



## CHAPTER 24

### An Act to amend the Alcoholic Liquor Act

[Assented to, the 9th of May, 1941]

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

**1.** Section 3 of the Alcoholic Liquor Act (Revised R. S., c. 37, Statutes, 1925, chapter 37), as amended by the act <sup>s. 3, am.</sup> 3 George VI, chapter 22, section 1, is again amended:

*a.* By replacing paragraph 6 thereof by the following:

"6. The word: "meal" means a meal, the price <sup>"Meal".</sup> whereof is forty cents or more, exclusive of the amount charged for any alcoholic liquor served with the food;"

*b.* By adding, after the word: "gain", in the eighth line of paragraph 7 thereof, the words: " , wherein only members and persons invited at the expense of members are admitted";

*c.* By replacing the word: "eight" in the ninth line of paragraph 8 thereof, by the word: "thirty";

*d.* By replacing paragraph 9 thereof by the following:

"9. The word "tavern" means an establishment <sup>"Tavern".</sup> situated in a city or town and specially adapted for the sale by the glass of beer to be consumed on the premises;"

*e.* By striking out paragraph 15 thereof;

*f.* By adding after the word: "one", in the third line of paragraph 16 thereof, the words: " , or with the aid of another person,";

*g.* By replacing the paragraphs 19 and 20 thereof by the following paragraphs:

- "Café". "19. The word: "café" means an establishment, situated in a city or town of over twenty thousand souls and provided with special accomodation where, in consideration of payment, food is habitually furnished to travellers and alcoholic liquor is served with meals;
- "Restaurant". "19a. The word: "restaurant" means an establishment, situated in a city or town of over twenty thousand souls and provided with special accommodation where, in consideration of payment, food is habitually furnished to travellers and beer and wine are served with meals;
- "Hotel". "20. The word: "hotel" means an establishment in regular operation, provided with special accommodation where, in consideration of payment, food and lodging are habitually furnished to travellers, and having at least fifty bedrooms if situated in the cities of Quebec and Montreal, at least twenty-five bedrooms if situated in any other city or town, and at least twenty bedrooms in other cases;
- "Inn". "20a. The word: "inn" means an establishment in regular operation, provided with special accommodation where, in consideration of payment, food and lodging are habitually furnished to travellers, and having at least thirty bedrooms if situated in the cities of Quebec and Montreal, at least twenty bedrooms if situated in another city or town, at least six bedrooms if situated elsewhere in region A, and at least ten bedrooms in other cases;"
- h.* By replacing paragraph 24 thereof by the following paragraphs:
- "Bedroom". "24. The word: "bedroom" means a room in a hotel or inn fitted up as a sleeping apartment for travellers or for the staff and provided with suitable furniture for that purpose. It does not include tourist cabins or camps, even if they form part of an establishment operated as a hotel or inn. Every bedroom must have a door opening into a passage and be provided with at least one exterior window;
- "Region A". "25. The expression: "region A" means the Island of Montreal and the electoral districts of Argenteuil, Bagot, Beauharnois, Berthier, Brome, Chambly, Chateauguay-Laprairie, Two Mountains (*Deux-Montagnes*), Gatineau, Hull, Huntingdon, Iberville, Jacques-Cartier, Joliette, Labelle, L'Assomption, Laval, Maskinongé, Missisquoi, Montcalm, Papineau, Pontiac, Richelieu-Verchères, Rouville, Shefford, St. Hyacinthe, St. John's-

Napierville, Terrebonne, Three Rivers and Vaudreuil-Soulanges;

"26. The expression: "region B" means the territory "Region B" of the Province not included in region A."

2. Section 23 of the said act, as amended by the act R. S., c. 37, 17 George VI, chapter 21, section 1, is again amended s. 23, am. by striking out subsection 1 thereof.

3. Section 26 of the said act is amended:

Id., s. 26, am.

a. By replacing paragraph 1 thereof by the following:

"1. unless a permit therefor be granted to him by the Commission, upon payment of the duties prescribed;"

b. By striking out the last paragraph thereof, commencing with the words: "The Commission may".

4. Section 29 of the said act is repealed.

Id., s. 29, repealed.

