

CHAP. 51

An Act to amend article 2774 of the Revised Statutes respecting the destruction of the records of the District Magistrate's Court in and for the district of Saguenay

[Assented to 14th April, 1908]

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

R. S. Q.,
2774
amended.

1. Article 2774 of the Revised Statutes, as amended by the act 1 Edward VII, chapter 17, section 1, is further amended by adding the following paragraph :

Further ap-
plication of
article.

“ 30. The provisions of this article shall apply *mutatis mutandis*, to the causes pending before the Magistrate's Court in and for the district of Saguenay, to the judgments rendered by the said court, and to all the registers, records, and documents, comprising the archives thereof, which were destroyed at the time of the destruction of the yacht “ Raoul ”, in the river St. Lawrence, on the 26th day of July, 1907. ”

Proviso.

2. Notwithstanding the provisions of paragraph 19 of article 2774, as replaced by the act 1 Edward VII, chapter 17, section 1, the first day of November 1909 shall be deemed to be the day immediately following the day when said archives were destroyed.

Coming into
force.

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

CHAP. 52

An Act respecting Public Buildings

[Assented to 25th April, 1908]

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

R. S. Q.,
title VII, c. 2,
s. 1, re-
placed.

1. Section first of chapter second of title seventh of the Revised Statutes, as replaced by the act 57 Victoria, chapter 29, section 1, is again replaced by the following :

" SECTION I

SAFETY IN PUBLIC BUILDINGS

§ 1.—*Declaratory and Interpretative*

" **2973.** The words " public buildings " mean and include " Public churches and chapels, or buildings used as such, seminaries, colleges, convents, monasteries, school-houses, public or private hospitals, orphan asylums, infant asylums, charity work-rooms (*ouvroirs*), hotels, boarding houses capable of receiving at least fifteen boarders, theatres, halls for public meetings, lectures or amusements, buildings for the holding of exhibitions, stands on race-courses or other sporting grounds, buildings in parks, skating rinks, rooms for showing moving pictures, buildings of three stories or more over the ground floor occupied as offices, stores employing at least ten clerks and court-houses buildings " defined.

" **2974.** The words " proprietors of public buildings " include persons, companies and corporations, who are proprietors, tenants or occupants, under any title, of any building mentioned in article 2973, and their agents. " Proprietors of public buildings " defined.

§ 2.—*Application of section*

" **2975.** Saving the restrictions which the Lieutenant-Governor in Council may make in the regulations which he may enact in virtue of article 2988v, all public buildings mentioned in article 2973, are subject to the provisions of this section. Application of section.

§ 3.—*Safety in public buildings*

" **2976.** 1. The public buildings mentioned in article 2973 must afford all the security required by this section and the regulations made under its authority. Security to be afforded by public buildings.

2. Public buildings now open to the public, and which would require too heavy an expense to be made conformable to the prescribed requirements, must however be made to conform thereto as much as possible, to the satisfaction of the inspector. Proviso as to certain buildings.

3. No public building shall be built or altered, after the coming into force of this section, and no work affecting the solidity of a building or of part of a building or changing the conditions of a building or part of a building, shall be done without a permit from the inspector. Such permit shall not be issued until after examination of the plans and specifications for the building. Permit required for building, &c., of certain buildings.

4. When extensive alterations are made to a public building, Architect's

certificate in certain cases. an architect's certificate as to the solidity and safety of such building shall be given by the proprietor to the inspector.

And in certain other cases. 5. If the destination of a public building is so altered that greater solidity is required, an architect's certificate as to such solidity, shall be given by the proprietor to the inspector.

How architect chosen. 6. Whenever proprietors and tenants cannot agree upon an architect, the choice thereof shall be made by the inspector, who shall appoint an architect recognized by the Province of Quebec Association of Architects, and the certificate of such architect shall be valid.

§ 4.—Duties of proprietors of public buildings

“ 2977. Every proprietor of a public building shall :

Notice re public buildings. 1. Transmit to the inspector a written notice giving his name, the name of the building and its destination, as well as the name of the place where it is situated, within thirty days previous to the opening of such building to the public, if it be recently erected, and within sixty days from the coming into force of this section, if it be at present open to the public ;

And of fires, &c., therein. 2. Transmit a written notification to the said inspector of every fire or accident which occurs in such building, within forty-eight hours from the occurrence of such fire or accident ;

Giving facilities to inspector. 3. Provide such inspector with everything necessary for facilitating an effective inspection of the building and its dependencies ;

Certificate of inspection. 4. If the building is a theatre or a hall for lectures or public amusements, or a hotel, have a certificate of inspection, signed by the inspector, posted up, and keep it there constantly whole and legible.

