



CHAPTER 20

An Act to amend the Quebec Controverted Elections Act

[Assented to, the 17th of December, 1931]

HIS MAJESTY, with the advice and consent of the
Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. Section 14 of the Quebec Controverted Elections Act R. S., c. 5,
s. 14, re-
pealed.
(Revised Statutes, 1925, chapter 5) is repealed.

2. Section 16 of the said act is amended by adding Id., s. 16,
am.
thereto, after the words: "as soon as possible", at the end
of the form thereof, the following paragraphs:

"That I (*or we*) believe (*or have reason to believe, as Form of
the case may be,*) that all the facts mentioned in this petition affidavit.
are true;

That the sum of one thousand dollars deposited as Idem.
security in this cause is and was my (*or our*) property
and was taken from my (*or our*) own moneys;

That no person has guaranteed that I (*or we*) be indem- Idem.
nified for any costs or damages resulting from the present
petition."

3. Section 19 of the said act is amended by adding R. S., c. 5,
s. 19, am.
thereto the following paragraph:

"The provisions of section 6 shall not apply to such de- Provisions
not ap-
plicable.
lay."

4. Section 20 of the said act is amended: R. S., c. 5,
s. 20, am.

a. By adding thereto, after the word: "alleged", in the
seventh line thereof, the words: "and not later";

b. By adding thereto the following paragraph:

"The provisions of section 6 shall not apply to such Provisions
not ap-
plicable.
delay."

R. S., c. 5, ss. 23a, 23b, added. **5.** The following sections are inserted in the said act after section 23 thereof:

Security must be property of petitioner.

"23a. The sum of one thousand dollars which the petitioner must deposit as security, as provided by sections 22 and 23, must be the property of the petitioner and must be taken from his own moneys and not from any other source for the purposes of the contestation; otherwise the security is null and void.

Special plea.

"23b. The fact that the security has been furnished by any person other than the petitioner may be invoked at any stage of the proceedings, even if it has been already invoked and adjudged, by a special plea; and such plea must be adjudicated upon before any other incident of the case and before trial on the merits.

Appeal.

An appeal shall lie to the Court of King's Bench (Appeal Side) from the judgment maintaining or dismissing such plea."

R. S., c. 5, s. 53, replaced.

6. Section 53 of the said act is replaced by the following:

Suspension of trial on merits during session.

"53. No trial on the merits of any election petition may be commenced or proceeded with during the sessions of the Legislature nor during the eight days which precede and the eight days which follow such sessions, there being no necessity for any application in this connection by the respondent.

Provisions applicable.

This provision shall apply to the preliminary examination of the respondent and to the application for the fixing of a day for the trial and to any other proceeding respecting the trial."

R. S., c. 5, s. 124, am.

7. Section 124 of the said act is amended by striking out the second paragraph thereof.

Pending cases.

8. This act must be applied to every petition contesting the election of any member of the Legislative Assembly of Quebec, now pending, as if this act had been in force at the time when the contestation proceedings were begun.

Coming into force.

9. This act shall come into force on the day of its sanction.