



CHAPTER 48

An Act respecting physical contests

[Assented to, the 7th of March, 1934]

WHEREAS physical contests, generally, without strict Preamble. supervision, may imperil human life or health or afford a spectacle contrary to morals or public order; and

Whereas certain physical contests are by nature injurious to health or life, morality or public order;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Revised Statutes, 1925, are amended by adding R. S., thereto, after chapter 164 thereof, the following chapter: c. 164A,
added.

"CHAPTER 164A

"AN ACT RESPECTING PHYSICAL CONTESTS

"1. This act may be cited as the *Physical Contest Act*. Short title.

"2. In this act,—

1. The words "physical contest" mean and include any Interpreta-
tion: contest between competitors wherein human physical "Physical
contest"; endurance is put to test and which may become indecent, injurious to health or contrary to public order;

2. The word "immoveable" means and includes any "Immove-
edifice, building, house, premises, enclosed or unenclosed able";
ground, in the Province, or any part of such edifice, building
house, premises or ground;

3. The words "chief of police" mean the chief of police "Chief
of police"; of the Province of Quebec, the chief of the Provincial police of the Quebec or Montreal division, the person filling the

office of superintendent, director or chief of police in any municipality, and if there be no such officer in a municipality they mean the mayor of the municipality;

"Person".

4. The word "person" includes also corporation, partnership, firm or association.

Permit for holding physical contest.

"3. No person may hold a physical contest or allow one to be held, unless a permit for the purpose has been granted to him by the chief of police and unless such permit be in force. Such permit shall be granted gratuitously.

Duration of permit.

No permit shall be granted for a period of more than twelve months, but it is renewable at its expiration.

Revoking, etc., of permit.

"4. A permit granted under this act may be revoked at any time by the chief of police who issued it, if he considers that the physical contests being carried on are indecent, detrimental to health or contrary to public order, and the said chief of police must, in all cases, cancel the permit on the request of the Attorney-General or of the mayor of the municipality.

Offences and penalties.

"5. Whosoever,—

1. Holds physical contests or allows them to be held without a permit granted and in force in accordance with the provisions of this act;

2. Directly or indirectly aids in the organizing or carrying on of such physical contests,—

commits an infringement of this act and shall be liable, in addition to the costs: in the case of a first infringement, to a fine not exceeding one hundred dollars, and, in default of payment of such fine and costs, to an imprisonment of not more than one month; and, in the case of any subsequent infringement, to imprisonment for one month.

Idem.

"6. Whosoever,—

1. Having charge, in any way, of the carrying on of a physical contest, suffers such contest to be injurious to human health and life, or to morality or public order; or

2. Knowingly, participates in or attends a physical contest contemplated in the foregoing sub-paragraph 1; or

3. Holds or allows to be held a physical contest which, by its nature, endangers human health or life, or affords a spectacle contrary to morals or public order; or

4. Directly or indirectly aids in the organizing or carrying on of a physical contest as contemplated by the above sub-paragraph 3,—
 commits an infringement of this act and shall be liable, in addition to the costs: in the case of a first infringement, to a fine of not more than two hundred dollars, and, in default of payment of such fine and costs, to an imprisonment not exceeding two months; and, in the case of any subsequent infringement, to an imprisonment of two months.

“7. Any chief of police who, upon the request of the Attorney-General or of the mayor of the municipality made under section 4, neglects to cancel a permit granted by him under this act, commits an infringement of this act and shall be liable, in addition to the costs, to a fine not exceeding one hundred dollars, and, in default of payment of such fine and costs, to an imprisonment not exceeding one month. Neglect to cancel permit deemed offence.

“8. Any member of the Provincial or municipal police or any peace officer may enter, at any time, into or upon any immovable, in order to ascertain whether an infringement of this act is being committed there, and every person who refuses him entrance into or upon the said immovable, or hinders such entrance, in any way, shall be liable to the penalties prescribed by section 7. Powers of police.

“9. Any person knowing or having reason to believe that an immovable is used for the carrying on of physical contests contrary to this act may send to the owner, lessor, lessee or occupant of such immovable or their agent, a notice to that effect, by registered letter to the last known address of the said owner, lessor, lessee, occupant or agent, as the case may be. Notice may be sent in certain case.

“10. If, two days after the mailing of such notice, the immovable continues to be used for physical contests, contrary to the provisions of this act, any person may apply for and obtain an injunction directed against the owner, lessor, lessee or occupant of such immovable or their agent, or against all such persons simultaneously, restraining them, their heirs, successors or assigns from using or permitting the use of such immovable for the above purposes. Injunction, in certain case.

“11. All the provisions of the Code of Civil Procedure respecting injunctions shall apply to the injunction referred to in section 10, unless expressly derogated from by this act. Provisions applicable to injunction.

Issuing,
etc., of in-
junction.

"12. The said injunction shall be issued upon a deposit or security not exceeding two hundred dollars, fixed by the judge, and the service of such injunction and of all proceedings, preliminary to or in connection therewith, must be made personally upon the owner or other person or persons against whom it is directed, if they can be found in the district. If they cannot be so found, a copy of the injunction shall be delivered to any reasonable person residing in the said building or the occupant, and to the agent of the owner. If no such reasonable person be found therein or if the owner has no agent or if such agent cannot be found, then service shall be made as the court shall direct.

Closing of
certain im-
moveable
for certain
period.

"13. If the judge finds that such immoveable continues to be used in contravention of this act, he shall by his final judgment, in addition to all other orders he is empowered to make, order the closing of the said immoveable and prohibit its use for any purpose whatsoever, for a period of not more than one year from the date of judgment which must be registered against the immoveable.

Formalities
for suspend-
ing closing.

"14. After the judgment ordering the closing of the immoveable, the owner or the occupant under any title whatsoever, upon establishing his good faith and his ignorance that the immoveable had been used in contravention of this act, and upon furnishing cash security, determined by a judge of the Superior Court and deposited in court as a guarantee that the said immoveable will not again be used for the said purposes, may obtain an order suspending the carrying out of the said judgment.

Further
closing order
in certain
event.

"15. Upon application by the interested parties, supported by evidence to the effect that notwithstanding the security furnished the said building is again being used in contravention of this act, the judge may cancel the said security and order the confiscation in favour of the Crown of the deposit, and again order the closing of the immoveable for the unexpired time, or for an additional period of not more than one year.

Occupation
of immove-
able for cer-
tain pur-
poses.

"16. Should it appear to the judge, upon application of the owner or of the occupant of the closed immoveable, at any time, that the said immoveable or its contents is or are likely to suffer damage by reason of its closing, the judge, under such conditions and limitations as he may see fit to impose, may permit the occupation of the said immove-

able in so far as it may be necessary to prevent it or its contents from deteriorating; and where in any proceedings the owner or the occupant is not represented, the judge may attach such conditions to the closing order or re-closing order as he considers will serve to protect the said immovable or its contents from damage.

"17. Nothing in this act contained shall be interpreted as dispensing with the provisions enacted by Division III of the Quebec License Act (Chap. 25), respecting places of amusement." Provisions
safeguarded.

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