Seats for certain employees. 5. Employers shall place a sufficient number of seats at the disposal of the girls or women employed in their stores, in order that they may rest when the nature of their work requires it, or service upon customers permits.

§ 5.—Powers of Inspectors

Duties of inspectors. “ 2978. The inspectors of industrial establishments appointed in virtue of the fourth section of this chapter are assigned the duty of seeing to the observance of this section and the regulations made under its authority.

Their powers. “ 2979. The said inspectors have, *mutatis mutandis*, the same powers and are subject to the same obligations, as regards safety and health in public buildings, as those indicated in the said fourth section and in the regulations made by the Lieutenant-Governor in Council, respecting the safety and health

of employees in industrial establishments, in so far as the same may be applicable thereto.

“ **2980.** They have the right to be present at inquiries held by the fire commissioners of Quebec and Montreal, and at inquests held by coroners, in all cases of fire or accident in a public building, and to question the witnesses, in order to ascertain the cause of such fire or accident. May be present at inquiries of fire commissioners, &c.

“ **2981.** 1. They have the right to make to the proper authorities, any suggestions they may consider advisable in the interest of safety in public buildings. Suggestions to authorities.

2. They have the right, in the performance of their duties, of free entrance into public buildings at any hour of the day or night ; and shall be admitted therein without delay, on presenting a card identifying them, bearing the seal of the inspection department and the signature of the Minister of Public Works and Labour, or that of the chief inspector. Inspectors' right of entrance to public buildings, &c.

3. They may require the production of the certificates or other documents required by the law and the regulations passed in virtue thereof, as well as all information they may think necessary. And to require certificates, &c.

4. If they have reason to fear being molested in the performance of their duties, they may in any case require one or more constables to accompany them. And to require assistance of constables.

5. If an inspector ascertains that by reason of insufficient resistance or solidity in a building or part of a building, there is danger of a collapse, he shall forthwith order that such building or part of a building, as the case may be, shall be immediately and completely vacated, and for such purpose may require the services of any member of the municipal or provincial police force, or of a peace officer. Ordering buildings, &c., to be vacated, &c.

The Minister of Public Works and Labour may suspend or reverse any such decision of the inspector. Power of Minister.

“ **2982.** They shall publish, in the *Quebec Official Gazette*, such provisions of the law and the regulations as they consider should be more especially made known to the public, and also publish their addresses therein. Certain publications in Quebec Official Gazette.

§ 6.—*Inspection of Public Buildings*

“ **2983.** 1. Public buildings, as well as all accessories thereof, moveable or immovable, shall be erected and maintained so Construction of public buildings,

&c., so as to protect life that the lives of all persons residing therein or having access thereto shall be effectually protected against accidents.

Exits therefrom. 2. They shall be provided with all means necessary to permit a prompt and easy exit therefrom of the occupants or of the public in case of an alarm of fire or a panic.

Safety appliances. 3. Every building of at least three stories, and every school building, shall be provided with safety appliances on the outside; such as iron stairs, safety tubes of canvas or metal, or other means of safety in case of fire, approved or prescribed by the inspector. This provision shall not apply to any public building that is fire proof to the satisfaction of the inspector.

Safety devices approved by inspector. Order for same. Places where to be put, &c. When to be built, &c. " **2984.** Any system or device for safe exit may be adopted if it is approved by the inspector. If there are no means of safety outside of the ordinary exits, or if the safety system in use is not approved by the inspector, the latter may, by an order given to the proprietor, tenant, agent or superintendent of the building, require one or more safety contrivances. Such safety contrivances shall be installed at the places directed by the inspector, and built in the manner specified in the order. The exits or safety contrivances shall be built within thirty days after the order has been given, and each of said exits or safety contrivances shall comply with the specifications contained in the order or with those contained in the following paragraphs:

How built, &c. Railings, &c. a. Safety stair-cases shall be built of iron, with sufficient side railings, and shall be connected with the inside of the building by means of doors or windows; and shall also have sufficient railings at each story above the first, including the attic when it is used as a workshop, and shall be kept in good condition and unobstructed.

Canvas tubes. b. Canvas tubes shall consist of tubes made of strong canvas, treated chemically and so as to offer sufficient resistance to fire. Such tubes shall be solidly fixed to an iron frame and shall be supplied with brakes to check the descent.

Metal tubes. c. Metal tubes shall consist of tubes of metal or sheet iron, of spiral form, and connected to each story by galleries.

