

CAP. XCV.

NOTE.—*This act is to form the preliminary title of the Revised Statutes of the Province of Quebec.*

An Act respecting the Statutes of the Province of Quebec.

[Assented to 21st June, 1886].

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

SECTION FIRST.

APPLICATION.

1. This statute applies to all the statutes of the Legislature of this Province, except in so far as such application may be inconsistent with the object, the context, or any of the provisions, of such statutes. 31 V., c. 7, s. 1.

SECTION SECOND.

FORM OF ENACTING CLAUSE.

2. The form to be used, as indicating the authority under which any statute is passed, is the following :

“Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts.” 31 V., c. 6, s. 1.

3. After the insertion of such form, which follows the setting forth of the considerations of the law, if any be mentioned, and which, with the latter, forms the preamble, follows the context in a concise and enunciative form C. S. C., c. 5, s. 2.

SECTION THIRD.

PROMULGATION.

4. The clerk of the Legislative Council, acting as clerk of the Legislature, shall inscribe at the beginning of every statute, immediately after its title, the date on which it was assented to or reserved by the Lieutenant-Governor ; and in the latter case, he shall also inscribe the date on which

the Lieutenant-Governor signified the assent of the Governor General in Council.

Such inscription forms part of the statute. 31 V., c. 6, s. 3.

Coming
into force
of statutes.

5. Unless other provisions be made respecting the date of its becoming executory, every statute of the province, if not reserved, becomes executory on the sixtieth day after that of its sanction, and if reserved and afterwards sanctioned, on the tenth day after that of its publication in the "Quebec Official Gazette." B. N. A. Act. 1867, ss. 57 and 90; 35 V., c. 4, ss. 1 and 2.

SECTION FOURTH.

DISAVOWAL.

When statutes
cease to be in
force.

6. Every statute ceases to have force and effect from the day on which it is announced, either by proclamation or by speech or by message to the two Houses of the Legislature, that such statute has been disallowed within the year following the reception by the Governor-General of the authentic copy which has been transmitted to him. C. C., art. 3; B. N. A. Act, 1867, ss. 57 and 90.

SECTION FIFTH.

MODIFICATION OR REPEAL.

Amendments
to statutes.

7. Every statute may be amended, altered or repealed by any other statute passed in the same session. 31 V., c. 7, s. 4.

Provisions
of repealed
statutes.

8. When any provisions of a statute are repealed and others substituted therefor, the provisions repealed remain in operation, until the provisions substituted become executory under the repealing statute. 31 V., c. 7, s. 11.

Effect of repeal
upon statutes
formerly
repealed.

9. When a statute which repeals another is itself repealed, the statute first repealed does not come again into force, unless the Legislature expresses such intention. 45 V., c. 5, s. 1.

Power of
Legislature to
repeal statutes
and to restrict
privileges
granted by it.

10. Every statute is considered as reserving to the Legislature, whenever the public good requires the same, the power of repealing it, and also of revoking, restricting and modifying any power, privilege or advantage granted to any person or party. C. S. C., c. 5, s. 6, § 26.

11. Unless the repealing statute otherwise provides, all acts, proceedings or things done or begun, and all rights acquired, in virtue of the provisions of any statute afterwards repealed, may be continued, completed and exercised under such provisions, notwithstanding such repeal, by observing, in so far as applicable, the procedure set forth in the new law. 31 V., c. 7, s. 12.

Proceedings under repealed statutes.

SECTION SIXTH.

DECLARATORY AND INTERPRETATIVE PROVISIONS.

§ 1.—*Declaratory provisions.*

12. The preamble of every statute forms part thereof and assists in explaining its purport and object. C. C., art. 12; C. S. C., c. 5, s. 6, § 28.

Preamble of acts.

13. The purport and object of every provision of any statute are deemed to be to remedy some evil or promote some good, whether the law commands or prohibits the doing of an act which it considers to be advantageous or hurtful to the public good, or inflicts punishment upon offenders.

