



CHAPTER 17

An Act to amend the Alcoholic Liquor Act to vest the Attorney-General with the investigation and prosecution of offences

[Assented to, the 20th of April, 1934]

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

1. Section 6 of the Alcoholic Liquor Act (Revised R. S., c. 37, Statutes, 1925, chapter 37) is amended by replacing the ^{s. 6, am.} word: "pleasure", in the third line thereof, by the words: "good conduct".

2. Section 9 of the said act is amended:

Id., s. 9, am.

a. By replacing paragraph *f* of subsection 1 thereof by the following:

"*f.* to inform the Attorney-General of the infractions of this act, of which it has knowledge;"

b. By striking out the word: "inspector," in the first line of paragraph *h* of the said subsection 1 thereof.

3. Section 35 of the said act is amended:

Id., s. 35, am

a. By replacing the word: "Commission", in the second line of the first paragraph of subsection 3 thereof, by the word: "Attorney-General";

b. By replacing the words: "Commission from cancelling the permit of any offender nor from", in the third and fourth lines of the second paragraph of the said subsection 3 thereof, by the words: "cancelling of the permit of any offender nor".

- R. S., c. 37, s. 47, replaced. **4.** Section 47 of the said act is replaced by the following:
 Seizure and confiscation. “**47.** Any alcoholic liquor kept or transported in contravention of section 45 or 46 may be seized without warrant by any officer or inspector authorized in accordance with the provisions of section 71, and confiscated.”
- R. S., c. 37, s. 53a, am. **5.** Section 53a of the said act, as enacted by the act 23 George V, chapter 19, section 2, is amended by replacing the words: “an officer of the Quebec Liquor Commission or a person authorized by it”, in the third and fourth lines thereof, by the words: “a person authorized by the Attorney-General”.
- Id., s. 58, am. **6.** Section 58 of the said act is amended by replacing the words: “authorized by the Commission”, in the second line thereof, by the words: “duly authorized”.
- Id., s. 66, am. **7.** Section 66 of the said act is amended by replacing the word: “Commission”, in the second line thereof, by the word: “Attorney-General”.
- Id., s. 70a, added. **8.** The said act is amended by adding thereto, after section 70 thereof, the following division and section:

“DIVISION IVa

“ARRESTS WITHOUT WARRANT

- Arrest without warrant. “**70a.** In cases in which this act authorizes arrest without warrant, the arrest may be made by any officer or inspector authorized in accordance with the provisions of section 71.”
- R.S., c. 37, s. 71, replaced. **9.** Section 71 of the said act is replaced by the following:
 Searches and seizures. “**71.** The Attorney-General may, by a document signed by him, authorize, generally or specially, any officer or inspector, whom he designates, to make searches, examinations and seizures in connection with alcoholic liquor, in every case where such search, examination or seizure is authorized by law; and such document shall be *prima facie* proof before any court.”
- R. S., c. 37, s. 72, am. **10.** Section 72 of the said act is amended:
 a. By replacing the words: “the Commission has”, in the third line of sub-paragraph *b* of subsection 1 thereof, by the words: “there be”;

b. By replacing the words: "of the Commission, authorized to that effect", in the sixteenth and seventeenth lines of the said subsection 1 thereof, by the words: "authorized in accordance with the provisions of section 71".

11. Section 73 of the said act is amended by replacing R. S., c. 37, the words: "of the Commission, authorized to that effect", s. 73, am. in the first and second lines thereof, by the words: "authorized in accordance with the provisions of section 71".

12. Section 74 of the said act is amended by replacing Id., s. 74, the words: "of the Commission, authorized thereto", in the first and second lines of the first paragraph thereof, by the words: "authorized in accordance with the provisions of section 71".

13. Section 75 of the said act is amended by replacing Id., s. 75, the words: "of the Commission, authorized to that effect", am. in the first and second lines thereof, by the words: "authorized in accordance with the provisions of section 71".

14. Section 76 of the said act is amended: Id., s. 76, am.
a. By replacing the words: "of the Commission, authorized to that effect", in the first and second lines thereof, by the words: "authorized in accordance with the provisions of section 71".

b. By striking out the words: "to his knowledge or that of the Commission", in the third and fourth lines thereof.