5. Section 30 of the said act, as amended by the acts 3 George VI, chapter 22, section 3, and 4 George VI, chapter 20, section 1, is again amended: Id., s. 30, am.

a. By adding, after the word: "Commission", in the eighth line of sub-paragraph 2 of the first paragraph thereof, the words: ", upon payment of the prescribed duties";

b. By replacing sub-paragraph 3 of the said first paragraph thereof by the following:

"3. a. Any person in charge of a hotel or a café may, during a meal taken by a traveller, sell to him alcoholic liquor (except draft beer), which he and his guests must consume on the premises during the meal, provided that the Commission has granted a permit for such purpose to the said person, upon payment of the duties prescribed.

Sale to travellers, in a hotel or café.

"b. Any person in charge of a hotel, steamboat, dining-car or club may sell to any traveller or member of the club, as the case may be, alcoholic liquor (except draft beer) which must be consumed on the premises, provided that the Commission has granted a permit for such purpose to the said person, upon payment of the duties prescribed.

Id., in a hotel, steamboat, dining-car or club.

"No such permit shall be granted for a hotel situated outside of cities and towns and of region A. If, however, it be established to the Commission's satisfaction that such a hotel is needed for tourist-travel, the Commission may grant such permit in region B, outside of cities and towns.

Where permits granted.

Conditions of permit for steamboat or dining-car. "The permit for a steamboat or a dining-car may be granted only for a steamboat or dining-car operating a regular service between two points in this Province situated at a distance of at least fifty miles from each other, and shall authorize the sale while in transit only and not during trips outside of its regular service.

Sale of wine, beer, in an inn or restaurant. "c. Any person in charge of an inn or restaurant may, during a meal taken by a traveller, sell to him wine and beer (except draft beer) which he and his guests must consume on the premises during the meal, provided that the Commission has granted a permit for such purpose to the said person, upon payment of the duties prescribed.

Id., in an inn in region A. "d. Any person in charge of an inn in region A may sell to any traveller wine and beer (except draft beer), which must be consumed on the premises, provided that the Commission has granted a permit for such purpose to the said person, upon payment of the duties prescribed;"

c. By striking out the words: "or of a store where beer only is sold", in the first and second lines of sub-paragraph 4 of the said first paragraph thereof;

d. By striking out the words: "by this act", in the thirteenth line of the said sub-paragraph 4 thereof;

e. By inserting, after the word: "hotel", in the seventeenth line of the said sub-paragraph 4 the words: "or inn";

f. By replacing sub-paragraphs 5 and 6 of the said first paragraph thereof by the following sub-paragraphs:

Sale of beer in taverns. "5. Any person in charge of a tavern may sell therein beer by the glass, provided that it be consumed on the premises, and that a permit to that effect has been granted to him by the Commission, upon payment of the duties prescribed;

Sale of beer, wine, at banquet. "6. Any person in charge of a banquet may sell thereat wine and beer (except draft beer), provided that it be consumed on the premises and that a permit therefor has been granted to him by the Commission, upon payment of the duties prescribed."

R. S., c. 37, s. 31, replaced. "6. Section 31 of the said act is replaced by the following:

Sale in bedrooms forbidden. "31. The sale or delivery of alcoholic liquor in the bedrooms of a hotel or inn is forbidden in all cases."

R. S., c. 37, ss. 32, 33, replaced. "7. Sections 32 and 33 of the said act are replaced by the following sections:

“**32.** No permit shall be granted other than to an individual, and in his personal name. Permits to individuals.

The application for a permit may be made only by a British subject, must be signed by the applicant before witnesses, and must give his surname, Christian names, age, occupation, nationality and domicile, the kind of permit required and the place where it will be used, and must be accompanied by the amount of the duties payable upon the application for the permit. The applicant must furnish all additional information which the Commission may deem expedient to ask for. Application for permit; requirements.

If the permit is to be used for the benefit of a partnership or corporation, the application therefor must likewise be accompanied by a declaration to that effect, and duly signed by such partnership or corporation. In such case, the partnership or corporation shall be responsible for any fine and costs, to which the holder of the permit may be condemned; and the amount thereof may be recovered before any court having jurisdiction, without prejudice to imprisonment, if any. Permit for benefit of partnership or corporation.

All applications for permits must be addressed to the Commission before the 10th of January in each year, to take effect on the 1st of May in the same year. Applications for permits.

