

C H A P . 79

An Act respecting the repression of certain disorders in houses built on the frontier lines of the Province

[Assented to, the 15th of March, 1924]

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

- Meaning of words: **1.** In this act, unless the context clearly indicates otherwise, the following terms and expressions have the meaning hereinunder given them:
- “Person”; 1. The word “person” means and includes every individual, corporation, association, partnership, firm, trustee, tenant, agent or transferee;
- “House”; 2. The word “house” means the portion, situated within the territory of the Province, of any building, construction, shelter, penthouse, shed or other erection, under whatever name known or designated, attached to the ground or portable, built, erected or placed on the surface or above or underground, permanently or temporarily, partly on the territory of the Province and partly on that of one of the United States of America or of another province of Canada;
- “Disorderly house”. 3. The expression “disorderly house” means the part of the house described in the preceding paragraph 2, situated in the Province of Quebec, used for any of the purposes whatsoever which constitute a disorderly house within the meaning of Part V of the Criminal Code of Canada, or used for trading, transportation, keeping or delivery of alcoholic liquors, contrary to the provisions of The Alcoholic Liquor Act (11 George V, chapter 24), or of The Alcoholic Liquor Possession and Transportation Act (11 George V, chapter 25), or of any other law respecting the above objects.
- Prohibition of use as a disorderly house. **2.** It shall be unlawful for any person possessing or occupying a house of any description to use it or to allow anyone to make use of it as a disorderly house. A certified copy of any judgment declaring a person guilty of an offence under articles 228, 228a, 229 or 229a of the Criminal Code, of a violation of The Alcoholic Liquor Act or of The Alcoholic Liquor Possession and Transportation Act, committed within the house, shall be proof, *prima facie*, that the house was used for the purposes for which the sentence was rendered.

date of registration. to a person who has acquired any rights with respect to such property before such registration.

Exception as to notice, in case of disorderly house. Nevertheless, the notice given under section 3 shall be effective against any person who has acquired such property before the registration of the judgment, if the court be of opinion that such person is using the house or any part of it, as a disorderly house.

Order suspending execution of judgment in certain cases, upon giving security. **8.** At any time after the judgment ordering the closing of the house, or within fifteen days of the judgment ordering its demolition or removal, if the registered owner thereof proves that he was in good faith and was unaware of the purposes for which the house was used in violation of the provisions hereof and gives cash security to an amount not exceeding five thousand dollars, depositing same in court as a guarantee that the house will not be again used for such purposes, he may obtain an order suspending the execution of such judgment; and the registrar of the registration division, in which the immoveable property affected is situated, shall, upon receipt of a certified copy of such order, cancel in his registers the entry of the judgment whose execution is thus suspended.

Duty of registrar in such case.

Forfeiture of security. Upon the application of the interested parties, by petition to the Superior Court or to a judge thereof, supported by evidence that in spite of such security and guarantee, use continues to be made of the house in violation of the provisions of this act, the judge may order the forfeiture of the said security and confiscation of the deposit in favour of the Crown, and the renewal of the registration of the judgment ordering the closing of the house or its demolition or removal, as the case may be.

Renewal of registration.

Procedure for protection of property or effects from damage. **9.** If upon the owner's said application the judge has reason to believe that the house or its contents is or are liable to damage through closing it as above, he may, upon such conditions and restrictions as he may impose, allow the occupation of such house as long as may be necessary to prevent it or its contents being damaged or, in the case of demolition or removal, the judge may order the removal of the effects which it contains within the delay he fixes; and, if in such proceedings the owner is not represented, the judge may, in the order for closing, demolishing or removing, lay down such conditions as he deems proper to protect the property or effects from damage.

Cost of demolishing.

10. The cost of demolishing shall be paid by the petitioner, saving his recourse for recovery from the persons in default.

11. The lease of any house or part of a house, used for the purposes or any of the purposes aforesaid, shall be considered as null and void, save that the owner or lessor may invoke it in any legal proceedings to expel the lessee. Nullity of lease. Exception.

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

C H A P . 8 0

An Act to amend the Code of Civil Procedure

[Assented to, the 15th of March, 1924]

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

1. Article 5 of the Code of Civil Procedure is amended by striking out paragraph 4 thereof. C. C. P., art. 5, am.

2. Article 10 of the Code of Civil Procedure is amended by striking out the second paragraph thereof. C. C. P., art. 10, am.

3. Article 37 of the Code of Civil Procedure, as amended by the act 1 George V (1911), chapter 50, section 1, is again amended by replacing the words and numbers: "of Articles 2710, 2711 and 2712 of the Revised Statutes", in the fourth and fifth lines thereof, by the words and numbers: "of Articles 3510, 3511 and 3512 of the Revised Statutes, 1909". C. C. P., art. 37, am.

4. Article 73 of the Code of Civil Procedure, as amended by the acts 1 George V (1911), chapter 50, section 2; 7 George V, chapter 54, section 1, and 13 George V, chapter 78, section 2, is again amended by striking out paragraph 1a thereof. C. C. P., art. 73, am.

5. Article 73a of the Code of Civil Procedure, as enacted by the act 7 George V, chapter 54, section 2, is repealed. C. C. P., art. 73a, repealed.

6. Article 124 of the Code of Civil Procedure is amended by replacing the words and numbers: "of Articles 5720 to 5727 of the Revised Statutes", in the fourth line of the fourth paragraph thereof, by the words and numbers: "of Articles 7544 to 7551 of the Revised Statutes, 1909". C. C. P., art. 124, am.