

C H A P . 1 6

An Act to create the Quebec Public Utilities' Commission

[Assented to 29th May, 1909]

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

§ 1.—*Interpretation*

Interpreta-
tion :
"Commis-
sion" ;

"Public
Utility."

1. In this act, unless the context otherwise requires :

a. The word " Commission " means the Quebec Public Utilities' Commission ;

b. The words " Public Utility " mean every corporation other than a municipal corporation, firm, person, or association of persons, the business and operations whereof are subject to the legislative authority of this Province, their lessees, trustees, liquidators or receivers appointed by any court, that now or hereafter own, operate, manage or control any system, works, plant or equipment for the conveyance of telegraph or telephone messages or for the conveyance of travellers or goods over a railway, street railway or tramway, or for the production, transmission, delivery or furnishing of heat, light or power, either directly or indirectly to or for the public ;

"Charter."

c. The word " charter " means any special or general legislative act by or in virtue of which a corporation or company is incorporated, and the letters-patent issued in virtue of such general act.

§ 2.—*Organization of Commission*

L.-G. in
Council may
appoint com-
mission.
Is court of
record.

2. The Lieutenant-Governor in Council may appoint a commission called the " Quebec Public Utilities' Commission " consisting of three members.

The commission shall be a court of record.

Term of office
of commis-
sioners.

3. Each commissioner shall hold office during good behaviour during ten years from the date of his appointment, but may be removed at any time by the Lieutenant-Governor in Council for cause.

President,
&c.

4. One of such commissioners shall be appointed president of the commission and another of them acting president thereof, by the Lieutenant-Governor in Council.

Powers of

5. 1. In case of the absence of the president, or of his

inability to act, the acting president shall exercise the powers acting president of the president, and in such case, all regulations, orders and ident, &c. other documents signed by the acting president shall have the same force and effect as if signed by the president.

2. Whenever the acting president appears to have acted for Presumption or instead of the president it shall be presumed that he so in certain acted in the absence or owing to disability of the president. case.

6. Two commissioners shall form a quorum, and not less Quorum. than two commissioners shall attend at the hearing of every case, provided that :

- a. Whenever there is no opposing party and no notice When one to be given to any interested party, any one commis- commis- sioner may act alone for th Commission ; and sioner may act
- b. The Commission, or the president, may authorize any one Commis- of the commissioners to report to the Commission upon sioner au- any matter within the jurisdiction of the Commission thorized to report, &c or pending before it, and when so authorized such commissioner shall have all the powers of two commissioners sitting together for the purpose of taking evidence or acquiring the necessary information for the purpose of such report.

7. In the absence of the president, the acting president shall When acting preside, and the opinion of the president upon any question, president to which in the opinion of the commissioners is a question of law, preside, &c. shall prevail.

8. No vacancy in the Commission shall impair the right of Commission the remaining commissioners to act. to sit al- though vacancies.

9. If, in the opinion of the Lieutenant-Governor in Council, any commissioner is interested in any matter be'ore the Com- Commis- mission, or if any commissioner be unable to act by reason of sioner inte- sickness, absence or other cause, the Lieutenant-Governor in rested repla- Council may appoint some disinterested person to act as com- ced ad hoc, missioner in his stead in and about such matter, or until such &c. disability comes to an end ; and any person so appointed may complete any unfinished business in which he has taken part even if the commissioner whom he has replaced has returned or has become able to act.

10. No commissioner shall hold any office or carry on any Commis- employment inconsistent with the performance of his duties, sioners not nor shall he, directly or indirectly : to hold in- consistent offices, &c.

a. Hold, acquire or become interested in, for his own behalf, any stock, share, bond, debenture or other security of any Nor acquire, &c., certain public utility ; stock, &c.

Nor be interested in certain devices, &c. **b.** Have any interest in any device, appliance, machine, patented process or article, or in any part thereof, which may be used for the purposes of the business of a public utility.

To alienate such stock, &c., within certain time. If any such thing or any interest therein, is the property of any such commissioner when he is appointed to his office, or if thereafter and while he holds such office, he acquires the same by succession or by will, he shall, within six months after such appointment or subsequent acquisition, as the case may be, alienate the same or his interest therein.

Where commissioners to reside. **11.** Each commissioner shall, during his term of office, reside in such place as the Lieutenant-Governor in Council, from time to time, determines.

Where commissioners to sit, &c. **12.** The Lieutenant-Governor in Council shall fix the place where the Commission shall sit and shall have its office, and shall also provide it with suitable quarters for the holding of its sittings and the transaction of its business generally.