Object and purpose of statutory provisions.

Such statute receives such fair, large and liberal construction as will insure the attainment of its object and the carrying out of its provisions, according to their true intent, meaning and spirit. C. C., art. 12; C. S. C., c. 5, s. 6, § 28.

Manner of interpretation.

14. No statute affects the rights of the Crown, unless they are specially included.

Rights not affected.

Similarly, no statute of a local and private nature affects the rights of third parties, unless specially mentioned therein. 31 V., c. 7, s. 5.

15. Any abbreviated form of reference to a statute is sufficient if intelligible; and no particular form of words is needed. 31 V., c. 7, s. 2, § 27.

Abbreviated form of reference.

16. The strict use of the forms given in statutes to insure the execution of their provisions is not required on pain of nullity, if the deviations therefrom preserve the meaning of the statute. 31 V., c. 7, s. 2, § 26.

Usage of forms.

17. The law is ever commanding; and whatever be the tense of the verb in which a provision is couched, such provision is deemed to be in force at all times and under

Tense of the verb in any act.

all circumstances in which it may apply. C. S. L. C., c. 1, s. 13, § 2.

Effect of verb in present tense.

18. No provision of law is declaratory or has a retroactive effect, by reason alone of its being enacted in the present tense. 31 V., c. 7, s. 3.

Interpretation of words "shall" "must" and "may."

19. Whenever it is provided that a thing "shall" be done or "must" be done, the obligation is imperative; but if it is provided that a thing "may" be done, its accomplishment is permissive. C. C., art. 15.

Delays expiring on holidays.

20. If the delay fixed for any proceeding or for the doing of anything expires on a non-judicial day, such delay is prolonged until the next following judicial day. C. C. P., art. 3.

Masculine gender comprises both sexes.

21. The masculine gender includes both sexes, unless it appears by the context that it is only applicable to one of them. C. C., art. 17, § 9; 31 V., c. 7, s. 2, § 1.

Singular number extends to more than one.

22. The singular number extends to more than one person or more than one thing of the same sort, whenever the context admits of such extension. C. C., art. 17, § 10; 32 V., c. 13, s. 1.

Effect of right of nomination.

23. The right of nominating to an employment or office carries with it that of removal. C. C., art. 17, § 17; 31 V., c. 7, s. 2, § 1.

Explanation of word "judge" &c. by whom anything is to be done.

24. When anything is ordered to be done by or before a judge, magistrate, functionary or public officer, one is understood whose powers or jurisdiction extend to the place where such thing is to be done. C. C., art. 17, § 16; 31 V., c. 7, s. 2, § 1.

Effect of authority to do anything.

25. The authority given to do a thing carries with it all the powers necessary for that purpose. C. C. art. 17, § 16; 31 V., c. 7, s. 2, § 1

Oaths.

26. Unless otherwise specially provided, whenever an oath is ordered to be taken or received, such oath is received, and the certificate of its having been taken is given, by any judge, magistrate or commissioner authorized to that effect, having jurisdiction in the place where the oath is taken.

Powers of successors and deputies of officers.

27. The duties imposed, and the powers conferred, upon an officer or public functionary in his official capacity, pass

to his successor and pertain to his deputy, in so far as they are compatible with the office of the latter. C. C., art. 17, § 18 ; 31 V., c. 7, s. 2, § 1.

28. When an act is to be performed by more than two persons, it may be validly done by the majority of them, except in cases otherwise specially provided. C. C., art. 17, § 19 ; 31 V., c. 7, s. 2, § 1. Power of majority.

29. Unless some other mode be indicated by any statute enacting imprisonment only for a breach of its provisions, the prosecution is brought before the Court of Queen's Bench in the exercise of its criminal jurisdiction. Suits in cases of imprisonment.

30. When no other mode is provided for the recovery of any penalty or forfeiture imposed by any statute, it is recoverable with costs, in the same manner as any ordinary debt of like amount and before the same court, at the suit of the Crown, or of any private party suing as well in the name of the Crown as in his own name ; but no commissioners' court has jurisdiction in such cases. 31 V., c. 7, s. 7. Recovery of penalties. Proviso.