15. Section 77 of the said act is amended by replacing Id., s. 77, the words: "the Commission may seize such vehicle, and am. it must keep it until the court, by its judgment, declares it confiscated for the benefit of the Commission", in the eighth, ninth, tenth and eleventh lines thereof, by the words: "the officer or inspector may seize such vehicle and must place it in the custody of the chief of the Provincial police of the Quebec or Montreal division, according as the seizure took place in the appellate division of Quebec or of Montreal, until the court, by its judgment, declares it confiscated for the benefit of the Crown".

16. Section 78 of the said act is amended: Id., s. 78, am.
a. By replacing the word: "Commission", in the second line of the second paragraph thereof, by the word: "Attorney-General in the name of the Commission";
b. By replacing the word: "Commission", in the fourth line of the fifth paragraph thereof, by the word: "Attorney-General";

c. By replacing the words: "vehicles or other things seized", in the eleventh line of the last paragraph thereof, by the words: "other things seized except the vehicles which shall be disposed of in accordance with the following paragraph";

d. By adding thereto, at the end thereof, the following paragraphs:

Disposal of
confiscated
vehicle.

"The chief of the Provincial police in whose custody a confiscated vehicle has been placed under this section shall dispose by onerous title of such vehicle or retain it for the use of a public service of the Government of the Province, according to the instructions of the Attorney-General.

Remittance.

The Lieutenant-Governor in Council may, if the good faith of the owner of a confiscated vehicle be established to his satisfaction, order the remittance of the vehicle to such owner."

R. S., c. 37,
s. 78a,
added.

17. The said act is amended by inserting therein, after section 78 thereof, the following division and section:

"DIVISION Va

"INVESTIGATION AND PROSECUTION OF OFFENCES

Att.-Gen.
to have
charge of:
Enforcing,
etc., of cer-
tain acts;

"**78a.** The Attorney-General shall be charged with:

Conducting
of suits, etc.

1. Assuring the observance of this act and of the Alcoholic Liquor Possession and Transportation Act (Chap. 38), and investigating, preventing and suppressing the infringements of such acts, in every way authorized thereby;

2. Conducting the suits or prosecutions for infringements of this act or of the said Alcoholic Liquor Possession and Transportation Act."

R. S., c. 37,
s. 80, re-
placed.

18. Section 80 of the said act is replaced by the following:

Prosecutions
in name of
Commission.

"**80.** Notwithstanding the provisions of the second and third paragraphs of section 82, a prosecution may be taken in the name of the Commission, whenever there is reason to believe that any infringement of this act has been committed and that such prosecution will be held to be well founded."

R. S., c. 37,
s. 81, re-
placed.

19. Section 81 of the said act is replaced by the following:

Deposit in
certain case.

"**81.** Whenever any person has demanded the taking of any prosecution, the Attorney-General may, in his dis-

cretion, either before or during the suit, exact, from such person, the deposit of a sum of money sufficient to cover the costs due in case the prosecution is dismissed."

20. Section 82 of the said act is amended:

R. S., c. 37,
s. 82, am.

a. By replacing the word: "Commission", in the first line of the first paragraph thereof, by the word: "Attorney-General";

b. By replacing the word: "it", in the second line of the said first paragraph thereof, by the word: "he";

c. By replacing the last paragraph thereof by the following:

"If the council refuse or neglect to prosecute any infringement after having been notified thereof, the Attorney-General may prosecute the offender, in the name of the Commission and at the expense of the municipality."

In event of
refusal, etc.,
of council.

21. Section 94 of the said act is replaced by the following:

R. S., c. 37,,
s. 94, re-
placed.

"**94.** No resolution of the Commission shall be required for a suit or prosecution for an offence against this act to be taken in its name.

No resolu-
tion re-
quired.

In every such suit or prosecution the complaint must be signed and the suit or prosecution taken in the name of the Commission:

Procedure.

1. By one of the officials, officers, inspectors or other employees mentioned in Division IIIA of the Police and Good Order Act (Chap. 168), and authorized generally by the Attorney-General to take such suits or prosecutions and to sign such complaints; or
2. By the collector of provincial revenue appointed for the revenue district where the offence was committed and whom the Attorney-General has authorized generally to take such suits or prosecutions and to sign such complaints."

22. Section 95 of the said act is amended by replacing the word: "Commission", in the fourth line thereof, by the word: "Attorney-General".

R. S., c. 37,
s. 95, am.

23. Section 100 of the said act is replaced by the following:

Id., s. 100,
replaced.