Sittings elsewhere in certain cases **13.** Whenever circumstances render it expedient to hold a sitting of the Commission elsewhere than in the place fixed by the Lieutenant-Governor in Council, the Commission may hold such sitting in any part of the Province.

Appointment of experts, &c. **14.** The Lieutenant-Governor in Council may, whenever necessary, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist the Commission in an advisory capacity.

Secretary, &c. **15.** There shall be a secretary of the Commission, who shall be appointed by the Lieutenant-Governor in Council, and who shall hold office during pleasure.

His duties **16.** It shall be the duty of the secretary :

- a. To attend all sessions of the Commission ;
- b. To keep a record of all proceedings conducted before the Commission or any commissioner under this act
- c. To have the custody and care of all records and documents of the Commission ;
- d. To obey all rules of practice and directions which may be made or given by the Commission touching his duties or office ;
- e. To have every order and rule of practice of the Commission drawn pursuant to the direction of the Commission, signed by the president, sealed with the official seal of the Commission, and filed in the office of the secretary.

Secretary to keep books of record, &c. **2.** The secretary shall keep suitable books of record, in which he shall enter a true copy of every such order and rule of prac-

tice, and every other document which the Commission shall order to be entered therein, and such entry shall constitute and be the original record of any such order or rule of practice.

3. Upon application of any person, and on payment of such fees as the Lieutenant-Governor in Council may prescribe, the secretary shall deliver to such applicant a certified copy of any such order, rule of practice or other document. Delivery by him of certified copies of orders, &c.

17. In the absence of the secretary, the Commission may replace him temporarily. Replacing of secretary.

18. Neither the Commission, nor any commissioner, nor the secretary of the Commission nor any employee under its control, shall be personally liable for anything done by it or by him under the authority of this act. Commission, &c., not personally liable in certain cases.

19. The commissioners and secretary shall receive such yearly remuneration as is fixed by the Lieutenant-Governor in Council, but not exceeding : Salaries of commissioners, &c.

For the president.....	\$4000 00
For a commissioner.....	3000 00
For the secretary.....	1800 00

It shall also be lawful for the Lieutenant-Governor in Council to grant each commissioner, over and above such yearly remuneration, a sum not exceeding ten dollars for each day's sitting of the Commission attended by him. Further remuneration.

The experts appointed under section 14, shall receive such remuneration as the Lieutenant-Governor in Council shall think proper. Remuneration of experts.

20. The Lieutenant-Governor in Council may also appoint the employees necessary for the proper performance of the duties of the Commission, and provide for their remuneration. Appointment, &c., of other employees.

21. Whenever the Commission, acting within its jurisdiction, appoints or directs any person, other than a member of its staff, to perform any service required by this act, such person shall be paid therefor such sum for services and expenses as the Lieutenant-Governor in Council may, upon the recommendation of the Commission, determine. Remuneration of certain other persons.

22. The above remuneration, and all the expenses incurred by the Commission in the performance of its duties, including all reasonable travelling expenses of the commissioners and secretary, and of such members of the staff of the Commission as may be required by the Commission, shall be paid monthly out of the consolidated revenue fund of the Province. Remuneration, &c., how paid.

§ 3.—*Jurisdiction of the Commission*

Jurisdiction.

23. The Commission shall have jurisdiction :

All matters within jurisdiction of Railway Committee, &c.;

a. In all matters within the jurisdiction of the Railway Committee of the Executive Council, to which Committee it is hereby substituted and with the powers of which it is hereby vested ; and any engineer or other officer appointed by it for any purpose prescribed by articles 5182 and following of the Revised Statutes respecting the Railway Committee of the Executive Council, shall possess the same powers and be subject to the same obligations as any engineer or officer mentioned in the said articles and performing like duties possesses or is subject to ;

Transportation of goods by tramway companies, &c.;

b. In all questions relating to the transportation of goods on the lines of any tramway company, or on any parts thereof ; and for such purpose it may authorize or require any such company to carry goods on its lines or any part thereof, for any period of time and at such prices as it may fix ;

Certain matters under R. S. Q. 5165-5169 ;

c. In all matters within the jurisdiction of the Minister of Public Works and Labour and mentioned in articles 5165 to 5169, both inclusive, of the Revised Statutes, and for the purposes thereof it is hereby substituted to the Minister of Public Works and Labour, and is hereby vested with all his powers ;