31. If no other provisions for the application of a penalty have been prescribed, half of it belongs to the Crown and half to the private prosecutor ; if there is no private prosecutor, the whole belongs to the Crown. 31 V., c. 7, s. 7. Application of penalties.

32. If there are no express provisions to the contrary, all duties, penalties, sums of money, or proceeds of forfeitures, recovered by the Crown in virtue of any statute, form part of the consolidated revenue fund, and are accounted for accordingly. 31 V., c. 7, s. 8. Application of penalties recovered by Crown.

33. If no place is fixed for the imprisonment when a statute provides for the imprisonment of any one, such imprisonment is in the common gaol of the district in which the order of imprisonment is issued, or if there is no gaol in such district, in the nearest common gaol. 31 V., c. 7, s. 9. Place of imprisonment when not fixed

34. No statute is excluded from the application of any rule of construction applicable thereto, and which is otherwise not inconsistent with this act, because such statute does not reproduce it. C. S. C., c. 5, s. 6, § 29. Application of rules of interpretation to statutes.

35. All statutes are public, unless declared to be private. Every one is bound to take cognizance of public statutes, but private statutes must be pleaded. 31 V., c. 7, s. 6. Statutes are public. Cognizance of statutes.

§ 2.—*Interpretative provisions.*

Interpretation
of words, terms
&c., following.

36. The following words, terms and expressions, whenever used in any statute, have the sense, meaning and application, respectively, assigned to them in this article and are interpreted in the manner therein specified, unless there are some special enactments to the contrary :

“ Her Majesty,” &c.

1. The words “Her Majesty,” “the King,” “the Sovereign,” “the Queen,” “the Crown,” mean the King or the Queen, his or her heirs and successors, sovereigns of the United Kingdom of Great Britain and Ireland. C. C., art. 17, § 1 ; 31 V., c. 7, s. 2, § 1.

“ Governor-General.”

2. The words “Governor-General” mean the Governor-General of Canada, or the person administering the Government of Canada ; and the words “Lieutenant-Governor” the Lieutenant-Governor of the Province of Quebec, or the person administering the Government of this province. 31 V., c. 7, s. 2, §§ 4 and 5.

“ Lieutenant-Governor.”

“ Governor-General in Council.”

3 The words “Governor-General in Council” mean the Governor-General or person administering the Government, acting with the advice of the Queen’s Privy Council for Canada ; and the words “Lieutenant-Governor in Council,” the Lieutenant-Governor or person administering the Government, acting under the advice of the executive council of the province of Quebec. B. N. A. Act. 1867, ss. 11, 12, 13, 14, 66 and 67 ; 31 V., c. 7, s. 2, § 6.

“ Lieutenant-Governor in Council.”

“ United Kingdom,”
“ United States,”
“ Canada,” &c.

4. The words “United Kingdom” mean the United Kingdom of Great Britain and Ireland ; the words “United States,” the United States of America ; the words “Dominion” “Canada” mean the Dominion of Canada. C. C., art. 17, § 7 ; 31 V., c. 7, s. 2, §§ 1, 7 and 8.

“ Union.”

5. The words “the Union” mean the union of the Provinces effected under the British North America Act, 1867. 31 V., c. 7, s. 2, § 19.

“ Lower Canada.”

6. The words “Lower Canada” mean that part of Canada which heretofore constituted the Province of Lower Canada, and mean now the Province of Quebec. B. N. A. Act, 1867, s. 6 ; C. C., art. 17, § 6.

“ Province,”
“ Provincial.”

7. The word “Province” when used alone means the Province of Quebec ; and the qualification “provincial”, added to the words “act,” “statute” or “law,” means an act, statute or law of this Province. 31 V., c. 7, s. 2, §§ 3 and 10.

“ Imperial Parliament.”

