



## CHAPTER 99.

### An Act respecting Public and Departmental Inquiries.

#### SHORT TITLE.

1. This Act may be cited as the Inquiries Act. - R.S., c. 104, s. 1. Short title.

#### PART I.

##### PUBLIC INQUIRIES.

2. The Governor in Council may, whenever he deems it expedient, cause inquiry to be made into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof. R.S., c. 104, s. 2. Governor may cause inquiry into public matters.

3. In case such inquiry is not regulated by any special law, the Governor in Council may, by a commission in the case, appoint persons as commissioners by whom the inquiry shall be conducted. R.S., c. 104, s. 3. Appointment of commissioners.

4. The commissioners shall have the power of summoning before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation if they are persons entitled to affirm in civil matters, and orally or in writing, and to produce such documents and things as the commissioners deem requisite to the full investigation of the matters into which they are appointed to examine. R.S., c. 104, s. 4. Powers of commissioners.

5. The commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases. R.S., c. 104, s. 5. Idem.

## PART II.

## DEPARTMENTAL INVESTIGATIONS.

Appoint-  
ment of  
commis-  
sioners.

6. The minister presiding over any department of the Civil Service of Canada, may appoint at any time, under the authority of the Governor in Council, a commissioner or commissioners to investigate and report upon the state and management of the business, or any part of the business, of such department, either in the inside or outside service thereof, and the conduct of any person in such service, so far as the same relates to his official duties. R.S., c. 104, s. 6.

Powers of  
commis-  
sioners.

7. The commissioner or commissioners may, for the purposes of the investigation, enter into and remain within any public office or institution, and shall have access to every part thereof, and may examine all papers, documents, vouchers, records and books of every kind belonging thereto, and may summon before him or them any person and require him to give evidence on oath, orally or in writing, or on solemn affirmation if he is entitled to affirm in civil matters; and any such commissioner may administer such oath or affirmation. R.S., c. 104, s. 7.

May issue  
subpœna or  
summons.

8. The commissioner or commissioners may, under his or their hand or hands, issue a subpœna or other request or summons, requiring and commanding any person therein named to appear at the time and place mentioned therein, and then and there to testify to all matters within his knowledge relative to the subject-matter of such investigation, and to bring with him and produce any document, book, or paper, which he has in his possession or under his control relative to any such matter as aforesaid; and any such person may be summoned from any part of Canada, by virtue of such subpœna, request or summons.

Expenses.

2. Reasonable travelling expenses shall be paid to any person so summoned at the time of service of the subpœna, request or summons. R.S., c. 104, s. 8.

Evidence  
may be  
taken by  
com-  
mission.

9. If, by reason of the distance at which any person, whose evidence is desired, resides from the place where his attendance is required, or for any other cause, the commissioner or commissioners deem it advisable, he or they may issue a commission or other authority to any officer or person therein named, empowering him to take such evidence and report the same to him or them.

Powers  
for that  
purpose.

2. Such officer or person shall, before entering on any investigation, be sworn before a justice of the peace faithfully to execute the duty entrusted to him by such commission, and shall, with regard to such evidence, have the

same powers as the commissioner or commissioners would have had if such evidence had been taken before him or them, and may, in like manner, under his hand issue a subpoena or other request or summons for the purpose of compelling the attendance of any person, or the production of any document, book or paper. R.S., c. 104, s. 9.

**10.** Every person who

(a) being required to attend in the manner in this Part provided, fails, without valid excuse, to attend accordingly; or

(b) being commanded to produce any document, book or paper, in his possession or under his control, fails to produce the same; or

(c) refuses to be sworn or to affirm, as the case may be; or

(d) refuses to answer any proper question put to him by a commissioner, or other person as aforesaid;

shall, on summary conviction before any police or stipendiary magistrate, or judge of a superior or county court, having jurisdiction in the county or district in which such person resides, or in which the place is at which he was so required to attend, be liable to a penalty not exceeding four hundred dollars. Penalty.

2. The judge of the superior or county court aforesaid shall, for the purposes of this Part, be a justice of the peace. Judge to be J.P.  
R.S., c. 104, s. 10.

### PART III.

#### GENERAL.

**11.** The commissioners, whether appointed under Part I or under Part II of this Act, if thereunto authorized by the commission issued in the case, may engage the services of such accountants, engineers, technical advisers, or other experts, clerks, reporters and assistants as they deem necessary or advisable, and also the services of counsel to aid and assist the commissioners in the inquiry. Employment of counsel, experts and assistants.

2. The commissioners may authorize and depute any such accountants, engineers, technical advisers, or other experts, or any other qualified persons, to inquire into any matter within the scope of the commission as may be directed by the commissioners. Experts may take evidence and report.

3. The persons so deputed, when authorized by Order in Council, shall have the same powers which the commissioners have to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.

4. The persons so deputed shall report the evidence and their findings, if any, thereon to the commissioners. 1912, c. 28, s. 1.

Parties  
may  
employ  
counsel.

12. The commissioners may allow any person whose conduct is being investigated under this Act, and shall allow any person against whom any charge is made in the course of such investigation, to be represented by counsel. 1912, c. 28, s. 1.

Notice to  
persons  
charged.

13. No report shall be made against any person until reasonable notice shall have been given to him of the charge of misconduct alleged against him and he shall have been allowed full opportunity to be heard in person or by counsel. 1912, c. 28, s. 1.

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