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3rd Session, 6th Parliament, 23 Victoria, 1860.

BILL.

An Act to regulate the time during which Apothecaries' and Druggists' shops shall be kept open in the different cities of the Province.

Received and read first time, Wednesday,
7th March, 1860.

Second reading, Monday, 12th March, 1860.

MR. DUNBAR ROSS.

An Act to regulate the time during which Apothecaries and Druggists Shops shall be kept open in the different Cities of Lower Canada.

WHEREAS, it is necessary to make provisions to secure access at all reasonable hours to the shops of Apothecaries and Druggists in the different cities of Lower Canada. Therefore, &c. Preamble.

I. It shall be the duty of the Mayor, and in his absence or incapacity from illness or other cause, of the next senior member of the Council of each Municipality or Municipal Corporation in each of the cities of Lower Canada, within three months after the passing of this Act, to notify, in the terms of the Schedule A. to this Act annexed, every person following the profession or business of Apothecary or Druggist, in each of the said cities, to assemble at such place therein, and at such reasonable time after the service of such notification, as the said Mayor or other Civic Officer shall therein direct, for the purpose of carrying into effect the provisions hereinafter mentioned. Druggists and apothecaries in the cities of L. C. to be notified in the terms of schedule. a

II. Each and every such Apothecary or Druggist's shop shall be opened to the Public on every day in the week, except as hereinafter excepted, from the hour of six in the morning, on and from the first day of April until the first day of November in each year, and on and from the last mentioned days at the hour of seven in the morning until the first day of April next ensuing, and shall be kept open throughout the year until the hour of nine in the evening, for the vending and dispensing of medicines. Their hours of business fixed.

III. Two of the said Apothecary's or Druggist's shops, to be selected in the manner hereinafter provided, shall be kept open from and after the said hour of seven in the morning until midnight, and on every Sunday from the hour of six or seven in the morning (according to the season of the year,) also until midnight for the purpose aforesaid. Two Druggist's shops to be open on Sunday.

IV. It shall be the duty of the Apothecaries and Druggists assembled pursuant to the said notification, to determine and settle among themselves at such meeting the two Apothecary or Druggist's shops which shall first be kept open during the Sundays as aforesaid, and then and there to settle and record in writing the order in which they shall successively carry out the last two foregoing provisions; and public notice shall forthwith be given thereof, in one English newspaper published in each of the said cities and also in one French paper in each city in Lower Canada, to be defrayed out of a joint fund to be provided by the said Apothecaries and Druggists themselves. Druggists &c. to determine as to the shops to be kept open on Sundays. a

V. All the Apothecaries and Druggists in each of the said cities shall in every year thereafter assemble for the purposes of this Act at the same hour and on the same day, unless it be a Sunday or Holiday and then on the next succeeding day which shall not be a Sunday or Druggists to meet annually for that purpose.

Holiday, and shall then and there make such alterations in their regulation respecting the rotation of shops under section IV as the number of Apothecaries may necessitate.

Penalty for failure to comply with this act.

VI. Every Apothecary and Druggist or other person whosoever making default to comply with any one of the provisions of this Act, or in any way infringing or obstructing the same, shall, for every such default, infraction or obstruction forfeit the sum of pounds; and as far as regards the keeping open of such Apothecary or Druggists shop for the time and purpose herein mentioned, a like sum for every hour during which or any part thereof such Apothecary or Druggist shall fail to keep the same open; the said penalty to be recovered summarily before any two Justices of the Peace in or near such city either upon the confession of the accused or upon the evidence of one or more credible witnesses. 5 10

Proceedings on appeal of from the decision of Justices under this act. Title of this act.

VII. An Appeal shall be allowed from the final decision of any such Justices dismissing any such information or complaint, or convicting the Defendant in any penalty, to the Superior Court, provided notice thereof setting forth the grounds of such Appeal be given to the adverse party within one month after such decision whereupon and upon delivering the return of the service of such notice to the senior Justice, it shall be his duty forthwith to transmit the record in such case together with the original notes of evidence to the Clerk of the said Court there to be heard and revised without other formality or proceeding, and the Superior Court may confirm, modify or reverse the decision of such judges with costs in its discretion: And in the event of any such Justices being equally divided in opinion and declaring themselves unable to agree upon a judgment, it shall be competent to the party prosecuting forthwith after the making of such declaration, or upon the expiration of ten days after the final hearing of the cause, should no such declaration be made, to commence a fresh prosecution for the same offence before any other two such Justices. 15 20 25 30

Title of this

VIII. This Act shall be deemed a Public Act and may be cited as "The Apothecaries Act 1860."

SCHEDULE A.

NOTICE TO APOTHECARIES.

To A B, C D, &c. All of the City of , Apothecaries and Druggists.

Take notice that you and each of you are hereby notified and required to be and appear at on day the day of the month of instant or next, at the hour of in the noon, then and there to carry out the provisions of the Apothecaries Act 1860.