8. The words “Imperial Parliament” mean the parliament of the United Kingdom of Great Britain and Ireland.

“ Federal Parliament,”
“ Legislature.”

The words “Federal Parliament” mean the parliament of Canada ; the word “Legislature” means the Legislature of Quebec. 31 V., c. 7, s. 2, §§ 2 and 9.

9. The word "session" means a session of the Legislature of Quebec; the words "session of the Legislature," mean the whole period during which a session of the Legislature is held, including both the day of its opening and the day of its prorogation. 31 V., c. 7, s. 2, §§ 14 and 29.

10. The words "Imperial acts" or "Imperial statutes" mean the laws passed by the Imperial Parliament; the words "Federal acts" or "Federal statutes" mean the laws passed by the Parliament of Canada; the words "act," "statute" or "law," whenever used without qualification, mean the acts, statutes and laws of the Legislature of Quebec. 31 V., c. 7, s. 2, §§ 2 and 10.

11. The words "Civil Code" and "Code of Civil Procedure" mean the Civil Code and Code of Civil Procedure of Lower Canada; the words "Municipal Code" mean the Municipal Code of the Province of Quebec. 31 V., c. 7, s. 2, § 12; 34 V., c. 68, s. 1087.

12. The words the "Government" or the "Executive Government" mean the Lieutenant-Governor and the executive council of this Province. 31 V., c. 7, s. 2, § 15.

13. The words "the law officers" or "the law officers of the Crown" mean the attorney general and the solicitor general of this Province. 31 V., c. 7, s. 2, § 20.

14. Words designating a department or public officer refer to the department or officer of like name for this Province. 31 V., c. 7, s. 2, § 23.

15. The word "magistrate" means a justice of the peace. "Two justices of the peace" mean two or more justices acting together. C. C., art. 17, § 16; 31 V., c. 7, s. 2, § 1.

16. The word "person" includes bodies politic and corporate, and extends to heirs and legal representatives, unless the statute or the particular circumstances of the case are opposed thereto. C. C., art. 17, § 11; 31 V., c. 7, s. 2, § 1.

17. The name commonly given to a country, place, body, corporation, society, officer, functionary, person, party or thing, designates and means the country, place, body, corporation, society, officer, functionary, person, party or thing thus named, without the necessity of more ample description. C. C., art. 17, § 8; 31 V., c. 7, s. 2, § 1.

18. The word "commission," whenever it refers to a commission issued by the Lieutenant-Governor under any statute or order in council, means a commission under the Great Seal, running in the Queen's name. 31 V., c. 7, s. 2, § 30.

- “Proclamation.” 19. The word “proclamation” means a proclamation under the Great Seal. 31 V., c. 7, s. 2, § 11.
- “Great seal.” 20. The words “Great Seal,” mean the Great Seal of the Province of Quebec. 31 V., c. 7, s. 2, § 11.
- “Writing,”
“Manuscript.” 21. The words “writing,” “manuscript,” and terms of like import, include that which is printed, painted, engraved, lithographed or otherwise traced or copied. C. C., art. 17, § 12 ; 31 V., c. 7, s. 2, § 1.
- “Acts of civil status.” 22. The terms “acts of civil status” mean the entries made in the registers, kept according to law, to establish births, marriages and burials.
- “Registers of civil status.” “Registers of civil status” are the books so kept, and in which such acts are entered.
- “Officers of civil status.” “Officers of civil status” are those intrusted with the keeping of such registers. C. C. 17, § 22 ; 31 V., c. 7, s. 2, § 1.
- “Holidays.” 23. By holidays are understood the following days :
- a. Sundays ;
 - b. New Year’s Day ;
 - c. The Epiphany, the Annunciation, Ash Wednesday, Good Friday, Easter Monday, the Ascension, *Corpus Christi*, the festival of St. Peter and St. Paul, All Saints’ Day, the Conception and Christmas Day ;
 - d. The anniversary of the birthday of the Sovereign, or the day fixed by proclamation for its celebration ;
 - e. The first day of July, (the anniversary of the day on which the Union Act came into force,) or the second day of July, if the first is a Sunday ;
 - f. Any other day fixed by Royal proclamation, or by proclamation of the Governor-General or of the Lieutenant-Governor, as a day of general fast or thanksgiving. C. C., art. 17, § 14 ; 31 V., c. 7, s. 2, §§ 1 and 25 ; 42-43 V., 19, s. 2.
- “Month.” 24. The word “month” means a calendar month. C. C. art. 17, § 13 ; 31 V., c. 7, s. 2, § 1.
- “Now,”
“Next.” 25. The words “now” and “next” apply to the time at which the act becomes executory. 31 V., c. 7, s. 2, § 28.
- “Oath.” 26. The word “oath” includes the solemn affirmation which certain persons are permitted to make instead of an oath. C. C., art. 17, § 15 ; 31 V., c. 7, s. 2, § 1.
- “Bankruptcy.” 27. By “bankruptcy” is meant the condition of a trader who has discontinued his payments. C. C., art. 17, § 23 ; 31 V., c. 7, s. 2, § 1.