Contestations as to tolls of public utilities, &c.;

d. In all contestations respecting the tolls which may be demanded by any public utility, but subject to any contract existing between a public utility and a municipality with reference to such tolls, and subject, as to electric railway companies, to paragraphs 6*a* and 6*b* of article 5172 of the Revised Statutes, as enacted by the act 4 Edward VII, chapter 35, section 12; and for the purposes thereof it may fix such tariff as it thinks reasonable for the services rendered or the commodities supplied by such public utility, and may likewise disallow or change, as it may think reasonable, any such tolls as in its opinion unjustly discriminate between different persons or different municipalities ;

Placing of rails, &c., on public roads, &c., in certain cases.

e. In all cases arising when a public utility having the right to enter a municipality for the purpose of placing therein, with or without the consent of the municipality, its rails, posts, wires, pipes, conduits or other appliances, upon, along, across, over or under any public road, street, square, water-course or part thereof, cannot come to an agreement with such municipality, as to the use, as aforesaid, of the roadway or of the water-course in question, or as to the terms and conditions of such use, and applies to the Commission for permission to use such roadway or water-course, or to fix the terms and conditions of such use ; and in such case the Commission may permit, as aforesaid, the use of such roadway or water-course, and prescribe the terms and conditions thereof ;

f. In all questions arising whenever a public utility being ^{Placing of} unable to extend its system, line or apparatus, from a point ^{rails, &c., on} where it lawfully does business to another point or points ^{public roads,} where it is authorized to do business, without placing its rails, ^{&c., in order} posts, wires, pipes, conduits or other apparatus upon, along, ^{to reach} across, over or under some public road, street, square, water-course or part thereof, which it cannot lawfully so use without the consent of the municipal corporation having control of the same, and being unable to come to an agreement with the said municipal corporation, applies to the Commission for permission to use such public road, street, square or water-course or part thereof; and, for the purposes of such extension only, and without unduly preventing the use thereof by other persons or companies already lawfully using the same, the Commission may permit such use, notwithstanding any law or contract granting any other person or corporation exclusive rights with respect thereto, but shall prescribe the terms and conditions upon which such public utility may use such road, street, square or water-course, or part thereof;

g. In all contestations arising between a public utility and a ^{Certain con-} municipality with reference to the performance of the terms ^{testations} and conditions mentioned in paragraphs e and f of this article; ^{between pub-} and the Commission may change such terms and conditions, ^{lic utilities} if, in its opinion, such changes are necessary or desirable. ^{and municip-}

24. In the case of a public utility which has for its object ^{Certain spe-} the construction, working or maintaining of telegraph, telephone ^{cial condi-} or transmission lines, or the delivery or sale of heat, light or ^{tions to be} power, the following conditions shall be performed, over and ^{performed.} above those which may be prescribed by the Commission, that is to say:

a. The public utility shall not interfere with the public right ^{Travel not to} of travel, or in any way obstruct the entrance to any door or ^{be interfered} gateway or free access to any building; ^{with;}

b. The public utility shall not permit any wire to be less ^{Height of} than twenty-two feet above such highway or public place, or ^{wires, &c.;} erect more than one line of poles along any highway;

c. All poles shall be as nearly as possible straight and per- ^{Poles to be} pendicular, and shall, in cities and towns, be painted; ^{straight, &c.;}

d. The public utility shall not unnecessarily cut down or ^{Certain trees} mutilate any shade, fruit or ornamental tree; ^{not to be un-}

e. The opening up of any street, square or other public place, ^{injured, &c.;} for the erection of poles, or for the carrying of wires underground, ^{Opening of} shall be subject to the supervision of such person as the munici- ^{streets, &c.,} pal council may appoint, and such street, square or other public ^{subject to} place shall, without unnecessary delay, be restored as far as ^{certain su-} possible to its former condition; ^{pervision &c.}

Removal of wires, &c., in certain cases; *f.* If, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed by cutting or otherwise, the public utility shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of the public utility so doing such person may remove such wires and poles at the expense of the public utility;

Placing of lines, &c., underground. *g.* Whenever any city, town or village is desirous of having lines of telegraph or telephone, or lines for the conveyance, delivery or sale of light, heat, or power placed underground, the Commission may, on the application of such city, town or village, require the public utility to thus place its lines or wires underground, and may withdraw the right given by this article or by the charter to carry lines on poles in such city, town or village; the whole subject to the conditions which the Commission may prescribe;

Responsibility for certain damage; *2.* The public utility shall be responsible for all unnecessary damage which it causes in carrying out, maintaining or operating any of its said works;