“**33.** The Commission may determine the manner in which a tavern, dining-room and other room must be fitted up, furnished and equipped in order to allow the exercise therein of the rights conferred by the permit. Equipment, etc., of taverns, etc.

“**33a.** No room in which alcoholic liquor is sold under a permit contemplated in this act shall be equipped with compartments, divisions, partitions or other obstructions which prevent a full and complete view, in the interior, of the whole room by every person present. Compartments, etc., forbidden.

“**33b.** No alcoholic liquor may be sold or served in a hotel, inn, café, restaurant or steamboat, except in the rooms indicated by the Commission. Sale restricted to specified rooms.

“**33c.** Any tavern situated in a hotel or inn must be operated solely in a room indicated by the Commission and separated from the other rooms for which another permit may be granted under this act. Tavern in special room.

“**33d.** No permit shall be granted to any person to sell alcoholic liquor in a hotel, inn, café, restaurant or grocery store unless such person,—or the partnership or corporation for whose profit the permit is applied Applicant for permit must be owner or lessee.

for—, is owner of the premises or lessee under a written lease for a period of at least one year.

Inscription to be affixed.

“**33e.** Every holder of a permit to sell certain alcoholic liquor in a café, restaurant or grocery store must affix to the main window of his establishment, or on the door of the main entrance, his name and the following inscription: “Holder of Liquor Commission Permit No. . . . .”, in uniform letters of not less than three-quarters of an inch in height.

Books and documents to be kept.

“**33f.** Every holder of a permit to sell certain alcoholic liquor in a hotel, inn, café, restaurant or grocery store must at all times keep in his establishment a set of books and documents respecting his purchases of liquor, stating the quantity, price and date of each purchase and the name of the supplier. Such books and documents must at all times be kept at the disposal of the Commission for examination.

Return may be required by Commission.

“**33g.** The Commission may require that every holder of a permit for the sale of certain alcoholic liquor, under section 30, shall make a return of his purchases and sales, in such manner and at such times as may be determined by the Commission.

Permit for grocery store selling beer: conditions required.

“**33h.** No permit to sell beer in a grocery store shall be granted, unless such establishment is situated on the ground floor and is provided with a quantity of other merchandise deemed by the Commission sufficient for it to be considered as an actual grocery store, and unless the kind of business carried on is of such nature that no business may be carried on therein on Sunday.

Performances and dancing forbidden.

“**33i.** No holder of a permit to sell certain alcoholic liquor in a hotel, inn, café or restaurant shall give any performances or shows or allow dancing, even under municipal authorization, without the Commission’s consent.”

R. S., c. 37, s. 34, am.

**8.** Section 34 of the said act, as amended by the act 16 George V, chapter 21, section 1, is again amended by striking out the words: “mentioned in sections 30 or 31”, in the second line of subsection 1 thereof.

Id., s. 35a, added.

**9.** The said act is amended by inserting therein, after section 35 thereof, the following section:

Cases when Commission must cancel permit.

“**35a.** The Commission must cancel a permit:

1. Upon the production of a final condemnation, rendered against the permit-holder, his agent or employee, for selling, in the establishment, alcoholic

liquor manufactured illegally or purchased in violation of this act;

2. Upon the production of three final condemnations rendered against the permit-holder for violation of this act;

3. If it appears that the permit-holder has, without the Commission's authorization, transferred, sold, pledged or otherwise alienated the rights conferred by the permit."

**10.** Section 37 of the said act, as amended by the R. S., c. 37, acts 16 George V, chapter 21, section 3; 17 George V, s. 37, replaced. chapter 21, section 2; 19 George V, chapter 22, section 1, and 1 George VI, chapter 23, section 1, is replaced by the following:

"**37.** The duties payable upon the application for a permit contemplated by this act, the granting of such permit and the transfer of the rights conferred by such permit shall be fixed by the Lieutenant-Governor in Council." Duties fixed by Lt-Gov. in C.

**11.** Section 37a of the said act, as enacted by the R. S., c. 37, act 2 George VI, chapter 32, section 1, is repealed. s. 37a, repealed.

**12.** Section 38 of the said act is replaced by the following: Id., s. 38, replaced.

"**38.** When any permit is granted, the duties paid upon the application therefor shall be applied to the payment of the duties exigible upon the issuing of such permit." Duties upon application applied to permit.