SECTION SEVENTH.

CUSTODY OF ORIGINALS.

- 37.** The originals of the statutes of the Legislature of this Province and bills reserved for the pleasure of the Governor-General remain in the custody of the Clerk of the Legislative Council, who is known and designated, when he acts as an officer of the Legislature, as the "Clerk of the Legislature." Originals of statutes by whom kept.
- 38.** The Clerk of the Legislature shall have a seal of office; and he affixes it to the certified copies of all statutes intended for the Governor-General or Provincial Registrar or required to be produced before the courts either within or without Canada, and in all other cases when he deems it expedient. Seal to be affixed to certified copies of statutes.
- 39.** The copies of the statutes, so certified by the Clerk of the Legislature, are authentic, and are proof of such statutes and of their contents. Authenticity of certified copies of statutes.
- 40.** As soon as practicable after the prorogation of every session, the Clerk of the Legislature procures from the Queen's printer a sufficient number of bound copies of the statutes; he delivers to the Lieutenant-Governor a copy duly certified, in the French and English languages, for transmission to the Governor-General, as required by the British North America Act, 1867, together with certified copies, in the French and English languages, of every bill reserved for the signification of the pleasure of the Governor-General, and he delivers a similar copy of the statutes, in the French and English languages, to the Provincial Registrar. Distribution of statutes.
- 41.** The Clerk of the Legislature also supplies certified copies of any statute to any person applying for the same; and for such copies he receives, before delivering them, a fee of ten cents for every hundred words contained in the copy and certificate. Certified copies may be delivered to others. Fee therefor.
- The sums so received form part of the consolidated revenue fund, and are accounted for accordingly. Application of sums so received.
- 42.** The certified copies required for the public service are obtained from the Clerk of the Legislature by the Provincial Secretary, without the payment of any fee. Copies for the public service to be given without fee.
- 43.** The Clerk of the Legislature places at the foot of every copy, which he is required to certify, a certificate Certificate to be placed at foot of statute.

duly signed and authenticated by him, setting forth that it is a true copy of the statute passed by the Legislature of Quebec, in the session held in the year of Her Majesty's reign, and assented to in Her Majesty's name, by the Lieutenant-Governor, on the day of _____, or reserved for the signification of the pleasure of the Governor-General and sanctioned by the Governor-General in Council, on the day of _____.

SECTION EIGHTH.

PRINTING AND DISTRIBUTION.

44. As soon as any statute is assented to, or, if it has been reserved, as soon as the assent thereto has been signified, the Clerk of the Legislature shall deliver a certified copy thereof in French and another in English to the Queen's printer, who is bound to print the same. 31 V., c. 6, s. 4.

45. Statutes reserved and afterwards assented to by the Governor-General in Council are published in the "Quebec Official Gazette," and are afterwards printed in the first volume of the statutes which is printed after the signification of such assent.

