

as enacted by the act 7 George V, chapter 17, section 29, and amended by the act 8 George V, chapter 23, sections 25, 26 and 27; 1292*k*, as enacted by the act 7 George V, chapter 17, section 29, and replaced by the act 8 George V, chapter 23, section 31; and 1292*n*, as enacted by the act 8 George V, chapter 23, section 32, are hereby repealed from the first day of July, 1919.

**38.** The following provisions of the Revised Statutes, Do. 1909, as amended, are hereby repealed, to wit: articles 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1312*a*, 1313, paragraph 16 of article 988, and article 5029.

**39.** No repeal by this act of any provision of law shall in any way affect pending cases.

**40.** Sections 19, 24, and 27 of this act shall come into force on the day of its sanction, and all the other sections of this act shall come into force on the first day of May, 1919.

## C H A P. 19

An Act respecting the consulting of the electors, by referendum, on the subject of the sale of light beer, cider and wines

[Assented to, 17th of March 1919]

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

**1.** This act may be cited as "The Referendum Act, Short title. 1919".

**2.** There shall be submitted to the vote of the electors hereinafter declared entitled to vote thereon, the following question:

"Is it your opinion that the sale of light beer, cider and wines, as defined by law, should be allowed?"

**3.** The Lieutenant-Governor in Council may, by proclamation, fix a day between the first and the fifteenth of April, 1919, on which the voting shall take place.

Such day shall be the same for each of the eighty-two electoral districts of the Province.

Proclamation.

The proclamation of the Lieutenant-Governor in Council shall be published in the *Quebec Official Gazette* until the voting has taken place.

Qualification of voters.

**4.** The only persons entitled to vote shall be all persons entered on the electoral lists prepared for the election of members of the Legislative Assembly of Quebec, and in force on the date of the proclamation of the Lieutenant-Governor.

Returning-officer.

**5.** The returning-officer shall in no case be entitled to vote.

Quebec election act applies.

**6.** Except as otherwise provided in this act or in any regulation, order or instruction made or given under the authority thereof, by the Lieutenant-Governor in Council, the proceedings, as nearly as may be, shall be had as in the case of a general election of members of the Legislative Assembly of Quebec, and the Quebec Election Act, and its amendments, shall apply, *mutatis mutandis*,—

- a. with respect to the conduct of the proceedings;
- b. with respect to the powers to be exercised and the duties to be performed by, and the rights, obligations, liabilities, qualifications and disqualifications of, judges, officers, electors, and all other persons;
- c. with respect to offences and the penalties which may be incurred;
- d. with respect to the jurisdiction of courts, judges and magistrates, as well as to all proceedings before the same;
- e. with respect to the fees and expenses of returning officers and others.

Regulations, etc., by Lt.-Gov. in C.

**7.** The Lieutenant-Governor in Council may, at any time, make and give all such regulations, orders and instructions, not inconsistent with the provisions of this act, as are in his judgment necessary or expedient for the effectual carrying out of the purposes thereof, and for the adapting to such purposes of the provisions of the Quebec Election Act and its amendments.

Returning-officers in certain districts.

**8.** There shall be a returning-officer for each of the electoral districts of Charlevoix and Saguenay.

For the reference in the electoral districts of Saguenay

and the Magdalen Islands, the Lieutenant-Governor in Council may appoint as returning-officers the two persons he deems most competent to properly fill this office.

**9.** When in any electoral district there is more than one Returning-registration division, the Lieutenant-Governor in Council <sup>officer may</sup> may appoint a returning-officer for each of such registrat- <sup>be appointed</sup> ion divisions; and in that case each of such registration <sup>for each</sup> divisions shall be deemed to be an electoral district for the <sup>registration</sup> purposes of this act. <sup>division.</sup>

**10.** As soon as the returning-officers are appointed, the <sup>List to be</sup> Clerk of the Crown in Chancery shall publish in the <sup>published.</sup> *Quebec Official Gazette* a list containing the name, surname, calling and residence of each of them.