**13.** Section 41 of the said act is amended by replacing the words: "beer or wine", in the first line of the first paragraph thereof, by the words: "alcoholic liquor". R. S., c. 37 s. 41, am.

**14.** Section 42 of the said act, as amended by the acts 16 George V, chapter 21, section 4; 17 George V, chapter 21, section 3; 19 George V, chapter 22, section 2; 20 George V, chapter 32, section 1; 23 George V, chapter 19, section 1; 24 George V, chapter 18, section 1, and replaced by the act 25-26 George V, chapter 20, section 1, and amended by the act 3 George VI, chapter 22, section 4, is again amended by replacing the first two paragraphs of subsection 5 thereof by the following: Id., s. 42, am.

"5. It is forbidden for any holder of a permit for the sale of alcoholic liquor in a hotel, inn, café, restaurant, Sale, etc., forbidden at night.

club, steamboat or dining-car, to sell or deliver any such liquor, in the city of Montreal, between two o'clock and eight o'clock in the morning; in the city of Quebec, between one o'clock and eight o'clock in the morning, and, elsewhere, between midnight and eight o'clock in the morning.

Sale forbidden on holidays.

Exception.

On holidays, from the beginning of the day at midnight until eight o'clock in the morning of the following day, the holder of any such permit may only sell beer and wine to travellers (or members, as the case may be,) during meals and then only between one o'clock in the afternoon and nine o'clock in the evening."

R. S., c. 37,  
s. 43, am.

**15.** Section 43 of the said act is amended:

*a.* By replacing the word: "eighteen", in the first line of sub-paragraph 1 of the first paragraph thereof, by the word: "twenty";

*b.* By inserting therein, after sub-paragraph 5 of the said first paragraph thereof, the following sub-paragraph:

"6. to any person obviously under the influence of alcoholic liquor."

Id., s. 45, am.

**16.** Section 45 of the said act is amended by striking out sub-paragraph *f* of subsection 1 thereof.

Id., s. 48, am.

**17.** Section 48 of the said act is amended:

*a.* By striking out the words: "in quantities larger than one bottle", in the ninth and tenth lines of subsection 1 thereof;

*b.* By striking out the same words in the first and second lines of sub-paragraph *a* of subsection 2 thereof;

*c.* By replacing the words: "rectified at ninety per cent, mentioned in the British Pharmacopeia, in quantities larger than one bottle", in the first, second and third lines of sub-paragraph *b* of subsection 2 thereof, by the words: "at ninety-four per cent (65 O.P.)".

Id., s. 49, am.

**18.** Section 49 of the said act is amended by striking out the third paragraph thereof.

Id., s. 50, am.

**19.** Section 50 of the said act is amended by replacing subsection 2 thereof by the following:

Return to Commission by certain manufacturers.

"2. Every manufacturer of articles, for the manufacture or the conservation of which alcohol, spirits or wine is necessary, must, on the first of May of every year,

make a return to the Commission of the quantity of each variety of such liquor at that time in his possession, of the places where it is kept, of the quantities of each variety of such liquor which has entered into the manufacture of the products which he is authorized to manufacture, of the names and addresses of the persons to whom such products have been delivered and, at the same time, advise the Commission of the approximate quantity of each variety that he may require within the twelve months next after such date."

**20.** Section 54 of the said act is amended by re-R. S., c. 37, placing the last six lines thereof by the following: s. 54, am.  
 "shall be guilty of an offence against this act, and may Penalty.  
 be arrested without warrant, provided that, without delay, he be brought before a magistrate having jurisdiction, and shall be liable, in addition to the costs: for the first offence, to a fine of not less than fifty dollars nor more than two hundred dollars, and, for any subsequent offence, to imprisonment for a term of three months, which the court may reduce to one month."