No compensation in certain case; *3.* The public utility shall not be entitled to compensation on account of its poles or wires being cut by order of the officer in charge of the fire brigade at any fire if in the opinion of such officer, it is advisable that such poles or wires be cut;

Employees to wear badges, &c.; *4.* Every person engaged in erecting or repairing any line or instrument of the public utility shall have conspicuously attached to his dress a badge on which are legibly inscribed the name of the company and a number by which he can be readily identified;

Consent of municipalities required in certain cases. *5.* Nothing in this article shall be deemed to authorize the public utility to sell or distribute light, heat, power or electricity in cities, towns or villages without having previously obtained by by-law the consent of the municipality thereto, unless such public utility has authority therefor by its charter.

Commission to supervise public utilities, &c. **25.** The Commission shall have general supervision over all public utilities subject to the legislative authority of this Province, and shall conduct all inquiries necessary for the obtaining of complete information as to the manner in which public utilities comply with the law.

Amalgamations subject to consent of Commission, &c. **26.** When by any general or special act, a public utility is authorized to amalgamate with any other public utility, such amalgamation shall be subject to the consent of the Commission, and shall have no effect until the order authorizing the same is published in the *Quebec Official Gazette*.

Powers of **27.** From and after the publication in the *Quebec Official*

Gazette, of the appointment of the commissioners under this Railway act, and so long as the Commission shall continue to exist, the Committee, powers of the Railway Committee of the Executive Council &c., suspended in and of the Minister of Public Works and Labour respectively, certain cases. with respect to the matters mentioned in section 23 of this act, shall be suspended.

28. If the Attorney-General or any party interested makes Commission complaint to the Commission that any public utility, municipal may make corporation, company or person has unlawfully done or unlaw- certain or- fully failed to do, or is about unlawfully to do or unlawfully ders. not to do something relating to a matter over which the Commission has jurisdiction as aforesaid, and prays that the Commission do make some order in the premises, the Commission shall, after hearing such evidence as it may think fit to require, make such order as it thinks proper under the circumstances.

The Commission, however, shall have no jurisdiction of any No jurisdiction claim for damages. in damages.

§ 4.—*Procedure*

29. The Commission may make rules of practice regulating Rules of its procedure, and the times of its sittings, in so far as not practice. inconsistent with this act.

Such rules of practice shall come into force from the date of When to their publication in the *Quebec Official Gazette*. come into force.

30. Any summons to a witness may be signed by any com-Summonses missioner or by the secretary of the Commission, and shall be to witnesses. served in the same manner as a like summons is served in the Superior Court.

The Commission may issue commissions to take evidence in Commissions a foreign country, and make all proper orders for the purpose rogatoires, &c. and for the return and use of the evidence so obtained.

31. Every bailiff of the Superior Court is *ex officio* a bailiff Bailiffs. of the Commission, and may make a return under his oath of office of all services made or other proceedings taken by him.

The Commission shall have with regard to any service the Certain powers conferred by article 146 of the Code of Civil Procedure. powers as to service.

32. The Commission shall, as respects the attendance and Powers as to examination of witnesses, the production and inspection of attendance, documents, the enforcement of its orders, the entry on and &c., of witnesses, &c. inspection of property, the punishment of contempt of court, and other matters necessary or proper for the due exercise of its jurisdiction or for carrying this act into effect, have all such powers, rights and privileges as are vested in a superior court.

Evidence by affidavit, &c. **33.** The Commission may, in its discretion, accept evidence by affidavit or written affirmation.

Obligation to produce books, &c., in certain cases. No person shall be excused from attending and producing books, tariffs, contracts, agreements and documents, in obedience to the subpoena or order of the Commission, or of any person authorized to hold any inquiry under this act, or in any cause or proceeding based upon or arising out of any alleged violation of this act, on the ground that the documentary evidence required of him may tend to subject him to any action for a penalty recoverable under the laws of this Province ; but no such book, tariff, contract, agreement or document so produced shall be used or receivable against such person in any such action or proceeding thereafter instituted against him.

Proviso.

Certain special powers of Commission, &c.;

34. The Commission, any commissioner or any person authorized by the Commission to make any inquiry or report may :

a. Enter upon and inspect any place, building or works being the property or under the control of any public utility ;

b. Inspect any works, structure, rolling stock or other property of such public utility ;

c. Require the attendance of all such persons as it or he thinks fit to summon and examine, and take the testimony of such persons ;

d. Require the production of all books, plans, specifications, drawings and documents ; and

e. Administer oaths, affirmations or declarations ;

And shall have the like powers to summon witnesses, enforce their attendance, and compel them to give evidence and produce the books, plans, specifications, drawings and documents which they may require them to produce as is vested in any court in civil cases.

