

repeal or modify any decisions given by him on appeal from the decision of the school commissioners or trustees, under the eighth sub-section of the sixty-fourth section of chapter fifteen of the consolidated statutes for Lower Canada.

Sec. 53 of ch.
15, C. S. L. C.
amended.

8. The fifty-third section of chapter fifteen of the consolidated statutes for Lower Canada is amended by inserting after the words "in the county of _____," the words "or in the counties of _____" if a municipality is situate partly in several counties.

Sec. 123 of ch.
15, C. S. L. C.
amended.

9. The one hundred and twenty-third section of chapter fifteen of the consolidated statutes for Lower Canada, is amended by inserting, after the words "circuit court," the following; "or the commissioners' court for the trial of small causes, for the parish or township, or before the magistrates' court of the district, provided the amount does not exceed the lawful jurisdiction of the said courts."

CAP. XXVI.

An Act to provide for the interdiction and Cure of Habitual Drunkards.

[Assented to 1st February, 1870.]

Preamble.

WHEREAS the drunkenness of certain heads of families and other persons of full age, and of other persons fully enjoying civil rights in this province, has, heretofore, on many occasions, been the cause of ruin to their families, and of grievous injury as well to their relations as to their creditors; and whereas, in the interests of society, it is necessary for the future to remedy such evils; and whereas experience has shown that drunkards who appear most incurable, may often be reclaimed by a reasonable and regular course of treatment, and that such course of treatment can be efficaciously pursued only in institutions organized for the purpose; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

In what cases
an habitual
drunkard may
be interdicted,
and by what
proceedings.

1. On petition, under oath, presented to any one of the judges of the superior court for Lower Canada, who alone shall have power to act, by any relations, whether of blood or by affinity, or in default of relations, by any friend of any habitual drunkard, setting forth that by reason of such drunkenness, such habitual drunkard either squanders his property, or mis-manages his property, or places his family in trouble or distress, or transacts his business prejudicially to the interests of his family, his friends or his

creditors, or that he uses intoxicating liquors to such an extent that he incurs the danger of ruining his health and shortening his life thereby, such judge, for any of such reasons, established before him to his satisfaction, may pronounce the interdiction of such habitual drunkard and appoint a curator to him, to manage his affairs and control his person, as in the case of one interdicted for insanity.

2. The interdiction of such habitual drunkard shall be proceeded with before a judge, by summoning before such judge a family council as in the case of tutorships, under the provisions of the civil code of this province, and by taking the opinion, under oath, of each person composing the said family council, as to the truth of the fact of the person whose interdiction is proposed being an habitual drunkard, and as to the necessity of such interdiction; but the person making such demand in interdiction shall not form part of such family council.

Mode of proceeding to interdiction.

3. The interdiction of any person interdicted as an habitual drunkard, shall have the same effects as those conferred by the law in force in this province, in the case of the interdiction of any person for insanity.

Effect of interdiction.

4. In proceeding to the interdiction of any person for habitual drunkenness, it shall not be necessary that the proof of any of the facts to be established for such purpose, before the judge, be taken in writing, nor that the person, whom it is sought to interdict, be interrogated before the judge, but it shall be sufficient that the judge be satisfied with the oral evidence given before him by the relations, whether of blood or by affinity or friends, composing the family council assembled for the purpose of such interdiction.

Not necessary that the facts requiring the interdiction be taken in writing, nor that the person interdicted be examined.

5. The petition praying for the interdiction of any habitual drunkard shall be personally served upon him at a time when he shall be sober, or if at the time of the said service the person, whose interdiction is demanded is not sober, the said petition shall be served upon a reasonable person of his family, at least eight days before that fixed for the appearance before the judge for the purpose of the interdiction.

Petition shall be served on the person to be interdicted, how and within what delay.

6. It shall be lawful for the person, whose interdiction shall be thus demanded, to produce before the judge, witnesses to contradict the allegations of the petition and the evidence of any or all of the members of the family council; and each party may retain an advocate and counsel to conduct the proceedings on his behalf and to examine the witnesses before the judge, who may require from the person instituting the demand in interdiction, further evidence of the facts alleged in the said petition, in addition to that of the family council; but as hereinbefore

Counter-evidence may be given.

Each party may be represented by counsel.

set forth, all evidence given before the judge shall be *viva voce* or taken in writing, as the judge shall deem proper.

Decision of judge to be final.

7. The decision of the judge shall be final and without appeal, whether he grants the interdiction or rejects the demand therefor.

When demand in interdiction rejected may be renewed.

8. If any demand in interdiction under this act be rejected, the same shall not be renewed before the expiration of three calendar months.

After one year's constant temperance, the interdiction may be removed.

9. Any person interdicted as an habitual drunkard, may be relieved from such interdiction, after one year's sober habits, and the removal thereof shall be effected by observing the same formalities as those prescribed to obtain the interdiction, and the person interdicted shall not regain the exercise of his civil rights, until after the judgment removing the interdiction.

The wife or son may be curator.