**21.** Section 55 of the said act, as amended by the R. S., c. 37, act 20 George V, chapter 32, section 2, is again amended: s. 55, am.  
 by replacing sub-paragraph 7 thereof by the following:  
 "7. being the holder of a permit to sell certain alcoholic liquor in a hotel, inn, café, restaurant or tavern, consents to or permits the cashing in his establishment of cheques or other evidences of indebtedness issued in payment of wages; or"

**22.** Section 56 of the said act, as amended by the Id., s. 56, am. acts 16 George V, chapter 21, section 6; 18 George V, chapter 25, section 1; 19 George V, chapter 22, section 3; 1 Edward VIII (2nd Session), chapter 15, section 1, and 3 George VI, chapter 22, section 6, is again amended:

*a.* By replacing sub-paragraph 7 thereof by the following:

"7. being the holder of a permit, sells, to any person who is in a drunken condition or to any person who has not reached the age of twenty years, alcoholic liquor for the sale of which he is authorized by his permit, or sells or delivers, to any person of the age of twenty years or more, any alcoholic liquor for the sale or delivery of which he is authorized by his permit, knowing that such liquor is so bought for a person

obviously under the influence of alcoholic liquor or whose age is less than twenty years and is to be drunk by the latter; or,"

*b.* By replacing sub-paragraphs 10 and 11 thereof by the following sub-paragraphs:

"10. being the holder of a permit to sell beer in a grocery store, allows any beer sold therein to be drunk in such grocery store or its dependencies, either by the purchaser or by any other person not residing with the vendor nor in his employ, or delivers the same contrary to the provisions of sub-paragraph 4 of the first paragraph of section 30 of this act; or,

"11. being the holder of a permit for the sale of alcoholic liquor in a tavern, hotel, inn, café, restaurant, club, steamboat or dining-car, does not keep such permit constantly posted up in view of the public in the premises wherein such sale is authorized; or,";

*c.* By replacing the word: "eighteen", in the first line of sub-paragraph 16 thereof, by the word: "twenty".

R. S., c. 37,  
s. 61, am.     **23.** Section 61 of the said act is amended by replacing the word: "eighteen", in the fourth line thereof, by the word: "twenty".

Id., s. 62, am.     **24.** Section 62 of the said act is amended by replacing the word: "store" in the third line thereof by the words: "grocery store".

Id., s. 69,  
added.     **25.** The said act is amended by inserting therein, after section 68 thereof, the following section:

No action  
may be  
amended.     **"69.** No action or prosecution instituted for an offence against section 54 of this act may be amended afterwards but must be heard and adjudged as instituted."

R. S., c. 37,  
ss. 144a-144c,  
added.     **26.** The said act is amended by inserting therein, after section 144 thereof, the following Division and sections:

#### "DIVISION IXA

##### "ADVERTISING OF ALCOHOLIC LIQUOR

Certain ad-  
vertisements  
forbidden.     **"144a.** It is forbidden to represent by means of any advertisement that an alcoholic liquor is beneficial to health or that it possesses nutritive or curative value.

Certain signs  
forbidden.     **"144b.** It is forbidden to advertise an alcoholic liquor by means of signs or posters, unless they are

placed within a building so as not to be visible from the outside.

**144c.** The court which pronounces a condemnation upon a prosecution instituted for an infraction of the preceding section shall order that the sign or poster which was the subject of the condemnation be removed or destroyed within a delay of eight days from the date of the conviction, at the offender's cost." Removal of illegal signs.

**27.** The act 21 George V, chapter 31, is repealed. 21 Geo. V, c. 31, repealed.

**28.** The duties fixed in virtue of the provisions repealed by this act shall remain exigible as long as other duties shall not have been fixed in virtue of this act. Former duties remain exigible.

**29.** The Commission may, within thirty days from the sanctioning of this act, receive applications for permits contemplated in this act for the period of one year commencing on the 1st of May, 1941, and may afterwards issue such permits with the same effect as if they had been issued prior to the 1st of May, 1941. Reception of applications for permits. Issue.

**30.** The provisions of section 33a of the Alcoholic Liquor Act, as enacted by section 7 of this act, shall not apply, before the 1st of May, 1942, to establishments where a permit for a restaurant was in force on the 30th of April, 1941, except to such extent as the Commission may require. Application of certain provisions deferred.

**31.** The prohibition contained in section 144b of the Alcoholic Liquor Act, as enacted by section 26 of this act, shall apply : When a certain prohibition is to apply.

a. As from the 29th of April, 1941, to every sign or poster put up after that date;

b. As from the 1st of May, 1944, to every illuminated sign contemplated in section 2 of the act 21 George V, chapter 31, erected outside of cities and towns before the 29th of April, 1941;

c. As from the 1st of May, 1942, to any other sign or poster.

**32.** This act shall come into force on the day of its sanction. Coming into force.