Balconies, &c., where to be placed. d. All balconies, galleries and stair-cases shall be put at the places and in the manner determined by the inspector. Canvas tubes shall be placed in portable chests, and installed in the places determined by the inspector.

Steps in certain cases. " **2985.** When the windows or other outlets opening upon the safety staircases, are more than two feet above the floor, steps shall be placed so as to enable the occupants of the building to easily reach such outlets.

Condition of safety exits. " **2986.** The said safety exits shall always be kept in good condition, and free of all hindrance and obstruction whatever.

“ **2987.** The principal doors from which exit is had, as well as all doors at the lower part of a staircase, shall open outwards and be kept free throughout meetings, classes, performances and religious services. In the case of hotels and boarding houses, boarding schools and other buildings occupied at night, the doors shall never be locked with a key, but shall be supplied with a lock which opens automatically by pressure from within the building, and in the case of churches, theatres, amusement halls, and places of public meeting, shall be closed by means of weights or springs and not by clasps.

Certain doors to open outwards, &c.

How certain doors to be locked.

“ **2988.** Every building which shall hereafter be built or altered, to serve as a theatre, for dramatic or operatic entertainments, or for other like purposes requiring the use of a stage with moveable scenery, curtains and machines, shall be a first class building, that is to say fire-proof, to the satisfaction of the inspector, and the upper part of the principal floor of the hall shall not be more than seven feet above the level of the street or road where the exit doors are situated.

Certain buildings to be fire-proof, &c.

“ **2988a.** There shall be at least two independent exits for each division, compartment or gallery of the buildings mentioned in article 2988. Besides the exits hereinabove mentioned, there shall, whenever practicable, be direct exits opening out from the principal floor to a street, public square, lane or yard, and these exits shall be provided with doors or light windows, opening outward, and kept closed so as to allow of their being promptly and easily opened in case of fire or panic.

Exits.

“ **2988b.** Plans indicating the exits and the stair-cases shall be printed on each programme. A diagram indicating the stairways and the exits shall also be posted up in a conspicuous place in each gallery or floor and upon the stage.

Plans, diagrams, &c.

“ **2988c.** All the corridors, passages and aisles of such theatres shall be of ample and uniform width, and, if possible, shall widen out towards the exits so as to allow the audience an easy outlet from the building. During entertainments these corridors, passages and aisles shall be kept free of all obstructions.

Width of corridors, &c., in theatres, &c.

“ **2988d.** The stage of every theatre shall be separated from the auditorium by a brick wall at least sixteen inches thick, which wall shall extend the whole height and breadth of the building and two feet above the roof.

Wall separating stage, of theatre from auditorium, &c.

“ **2988e.** The opening for the curtain in every theatre shall be provided with a curtain of incombustible material, approved of by the inspector, and sliding at each end in grooves

Fire-proof curtains, &c., in theatres.

solidly fixed in brick walls, and entering into such grooves at least six inches on both sides. This curtain shall be raised at the beginning of each act and lowered at the end of each act. It shall also be worked by means of approved appliances.

Fire-proof ventilators, in theatres, &c.

“**2988f.** There shall be above the stage of each theatre, one or more incombustible ventilators, the area of each of which shall be equal to at least one-thirtieth of the whole area of the stage. Each ventilator shall be supplied with a valve arranged and counter-balanced so as to open automatically. The valve shall be closed when the ventilator is not in use, by means of a cord, the end of which is at the prompter's office. This cord shall be of combustible material, and so arranged that if it breaks the ventilator will open automatically. The inspector may, at his discretion, require that such a ventilator be made in theatres already built.

Fire pipes, &c., on stage of theatre, &c.

“**2988g.** There shall be at least two four-inch fire pipes upon the stage of each theatre with all necessary hose and nozzles connected with said pipes at the level of the stage on each side, and the water shall be kept circulating in said pipes while there is an audience in the theatre. The inspector may order any other appliances for protection against fire that he may think proper.

Lighting of theatres.

“**2988h.** All theatres shall be lighted by electric light. There shall be a lamp opposite each exit, as well as above and below each staircase, and all lamps shall be supplied with red glass globes.

Certificate as to hall for moving pictures.

“**2988i.** Before allowing any hall to be used for moving pictures to be opened, the inspector may require from the proprietor or agent, a certificate establishing that the precautions required for the installing of apparatus for electric lighting or motive power, comply with the underwriters' regulations.

Fire-alarms for theatres.

“**2988j.** All theatres shall be supplied with approved fire-alarms, connected with the central office of the fire-alarm department.

Fire-proof, scenery, &c.

“**2988k.** All scenery and accessories shall be made incombustible with a fire-proof paint or solution which shall be previously approved by the building inspector.