Jurisdiction not affected by appointment of receivers, &c.

35. The fact that a receiver, manager or other official of any public utility, or a sequestrator of the property thereof, has been appointed by any court in the Province, or is managing or operating a public utility under the authority of any such court, shall not prevent the exercise by the Commission of any jurisdiction conferred by this act ; but every such receiver, manager or official shall be bound to manage and operate any such public utility in accordance with this act and with the orders and directions of the Commission whether general or referring particularly to such public utility ; and every such receiver, manager or official, and every person acting under him, shall obey all orders of the Commission within its jurisdiction in respect of such public utility, and be subject to have them enforced against him by the Commission, notwithstanding the fact that such receiver, manager, official or person is appointed by or acts under the authority of any court.

36. 1. The Commission may, if the special circumstances of any case so require, make a provisional order, after notice, and ^{Provisional orders, &c.} in cases of urgency without notice, authorizing, requiring or forbidding anything to be done which the Commission would be empowered, in a contested case, to authorize, require or forbid; and such provisional order shall remain in force till the final decision of the Commission, or, in case of appeal, until the final judgment of the Court of King's Bench.

2. If a provisional order has been made without notice any ^{Modification} interested party may, at any time before final order or judgment, apply by petition to have the same modified or set aside.

37. The Commission may direct in any order that such ^{Commission} order or any portion thereof, shall come into force at a future ^{may post-} time, or upon the happening of any contingency, event or ^{pone coming} condition in such order specified, or upon the performance to ^{into force of} the satisfaction of the Commission, or person named by it, of any terms which the Commission may impose upon any party interested, and the Commission may direct that the whole or any portion of such order shall have force for a limited time, or until the happening of a specified event.

38. When, in the exercise of the powers conferred upon it ^{Orders as to} by this act or by any special act, the Commission directs any ^{who to carry} structure, appliances, equipment or works to be provided, ^{out direc-} constructed, reconstructed, altered, repaired, installed, used or ^{tions of Com-} maintained, it may order by what company, municipality or ^{mission.} person interested, and when or within what time and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision such work shall be carried out.

39. When any order of the Commission requires any work, ^{Extension of} act, or thing to be performed or done within a specified time, ^{time to do} the Commission may, upon notice, extend the time so specified. ^{work &c.}

40. Every public utility shall, as soon as possible after ^{Notification} having received or having been served with any order or other ^{of orders of} document of the Commission, notify the same to each of its or ^{Commission.} his officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy in some place where his work or duties or some of them are to be performed.

41. The decision of the Commission upon any question of ^{Decision on} fact within its jurisdiction, shall be final, and be *res judicata*. ^{facts final,} ^{&c.}

42. 1. The Commission may take such steps and employ ^{Entering on} such persons as are necessary for the enforcement of any order ^{property, &c.}

to enforce,
orders, &c.

made by it, and for the purposes thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the moveable and immoveable property of such public utility, together with the books and offices thereof, and may, until such order has been enforced, assume and take over all or any of the powers, duties, rights and functions of the directors and officers of the public utility in all respects, including the employment and dismissal of officers and servants thereof, for such time as the Commission continues to direct such management.

Employees
of public
utility to
obey orders
of Commis-
sion.

2. Upon the Commission so taking possession of such property, it shall be the duty of every officer and employee of the public utility to obey the orders of the Commission or of such person or persons as it places in authority in the management of any or all departments of the undertaking.

Receiving,
&c., of mo-
neys, &c., of
public utility.

3. The Commission may, upon so taking possession of such undertaking and property, determine, receive and pay out all moneys due to or owing by the public utility, and give cheques, acquittances and receipts for moneys to the same extent and as fully as the proper officers thereof could do if no such order as aforesaid had been made.

Costs of
taking pos-
session, &c.

4. The costs and expenses of and incidental to proceedings to be taken by the Commission under this article shall be in the discretion of the Commission, and the Commission may direct by whom and to what extent they shall be paid.

Notice to
Attorney-
General that
orders not
obeyed, &c.

43. The Commission, if it is proved that a public utility has not complied with an order given by the Commission, and if it is of opinion that there are no effectual means of compelling the public utility to obey such order, shall transmit to the Attorney-General a certificate signed by its president and secretary, setting forth the nature of the order, and the default of the public utility to comply therewith.