10. The wife or the son of full age, of any person interdicted for habitual drunkenness, may be appointed his curator, and when the wife of the person interdicted shall have been appointed, she shall have all the powers of the curators to persons interdicted for prodigality, and shall be subject to the provisions of article 180 of the civil code, save in so far as regards acts of simple administration, and for such acts her appointment as curatrix shall avail as full authorization.

Penalty for sale or gift of intoxicating liquors to any interdicted person.

11. Whosoever shall wilfully sell or give to, or procure for any person interdicted under this act, intoxicating liquors, shall incur for each offence, a penalty of forty dollars, recoverable by the curator for and on behalf of the family of the person interdicted, by summary proceeding within three calendar months from the commission of such offence, before any justice of the peace of the district in which the offence shall have been committed, and in default of payment of the said penalty, together with the costs of suit, within the delay fixed by the said justice of the peace, the offender shall be imprisoned, in the common gaol of the district in which he resides, for the space and term of three calendar months, unless the said penalty and costs, and the costs of imprisonment, and of the conveyance of the defendant to the said gaol, be sooner paid.

How recovered.

Certain persons shall be deemed to be habitual drunkards.

12. Any person who, according to the common report of the neighborhood, has the reputation of being a drunkard, shall be deemed to be an habitual drunkard, according to the intent and meaning of this act.

Proceedings to be summary.

13. All proceedings under this act shall be summary, and the forms hereunto annexed or any other analogous forms shall be sufficient; and the same shall not be attacked for any error in form or for any irregularity, before any court.

14. The name of every person interdicted under this act, shall be inscribed on the roll of interdicted persons, as in other cases of interdiction.

Name of interdicted person shall be inscribed on roll.

15. The lieutenant-governor may, if he deem proper, grant a license to keep an asylum for the use of drunkards to the person or persons, or to the association of persons, who may appear to him to deserve the same.

Lieut.-gov. may grant licenses for asylums for drunkards.

16. The granting of the said license and the continuation thereof, shall be subject to the orders and regulations passed in respect thereof by the lieutenant-governor in council, who shall at the same time define the powers and privileges, and also the duties and obligations of the director or directors of the said institution.

Regulations for that purpose to be made by Lieut.-gov. in council.

17. The curator of any person interdicted under this act may place the person interdicted, whose curator he is, in any duly licensed institution for the cure of drunkards, and may remove him from the same, whenever he shall deem it desirable.

Curators may place interdicted persons in such asylums and remove them therefrom.

SCHEDULES.

A.

FORM OF PETITION FOR INTERDICTION.

Province of Quebec, }
District of }

To the honorable A. B., one of the judges of the superior court for Lower Canada :

C. D., *farmer*, of the parish of _____, in the said district, by this his petition, respectfully represents :

That for about _____ year, E. F., *farmer*, of the said parish of _____, (*uncle or brother of the petitioner, as the case may be,*) has been an habitual drunkard, and that by reason of his drunkenness he squanders or mis-manages his property, or places his family in trouble or distress, or transacts his business prejudicially to the interests of his family, of his relations, or of his creditors, and that, therefore, it is desirable that under the statute in such case made and provided, the said E. F. be interdicted as an habitual drunkard.

Wherefore, your petitioner prays that the interdiction of the said E. F., as an habitual drunkard, in accordance with the statute in such case made and provided, be pronounced.

B.

FORM OF AFFIDAVIT WHICH MUST ACCOMPANY THE PETITION PRAYING FOR THE INTERDICTION.

C. D., the petitioner named in the foregoing petition, being duly sworn upon the Holy Evangelists, doth depose and say: That the facts alleged in the foregoing petition are true, and that the said petition hath not been made through malice, nor with a view to oppress. And he hath (*declared himself to be unable to sign,*) or hath signed after the same hath been duly read to him.

Sworn before me, this

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J. S. C.

C.

JUDGE'S ORDER, ASSEMBLING A FAMILY COUNCIL TO PROCEED TO THE INTERDICTION.

Considering the foregoing petition and affidavit, let the relations, whether of blood or by affinity, and in default of such relations, the friends of the said E. F., in the said petition mentioned, appear before me in chambers, in the court house, in the *city or town, &c.*, on the day of 18, at o'clock in the noon, for the purpose of proceeding upon the said petition.

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J. S. C.

CAP. XXVII.

An Act to repeal section sixteen of thirty-two Victoria, chap. seventy, relating to the closing of Taverns, Dram-shops, Saloons or other houses or places of public entertainment, and to substitute other provisions therefor.

[Assented to 1st February, 1870.]

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

Sec. 16 of 32 V.,
c. 70 repealed
and replaced.

1. Section sixteen of the act of this province, thirty-second Victoria, chapter seventy, is hereby repealed, and the following provisions are substituted therefor :

City council of
Montreal to
make regula-
tions concern-

" 16. The council of the said city of Montreal shall forthwith and within the period of one month from the passing of this act, regulate by by-law, the hours for opening and