46. Orders in Council, proclamations and departmental regulations, which the Lieutenant-Governor in council deems to be of a public and general nature and interest, are printed and published in the volume of the statutes indicated by him. 44-45 V., c. 5, ss. 1 and 2.

47. The number of copies to be thus printed in each language is determined by the Lieutenant-Governor in Council. 31 V., c. 6, s. 5.

48. The statutes are printed on fine paper, in royal octavo form and in small pica type, each page being fifty-five ems by thirty-two ems, including marginal notes in minion.

The volume of the statutes of each session must be half-bound in cloth, with a back of sheepskin on which is lettered the title with an indication of the year of the reign of the Sovereign during which such statutes were passed. 31 V., c. 6, s. 6.

49. The marginal notes must give the year and chapter of the previous legislative enactment which the text amends or repeals or to which it refers. 31 V., c. 6, s. 6.

50. The two Houses of the Legislature may, by joint resolution, regulate the distribution of the printed copies of the statutes to their members ; and in default of such resolution, the Lieutenant-Governor in Council passes an order for that purpose. 31 V., c. 6, s. 7.

Regulations for distribution to members.

51. The distribution of the copies of the statutes, to the public departments, administrative bodies, judges, public officers and other persons, is regulated by an order of the Lieutenant-Governor in Council. 31 V., c. 6, s. 8.

Number to be distributed to departments, &c.

52. The Provincial Secretary is bound to furnish to the Queen's printer, as occasion requires, copies of all orders in council made under the provisions of this act. 31 V., c. 6, s. 9.

Copies of orders in council to be furnished to Queen's printer

53. The Queen's printer is bound, as soon as possible after the close of each session of the Legislature, to distribute copies of the statutes of the session in accordance with the joint resolutions and orders in council above-mentioned. 31 V., c. 6, s. 10.

Queen's printer to distribute statutes.

54. If, after the distribution of the copies of the statutes, any copies remain in the hands of the Queen's printer, he may deliver them to the persons to whom he is authorized to do so by the Provincial Secretary ; and to the members of the Legislative Council or Legislative Assembly, upon the order of the respective speakers of the two Houses. C. S. C., c. 5, s. 10.

Distribution of those remaining over.

55. The Queen's printer is bound to make, before the opening of each session of the Legislature, a report in triplicate to the Lieutenant-Governor, shewing the number of copies of the statutes of each session so printed or distributed since the last session, the departments, administrative bodies, officers and persons to whom they were distributed, the number of copies delivered to each and under what authority, and the number of copies of the statutes of each session remaining in his hands. 31 V., c. 6, s. 11.

Report to be made by Queen's printer.

56. The Lieutenant-Governor lays such report before each House of the Legislature within fifteen days after the opening of the session. 31 V., c. 6, s. 12.

Report to be laid before both Houses.

57. Every person who obtains the passing of a private statute shall pay to the government the cost of the printing of such statute in the volume of the statutes of the session. 31 V., c. 6, s. 13.

Cost of printing private acts.

SECTION NINTH.

AUTHENTICITY.

Authenticity
of printed
copies of
statutes.

58. All copies of a statute which appear to have been printed by the Queen's printer, are, unless proof to the contrary, considered as authentic proof of the existence and contents of such statute. 31 V., c. 6, s. 14.

SECTION TENTH.

FINAL PROVISIONS.

Repealing
clause.

59. The statutes and parts of statutes mentioned in the schedule hereunder are repealed and this statute is substituted therefor.

SCHEDULE.

Statutes.	Chapter.	Extent of repeal.
Consolidated Statutes, Canada	5	S. 2; s. 6, §§ 26, 28, 29; s. 10
Consolidated Statutes, Lower Canada	3	Sections 2 and 3.
31 Victoria	6	The whole.
31 Victoria	7	The whole, except section 10.
32 Victoria	13	Section 1.
35 Victoria	4	The whole.
42-43 Victoria	19	Section 2.
44-45 Victoria	5	The whole.
45 Victoria	5	The whole.