Action in
such case to
dissolve pub-
lic utility,
&c.

Such default so established, shall be ground, after public notice in the *Quebec Official Gazette* of the receipt of the said certificate by the Attorney-General, for an action to dissolve the public utility or to annul the letters-patent incorporating it.

Procedure on
such actions.

The proceedings upon such action shall be governed *mutatis mutandis* by articles 978 and following of the Code of Civil Procedure, or by article 1007 thereof, as the case may be.

Execution of
orders to pay
money.

44. Whenever the Commission has made an order containing a condemnation to pay money, the execution of such order shall be effected by the Superior Court for the district in which is situated the head office or principal place of business in the Province of any public utility so condemned, upon transmission to the prothonotary of such district of a duly certified copy of the order.

45. 1. The Commission shall, in the month of July in each year, transmit to the Attorney-General for the year ending on the 30th day of June previous, a report showing briefly : Reports to Attorney-General.

a. Applications to the Commission and summaries of the orders made thereon ;

b. The number and the nature of the inquiries, which it has held of its own motion ;

c. Such matters as the Lieutenant-Governor in Council directs.

2. The report shall be laid before both Houses of the Legislature during the first fifteen days of the then next session. Reports to be laid before Legislature.

§ 5.—*Appeals*

46. An appeal shall lie to the Court of King's Bench (Appeal Side), in conformity with article 47 of the Code of Civil Procedure, from any final decision of the Commission upon any question as to its jurisdiction, or upon any question of law, but such appeal can be taken only by permission of a judge of the said court, given upon a petition presented to him within fifteen days from the rendering of the decision ; notice of which petition must be given to the parties and to the Commission within the said fifteen days. The costs of such application shall be in the discretion of the judge. Appeals to Court of K.B., &c.

47. When the petition to appeal has been granted, the appeal shall be brought by an inscription filed in the office of the secretary of the Commission, within eight days after the permission to appeal has been granted. Appeal to be by inscription, &c.

The inscription must contain a description of the parties, the date of the order, the date, hour and place where the security hereinafter mentioned will be given, and the description of the surety or sureties. Contents of inscription.

After the inscription has been filed, and within the said eight days, the inscription must be served upon the adverse party. Service of inscription.

48. At the time mentioned in the inscription, which must be within five days after the filing of the inscription, or within such further delay as the Commission may order, the appellant shall give security before the secretary of the Commission in conformity with the rules governing security in appeals from the Superior Court to the Court of King's Bench (Appeal Side). Giving of security.

49. In other respects the proceedings upon appeals taken in virtue of this act, shall be had, until final judgment by the Court of King's Bench, in conformity with articles 1216 and following of the Code of Civil Procedure. Procedure on appeals.

Interpretation. In applying such articles to such appeals the word "prothonotary", wherever it occurs therein shall mean the secretary of the Commission and all words therein designating the court which has rendered the judgment appealed from shall apply to the Commission.

Adjudication as to costs, &c. **50.** The Court of King's Bench shall adjudge the costs on such appeal, and shall order that the record be transmitted to the secretary of the Commission.

Record how returned, &c. Such transmission shall be effected by the Clerk of Appeals, who shall annex to the record a copy of the judgment of the court.

Execution of judgment of K. B. **51.** The judgment of the Court of King's Bench, when it confirms an order of the Commission, shall be executed in the manner prescribed by sections 32, 42, 43 and 44.

§ 6.—*Coming into force*

Coming into force. **52.** This act shall come into force on the day the Lieutenant-Governor may be pleased to fix by proclamation.

CHAP. 17

An Act to amend the Quebec License Law

[Assented to 29th May, 1909]

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

63 V., c. 12, s. 17, amended. **1.** Article 17 of the act 63 Victoria, chapter 12, is amended :
a. By adding after the word : " towns ", in the first line, the words : " and in all municipalities in which polling subdivisions exist ;"

Elector signing certificate and opposition. *b.* By adding thereto the following paragraph :
 " Any elector who signs the opposition after having signed the certificate, shall be deemed to have withdrawn his first signature."

Id., s. 18, amended. **2.** The second paragraph of article 18 of the said act as amended by the act 3 Edward VII, chapter 13, section 1 is further amended by adding thereto the words : " but whenever a municipal council wishes to substitute one licensee for another, such council is obliged to state the reasons why the former licensee is refused a new license."