**11.** Article 285 of the Quebec Election Act, relating to <sup>Provision</sup> the proclamation by the returning-officer, shall not apply. <sup>not to apply</sup>

**12.** As soon as possible after the receipt of the writ, <sup>Notice to be</sup> the returning-officer shall cause to be posted up, at one of <sup>posted up.</sup> the most prominent and conspicuous places in each municipality of his electoral district, a notice in French and in English, and bearing his signature, shewing:

1. The question on which the electors are to vote;
2. The day and hours of the voting;
3. The polling-station or stations established by him in the municipality, as well as the boundaries of the territories to which they respectively apply;
4. The situation of his office and the name of his secretary.
5. The day, hour and place at which he will proceed to the counting of the votes in the affirmative and negative.

**13.** For the purposes of this act the secretary of the <sup>Powers of</sup> returning-officer (election-clerk) shall have the same <sup>secretary.</sup> powers as a deputy returning-officer, for administering oaths, or receiving affirmations.

**14.** The Clerk of the Crown in Chancery shall furnish <sup>Copies of</sup> each returning-officer with a sufficient number of copies <sup>this act to</sup> of this act. <sup>be furnished.</sup>

**15.** The ballots to be used under this act shall be in <sup>Form of</sup> the form prescribed by the Quebec Election Act and its <sup>ballots.</sup>

amendments; but they shall bear the following inscription instead of the names of the candidates:

<p>Êtes-vous d'opinion que la vente des bières, cidres et vins légers, tels que définis par la loi, devrait être permise ?</p>	<p>1</p>	<p>OUI YES</p>
<p>Is it your opinion that the sale of light beer, cider and wines, as defined by law, should be allowed ?</p>	<p>2</p>	<p>NON NO</p>

Preparation and distribution of ballots.

**16.** The ballots shall be prepared by the King's Printer and the Clerk of the Crown in Chancery shall furnish each returning-officer with a sufficient number thereof.

Application of Election Act.

**17.** In applying the Quebec Election Act and its amendments to the proceedings under this act, the words "Oui" and "Yes" or "Non" and "No" in the ballots shall be considered as if they were the names of the two candidates.

Copies of this act.

**18.** The returning-officer shall furnish each deputy returning-officer with a copy of this act.

Appointment of agents for polls.

**19.** Every returning-officer must, if application is made therefor, appoint two agents to attend at each polling-station on behalf of those desirous of obtaining an affirmative answer to the question, and two agents to attend at each polling-station on behalf of those desirous of obtaining a negative answer.

In writing.

Every appointment of an agent must be in writing, and must indicate the name and surname of the person applying therefor, the name, surname, calling and residence of the person appointed as agent, the polling-station where he may act as agent, and the opinion which he represents, and must be signed by the returning-officer.

No remuneration by Crown.

No agent shall be entitled to any remuneration on the part of the Crown.

Oath to be taken by agent.

**20.** Every agent appointed by a returning-officer shall, before being able to act as such in the polling-station

assigned him, hand his written appointment to the deputy returning-officer, and shall make and subscribe before him a declaration under oath to the effect that he is interested in and is desirous of obtaining an affirmative or negative answer, as stated in his appointment, to the question to be submitted to the electors.

**21.** When no agents have been appointed by the returning-officer to represent either of the two opinions, two electors may, upon making and subscribing before the deputy returning-officer a declaration similar to that required by the foregoing section, be admitted to the polling-station as agents to represent either opinion.

There must never be in a polling-station more than two agents to represent each of the two opinions.

The agents appointed by the returning-officer shall have precedence over electors acting or claiming to act as agents.

**22.** Wherever the Quebec Election Act and its amendments provide that anything may or shall be done by or in the presence of the candidates or their agents or any of them, such provision shall, as applied to the proceedings under this act, be taken to refer to agents appointed in the manner aforesaid.

**23.** An affirmative vote on the question submitted shall be given by marking, on the ballot, a cross in the space headed "Oui" and "Yes", and a negative vote by marking a cross in the space headed "Non" and "No".

**24.** The report of the returning-officer shall account for all the ballots received by him from the Clerk of the Crown in Chancery, showing what has become of those, if any, which are not returned by him.

