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## CHAPTER 8

### AN ACT RESPECTING INQUIRIES AS TO PUBLIC MATTERS

**1.** This act may be cited as the *Public Inquiry Commission Act*. Short title.

**2.** Whenever the Lieutenant-Governor in Council deems it expedient to cause inquiry to be made into and concerning any matter connected with the good government of the Province, the conduct of any part of the public business, the administration of justice, any matter of importance relating to public health, or any matter connected with the good government of any municipality of the Province, he may, by a commission issued to that effect, appoint one or more commissioners by whom such inquiry shall be conducted. Appointment of commissioners to hold inquiries.

The Lieutenant-Governor in Council shall, however, exercise the power conferred upon him under this section only with respect to precisely alleged accusations, actions or facts, and the inquiry shall extend only to such accusations, actions or facts, so alleged. R. S. (1909), 584; 15 Geo. V, c. 20, s. 1. Allegations required.

**3.** The commissioners so appointed shall, before acting, take the following oath of office before a judge of the Superior Court: Oath of commissioners.

"I, A. B., do swear that I will exercise and perform the powers and duties vested in me by the provisions of the Public Inquiry Commission Act (Chap. 8 of the Revised Statutes, 1925), according to the best of my knowledge and judgment. So help me God." R. S. (1909), 585. Form of oath.

**4.** The Lieutenant-Governor in Council may also appoint a secretary to the commission. Secretary.

The commissioners may, with the authorization of the Attorney-General, employ stenographers, clerks and messengers, etc. Stenographers, etc.

Other expenses. They may also incur such further expenses as may be necessary for the performance of their duties.

Salaries of commissioners, etc. The salaries of the commissioners, secretary, stenographers, clerks and messengers shall be fixed by the Lieutenant-Governor in Council. R. S. (1909), 586.

Meetings. **5.** The commissioners shall, within a reasonable time after their appointment, hold meetings for the purposes of the inquiry, at the place where the necessary information is to be obtained.

Notice thereof. They shall give notice of the time and place of their first meeting, in two French and two English newspapers published nearest to the place of meeting.

Adjournments. The commissioners shall not adjourn the inquiry for a period of more than one week, unless they be duly authorized to that effect by the Attorney-General. R. S. (1909), 587.

Duty of commissioners. **6.** The commissioners may, by all such lawful means as they may think best fitted to discover the truth, inquire into the matters referred to them for investigation.

Report. As soon as the inquiry is completed, they shall report the result, with all evidence taken during the inquiry, to the Lieutenant-Governor in Council, who shall order such action to be taken in the matter as shall be warranted by the evidence and report. R. S. (1909) 588.

Attendance of commissioners and their powers. **7.** A majority of the commissioners must attend and preside at the hearing of witnesses, and they, or a majority of them, shall have, with respect to the proceedings upon the hearing, all the powers of a judge of the Superior Court in term. R. S. (1909), 589.

Indemnity to Judge. **8.** Any law to the contrary notwithstanding, the Lieutenant-Governor in Council may grant such indemnity as he shall deem advisable to judges of the Court of King's Bench and of the Superior Court, appointed commissioners under the preceding sections. R. S. (1909), 590.

Summoning of witnesses, etc. **9.** The commissioners or any of them may, by a summons under his or their hand or hands, require the attendance before them, at a place and time therein specified, of any person whose evidence may be material to the subject of inquiry, and may order any person to bring before them such books, papers, deeds and writings as appear necessary for arriving at the truth.

Persons to attend, etc. Every such person shall attend and answer all questions put to them by the commissioners touching the matter to

be inquired into, and shall produce, before the commissioners, all books, papers, cheques, promissory notes, deeds and writings, required of him, and in his custody or control, according to the tenor of the summons.

The commissioners or any one of them may require the Oath of usual oath or affirmation from every person examined witnesses. before them, and may administer the same. R. S. (1909), 591.

**10.** Any person on whom any summons has been served, Default to in person or by leaving a copy thereof at his usual residence, appear who fails to appear before the commissioners, at the time when and place specified therein, may be proceeded against by the commissioners in the same manner as if he had failed to obey any subpoena or any process lawfully issued from a court of justice. R. S. (1909), 592, § 1.