Inspection of theatres before beginning of theatrical season.

“**2988l.** Every year, before opening a theatrical season, on or before the fifteenth day of August, the agent, the lessee or the manager of every theatre, shall demand an inspection of his building by a notice addressed to the inspector, and no

theatre shall be opened to the public before having been inspected and approved by the inspector.

“ **2988m.** In so far as, in the opinion of the inspector, shall be possible, the regulations governing theatres may be applied in whole or in part to public amusement halls or other buildings mentioned in article 2973. Theatre regulations may apply to certain other buildings.

The certificate prescribed by article 2977 shall mention the number of persons which each theatre, lecture hall or amusement hall can hold. Capacity of theatres. &c.,

Such number shall be in proportion to the number and dimensions of the exits and the width of the passages, corridors and aisles, and no greater number of spectators shall be allowed to enter than the number mentioned in the certificate. Audience in theatres, &c., to be in proportion to number, &c., of exits, &c.

Such certificate shall be posted in the place designated by the inspector, and its place shall not be changed without his permission. There shall be two or more posters, as may be necessary, in the discretion of the inspector. Posting of certificate &c.

Above each door or exit leading to the outside, there shall be placed a poster bearing in large characters the word “ exit ” or “ sortie ” and in such light as to be easily read. Sign above certain theatre doors.

“ **2988n.** The inspector may require that there shall be a night guardian in every hotel or boarding-house having fifty occupied rooms. Night guardian in hotels, &c.

The passages and staircases shall be lighted throughout the night. The lamps indicating the safety exits, shall be supplied with glasses of glass coloured differently from that of other lamps. Lighting of certain passages.

The proprietors shall post in each room, a notice in French and in English, containing the information necessary to enable the occupants to find their way to the supplementary exits and to use the extinguishers and safety appliances. Posting of certain notices.

There shall be a sounding gong or other alarm appliance to wake the occupants at night in case of fire. Gongs, &c., in hotels, &c.

Proprietors of hotels which can accommodate at least fifteen boarders, shall have their house inspected and obtain a certificate attesting that all the precautions for the safety of the boarders and employees have been taken, as required by law and by the regulations. The certificate shall be issued in duplicate, and the proprietor, after having posted one of them in a conspicuous place in his house, shall keep the other at the disposal of the inspector of provincial revenue of the district. Inspection of certain hotels, &c.

Such certificates shall be given by the inspector free of charge, and the collector of provincial revenue shall not grant a license until after the certificate has been obtained. Certificate thereof, &c.

“ **2988o.** The principals or heads of every college, seminary, school, convent, hospital or asylum, shall, so far as possible, Certain fire instruction, &c.

instruct the pupils or other occupants as to what is to be done in case of fire, and show them how to use the safety appliances and extinguishers.

Safety and exit drill, &c.

Safety and exit drill shall be had from time to time, under the supervision of the principal or head of the institution, and of the inspector if he thinks proper.

Posting of certain certificate in certain schools, &c.

The proprietors and principals of colleges, convents, boarding schools, or other educational establishments, shall constantly keep posted in the parlour of the building, a certificate signed by the inspector, attesting that all precautions touching the safety of the pupils, boarders or other occupants of the building, in case of fire or panic, have been taken, according to law and to the satisfaction of the inspector.

Penalty, &c., in certain cases

“ **2988p.** Every proprietor, lessee or agent, who fails to comply with the notices given by the inspector in virtue of this section, is liable to the penalty prescribed by article 2988r, and until he has complied with such notice, no meeting or performance shall take place in such theatre or public amusement hall, and the inspector is by this section authorized to post at the entrance of such building, in a conspicuous place, a placard indicating that the said building is dangerous.

Demolition of buildings in certain cases, &c.

“ **2988q.** The proprietor of any building, destroyed or partially destroyed, or rendered dangerous, by fire or otherwise, shall demolish such building, and if the proprietor refuses or neglects so to do, after being ordered so to do by the inspector, the building shall be destroyed at the expense of such proprietor, and the cost of such demolition shall be a privileged claim upon the land where the building is situated.

§ 7.—*Offences and penalties*

Fine &c., in certain cases

“ **2988r.** 1. Proprietors of public buildings who infringe the provisions of this section and of the regulations made under the authority thereof, are liable to a fine not exceeding fifty dollars and costs, for each day while the offence lasts.

Incumbents, &c., subject to section, &c.