**25.** For the purpose of the reference in the electoral districts of Saguenay and the Magdalen Islands, the Clerk of the Crown in Chancery is authorized to transmit, by telegraph or telephone, the English or French text or both together, if possible, of all the papers he has to send to the returning-officers of those districts; such returning-officers are authorized to translate such texts if necessary and to have them transcribed either by hand, or by any mechanical means, to proceed with the reference to electors and have the same proceeded with as if such texts had been furnished and sent to them in the usual manner, and to report thereon by telegraph to the Clerk of the Crown in Chancery.

Do. The powers granted the Clerk of the Crown in Chancery in the foregoing paragraph, are granted, *mutatis mutandis*, to the returning-officers of the aforesaid electoral districts as regards the papers and instructions they have to give the deputy returning-officers; and the powers granted the returning-officers in the foregoing paragraph are granted, *mutatis mutandis*, to the deputy returning-officers of the said districts, as regards the papers and instructions they have to receive from a returning-officer and the report they have to make to the latter.

Do. **26.** The Lieutenant-Governor in Council may also, with regard to the electoral districts of Saguenay and the Magdalen Islands, order any proceeding he may deem necessary or advisable for attaining the objects of this act.

Statement to be published after voting. **27.** Immediately upon receipt of the returning-officer's report, the Clerk of the Crown in Chancery shall publish in the *Quebec Official Gazette* a statement giving the total number of affirmative votes and the total number of negative votes given by the electoral district.

Summary to be published. The Clerk of the Crown in Chancery shall also publish in the *Quebec Official Gazette*, in which the above-mentioned statement is inserted, a summary of all the returns then received giving the names of the electoral districts from which returning-officers have sent reports, the total number of affirmative votes and the total number of negative votes given by such districts.

Procedure if returning-officer fail to report. **28.** If, at the date fixed by the Lieutenant-Governor in Council for the return of the writ, one or more reports of returning-officers have not been received by the Clerk of the Crown in Chancery, the latter must ascertain by means of any evidence he can obtain under article 363 of the Quebec Election Act, the result of the vote in the electoral district or districts regarding which no report has been received, and the result so ascertained shall, for all the purposes of this act, be deemed to be the result of the ballot in such district or districts.

Default to vote in any divisions not to be fatal. **29.** The omission to have a ballot taken in one or more electoral districts shall not prevent the Clerk of the Crown in Chancery from making the final addition of the votes.

Casting vote. **30.** If, after the votes have been added in accordance with the provisions in the foregoing sections, the affirmative and negative votes are equal in number, the Clerk of the

Crown in Chancery shall give his casting-vote in writing over his signature; and such vote shall afterwards be counted as an affirmative or negative vote, as the case may be, given by an elector.

**31.** When the Clerk of the Crown in Chancery has made the final addition of the votes, he shall send to the Lieutenant-Governor in Council a summary showing the total number of affirmative votes and the total number of negative votes given both by each electoral district and by all the electoral districts, as well as by himself in case of an equal division of the votes, and the Lieutenant-Governor in Council shall issue a proclamation stating that the majority of the votes is in the affirmative or in the negative, as the case may be.

Summary to be sent to Lt.-Gov. in Council.

**32.** The omission to hold a ballot in one or more divisions shall in no wise affect the validity of the reference.

Default in sub-division not to be fatal.

**33.** All expenses lawfully incurred in carrying out the provisions of this act shall be paid out of the consolidated revenue fund of the Province.

Payment of expenses.

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

Coming into force.

## C H A P. 20

An Act to amend the Revised Statutes, 1909, respecting the tax on transfers of shares, bonds, debentures or debenture-stock

[Assented to, 17th of March, 1919]

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

**1.** Article 1364 of the Revised Statutes, 1909, is amended R. S., 1364, by striking out all the words after the word: "assignor" am. in the second line thereof.

**2.** Article 1366 of the Revised Statutes, 1909, is amended Id., 1366, by replacing the words: "transferor and the transferee shall each" in the first and second lines of the second paragraph amended.