**11.** Any person refusing to be sworn when duly re- Refusal to quired, or omitting or refusing, without just cause, suffi- swear, etc. ciently to answer any question that may be lawfully put to him, or to render any testimony in virtue of this act, shall be deemed to be in contempt of court and shall be punished accordingly.

No answer given, however, by any person so heard as a Protection witness, may be used against him in any prosecution under of witnesses. any act of the Legislature, if the commissioners have given him a certificate establishing that he has claimed the right to be excused from answering, and has given full and truthful answers to the satisfaction of the said commissioners. R. S. (1909), 592, §§ 2, 3.

**12.** If any person refuse to produce, before the commis- Proceedings sioners, any paper, book, deed or writing in his possession for or under his control which they deem necessary to be contempt. produced, or if any person be guilty of contempt of the commissioners or of their office, the commissioners may proceed for such contempt in the same manner as any court or judge under like circumstances. R. S. (1909), 592, § 4.

**13.** The commissioners may allow to any witness Travelling summoned to appear before them, and who resides at more expenses, than ten miles from the place of examination, the actual etc., of cost of his travelling expenses and cost of maintenance certain wit- nesses. during the time he is detained by the inquiry. R. S. (1909), 593.

**14.** The Treasury Board and the commissioners Power of the named by it, the Provincial Auditor, the inspectors of Treasury

Board and others as to inquiries instituted by them. prisons, hospitals and other institutions, any inspector of registry offices and any inspector of public offices, and each of such inspectors, the Civil Service Board and the commissioners appointed by it, the Council of Education and each of the Committees thereof and the commissioners appointed by them, the Superintendent of Education, the secretaries of the Department of Education, and school inspectors, shall have, by law, the powers mentioned in sections 9, 10, 11, 12 and 13.

Powers may be conferred on other boards, etc. The Lieutenant-Governor may, by order-in-council, whenever he deems it advisable in the interest of the public service, confer the same powers upon any other board, body or person applying therefor, for the purpose of any inquiry to be made by such board, body or person. R. S. (1909), 594; 1 Geo. V (1911), c. 49, s. 5.

Costs.

**15.** In the case of an inquiry into the affairs of any municipality, all the costs occasioned by the inquiry shall be paid by such municipality.

Advances of money by municipality to commissioners, etc. The commissioners may, by order, require the municipality to advance them, within such delay as they may fix, any moneys necessary for the performance of their duties, and, after the service of such order upon him, the treasurer or secretary-treasurer of the municipality shall, within the prescribed delay, and under penalty of being in contempt of court, transmit the amount required to the secretary of the commission.

Advances whence taken.

The treasurer or secretary-treasurer shall be authorized to take such amount out of the general funds of the municipality, notwithstanding any provision to the contrary contained in any special or general act.

Reimbursement of costs to municipality by certain persons.

If, in the course of an inquiry, it be established that there has been maladministration or malversation on the part of any employee, alderman or councillor of the municipality, or on the part of any other person, or if it be established therein that the charge which gave rise to the inquiry is unfounded, the commissioners may condemn the person or persons inculpated, or the person who has brought the false accusation, to repay the municipality the whole of the costs of such inquiry, or such part thereof as they may think fit.

Recovery of such costs.

Failing immediate payment of such costs, the municipality shall sue any person liable therefor, for the recovery thereof, and such person shall be liable to imprisonment until he has paid in full the costs which he has been condemned to pay. R. S. (1909), 595.

Protection

**16.** The commissioners shall have the same protec-

tion and privileges as are conferred upon judges of the Superior Court, for any act done or omitted in the execution of their duty. R. S. (1909), 596. and privileges of commissioners.

**17.** No writ of injunction or prohibition or other legal proceeding shall interfere with or stay the proceedings of the commissioners in the inquiry. R. S. (1909), 597. Writ of injunction, etc. not to lie.

**18.** Certified copies of the evidence taken by the commissioners may be obtained by any person applying therefor, on payment therefor at the rate of ten cents per hundred words. R. S. (1909), 598. Copies of evidence.

**19.** The Lieutenant-Governor in Council shall fix the date when the commissioners shall complete their labours and reports, and the limit of the expenditure on such commission; after which date all expenses of the commission shall cease. R. S. (1909), 599. Date when labours, etc., to be completed.

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