2. The incumbents, church-wardens or trustees owning churches or buildings used as such under section first of chapter third of title ninth of these Revised Statutes, respecting lands held by religious congregations, and all others owning churches or buildings used as such in virtue of any other law, are subject to the provisions of this section, and, in case of contravention, are severally liable to the penalties set forth in the preceding paragraph of this article.

Penalty for opening

“ **2988s.** 1. Every proprietor of a theatre or hall, used for public meetings, lectures or public amusements, who, without the required certificate of inspection, allows such building to

be open to the public, is liable, in addition to the fine mentioned in article 2988r, to a penalty not exceeding fifty dollars and costs, for every day that such building so remains open. without inspection.

2. On the report of the inspector, the Minister of Public Works and Labour may order such owner to close such building until he has obtained the required certificate. Closing of certain buildings.

Such order may be executed by a constable of the municipal or provincial police force, or by a peace officer, either by preventing the public from entering or by causing the place to be cleared. How effected.

3. Every proprietor, lessee or agent of a theatre or of any building in which shows or public amusements of any kind are given, and every proprietor or lessee of a park, race course or grounds where public sports are carried on, who refuses free access to the inspector or who does not reasonably facilitate the work of the inspector, is liable to a fine of not more than fifty dollars and costs. Fine for refusing access to inspector in certain cases.

§ 8.—*Jurisdiction of certain courts and procedure*

“**2988t.** 1. All prosecutions under this section are brought by the inspector before the judge of the Sessions of the Peace or a police magistrate in the cities of Quebec and Montreal, or before the district magistrate or a justice of the peace of the place where the offence was committed, if in any other part of the Province. Prosecutions before what court brought.

2. The procedure to be followed in such cases is that prescribed by part XV of the Criminal Code. Procedure.

3. No prosecution shall be brought for any infringement of the law or of the regulations after sixty days from the time such infringement came to the knowledge of the inspector. Prescription.

“**2988u.** The fines imposed under this section shall be collected by the inspector and shall be paid to the Provincial Treasurer for the uses of the Province. Collection, &c., of fines.

“**2988v.** 1. The Lieutenant-Governor in Council may make regulations, with respect to the buildings mentioned in article 2973, upon the following, amongst other matters : Regulations by Lieut.-Gov. in Council.

a. The construction of public buildings, and their solidity, so as to insure the safety of those who reside in or who frequent the same ; Construction &c., of public buildings.

b. The precautions to be taken against fire, and more particularly as respects : doors and windows, staircases, escapes, apparatus for extinguishing fire and saving life, and elevators and their safety appliances ; Precautions against fire.

Safety of workmen, &c.
 Certain rights of municipal councils not affected.

c. The safety and health of the guardians, workmen, work-women, clerks or other persons employed in public buildings.

2. Nothing in this article shall, however, affect the powers possessed by municipal councils for making by-laws respecting public safety, nor the powers of the commissioners appointed under the law respecting the erection and division of parishes, to make regulations on the same subject, with respect to churches and other buildings for divine worship ; provided such by-laws or regulations be not inconsistent with those made in virtue of this section.

Existing rules, &c., not affected, &c.

“ **2988w.** This section shall not affect any rules and regulations, matters or things done or made under the law replaced by this section, which shall remain in force until the contrary be decided under this section ; nor shall it affect the rules and regulations adopted therein by the Board of Health of the Province of Quebec.

Suggestions by inspector, &c.

“ **2988x.** 1. The inspector, after having pointed out to the proprietors of any building the defects which may exist, whether in the construction of the building or in the installation and maintenance thereof, or any other defects resulting from the absence of anything required for the protection of human life, shall suggest the work which he thinks necessary, leaving, however, to the proprietor, the choice of the changes to be made so that his establishment shall be kept according to the law and regulations.

Demand of inspection, &c.

2. Upon receipt of the regulations adopted in virtue of this section, every person interested may call upon the inspector to visit his establishment. The inspector shall point out whatever faults he may find.

Delay to make changes.

3. If the application of the regulations necessitates a considerable change in the arrangements of the building, a delay shall be granted, proportioned to the importance of the changes deemed necessary. When this delay has elapsed, the regulations adopted in virtue of this section, shall be given full effect.

Is in discretion of inspector.

4. The delay granted to the proprietor to perform his obligations, shall be left to the discretion of the inspector.

Order that certain work be done, &c.

“ **2988y.** If the proprietor of a public building fails to comply with this section, the Minister of Public Works and Labour, may cause to be made, at the expense of such proprietor, the works necessary to ensure the security of such building, or may order that such building be vacated and closed until the proprietor complies with the law.

By whom carried out.

Any such order shall be carried out by the proper inspector who may require all assistance necessary for such purpose.”

Coming into force.

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