution, or until his death, whichever occurs first. R.S.O. 1950, c. 202, s. 60 (2), amended.

(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. R.S.O. 1950, c. 202, s. 60 (3).
(4) Notwithstanding subsection 3, each member on his request shall be paid by way of advance any part of his allowance for expenses, not exceeding $150 per month, that has accrued at the time the request is made. 1954, c. 44, s. 8; 1960, c. 57, s. 1 (3).

61.—(1) In addition to his indemnity and allowance for expenses as a member, there shall be paid to every minister of the Crown in charge of a department and to the minister of the Crown who is a member of The Hydro-Electric Power Commission of Ontario and to the Leader of the Opposition an allowance for the expenses of representation at the rate of $2,000 per annum. 1954, c. 44, s. 8; 1960, c. 57, s. 2.

(2) In addition to his indemnity and allowance for expenses as a member, there shall be paid to every minister of the Crown without portfolio, other than the minister without portfolio who is a member of The Hydro-Electric Power Commission of Ontario, an allowance for the expenses of representation at the rate of $1,000 per annum. 1956, c. 39, s. 2; 1960, c. 57, s. 2.

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

(a) to the Speaker,

(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; and

(b) to the Leader of the Opposition an indemnity at the rate of $12,000 per annum. R.S.O. 1950, c. 202, s. 61 (1); 1952, c. 51, s. 2; 1960, c. 57, s. 3 (1).

(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 have occupied the position from the polling day on which he was elected a member of the Assembly and, when the Legislature in which he occupied the position was dissolved, he shall be deemed to have occupied the position until the day preceding the polling day that followed 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 have occupied the position from the day following that on which his predecessor ceased to occupy the position. R.S.O. 1950, c. 202, s. 61 (2), amended.

(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. R.S.O. 1950, c. 202, s. 61 (3).

(4) Notwithstanding subsection 3, the Speaker upon his request shall be paid by way of advance any part of his allowance for expenses, not exceeding $140 per month, that has accrued at the time the request is made. 1954, c. 44, s. 9; 1960, c. 57, s. 3 (2).

63.—(1) In addition to his indemnity as a member, the Chairman of the Committees of the Whole House shall be paid an indemnity of $2,000 for each session. R.S.O. 1950, c. 202, s. 62 (1); 1960, c. 57, s. 4.

(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. R.S.O. 1950, c. 202, s. 62 (2).

64. There shall be allowed to each member of the Assembly in respect of six trips per annum from his place of residence to the seat of government at Toronto 10 cents for every mile of the distance between his place of residence and Toronto, which distance shall be determined and certified by the Speaker. 1954, c. 44, s. 10; 1956, c. 39, s. 3.

65.—(1) There shall be paid to each member of a committee of the Assembly, other than the chairman thereof, an allowance for expenses of $30, and to the chairman thereof an allowance for expenses of $35, in respect of every day during the interval between sessions of the Assembly,

(a) upon which he attends a meeting of the committee; or

(b) upon which he is absent from home and is engaged on the work of the committee, other than days spent travelling to and from meetings of the committee.

(2) There shall be paid to each member of a committee of the Assembly an allowance for travelling of $20, and his actual disbursements for berth, meals and gratuities, for each day spent travelling to and from meetings of the committee.

(3) In the case of an inspection tour by a committee of the Assembly, there shall be paid to each member thereof his actual disbursements for transportation and sleeping accommodation. 1954, c. 44, s. 10, part.
FORM 1
(Section 16)

AFFIDAVIT OF MEMBER ELECT

I, ........................................, of the........................of...................... in the........................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 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 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


FORM 2
(Section 58)

OATH OF WITNESSES

The evidence you shall give to this Commission 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. 1950, c. 202, Form 2.