"**100.** In any prosecution instituted under this act against any person not the holder of a permit, such prosecution may be instituted either for the sale of alcoholic liquor

Optional
prosecution.

without a permit, or for the special offence which he has committed and for which he would be liable to be prosecuted, even if he had been the holder of a permit."

R. S., c. 37, s. 113, am. **24.** Section 113 of the said act is amended by replacing the first paragraph thereof by the following:

Proof as to name and identity of defendant.

"113. In any proceeding instituted against a person who is not the holder of a permit under the provisions of this act, proof of the correct name of the defendant shall not be necessary to justify a conviction; it shall suffice that the identity of the defendant be established by the sworn testimony of one of the officials, officers, inspectors or employees contemplated by paragraph 1 of the second paragraph of section 94, or of the collector of provincial revenue mentioned in paragraph 2 of the said second paragraph of section 94."

R. S., c. 37, s. 114, am. **25.** Section 114 of the said act is amended by replacing the words: "authorized by the Commission to act for it in such proceeding", in the fifth and sixth lines thereof, by the words: "contemplated by paragraph 2 of the second paragraph of section 94".

Id., s. 116, am. **26.** Section 116 of the said act is amended by striking out the words: "by the Commission, or by one of its officers or by the collector of provincial revenue authorized by the Commission to act in such proceeding," in the second, third and fourth lines of the second paragraph thereof.

Id., s. 118, replaced. **27.** Section 118 of the said act is replaced by the following:

When judgment not unanimous.

"118. Whenever any proceeding has been heard by two justices of the peace, and they do not agree as to the judgment to be rendered, either of such justices may sign a certificate to that effect, and transmit the same to the Attorney-General. The latter, on receipt thereof, may institute a new proceeding, in the name of the Commission, for the same offence. Prescription shall not run between the service of the first proceeding and the date at which the certificate is transmitted to the Attorney-General."

R. S., c. 37, s. 123, am. **28.** Section 123 of the said act is amended by replacing the word: "Commission", in the fourth line thereof, by the word: "Attorney-General".

Id., s. 125, am. **29.** Section 125 of the said act is amended by replacing the words: "of the Commission", in the fourth line thereof, by the words: "charged with the enforcement of this act".

30. Section 127 of the said act is amended:

R. S., c. 37,
s. 127, am.

a. By replacing the words: "authorized to act for the Commission, or an officer or inspector of the Commission", in the third and fourth lines of the first paragraph thereof, by the words: "contemplated by paragraph 2 of the second paragraph of section 94, or an official, officer, inspector or employee, mentioned in Division IIIA of the Police and Good Order Act (Chap. 168)";

b. By replacing the words: "officer or inspector", in the second line of sub-paragraph 1 of the said first paragraph thereof, by the words: "official, officer, inspector or employee";

c. By replacing the words: "officer or inspector", in the third and fourth lines of the second paragraph thereof, by the words: "official, officer, inspector or employee";

d. By replacing the words: "officer or inspector", in the second line of the third paragraph thereof, by the words: "official, officer, inspector or employee".

31. Section 130 of the said act is amended by replacing the words: "prosecuting party", in the fifth line thereof, by the words: "Attorney-General if the suit or prosecution has been taken in the name of the Commission or upon the municipal corporation which instituted the suit or prosecution".

Id., s. 130,
am.

32. Section 138 of the said act is amended by replacing the words: "prosecuting party", in the second line thereof, by the words: "Attorney-General if the suit or prosecution has been instituted in the name of the Commission, or the municipal corporation which instituted the suit or prosecution".

Id., s. 138,
am.

33. Section 140 of the said act is replaced by the following:

Id., s. 140,
replaced.

"**140.** Whenever any proceeding is taken in the name of the Commission, the fine shall belong to the Crown."

Fines.

34. Section 141 of the said act is replaced by the following:

R. S., c. 37,
s. 141, re-
placed.

"**141.** Whenever, in accordance with the provisions of the second paragraph of section 82, the prosecution is taken by a municipal corporation, the fine recovered shall be employed in the following manner:

Employ-
ment of fine
in certain
case.

1. If the fine and costs have been recovered in full, one half shall belong to the Crown and the other half to the municipality;

2. If the fine and costs have not been recovered in full, the amount recovered shall first be applied to the payment of the costs, and the balance divided in the manner and in the proportion indicated in sub-paragraph 1 of this section."

R. S., c. 37, s. 142, replaced. **35.** Section 142 of the said act is replaced by the following:

Provisions applicable to fines, etc. **"142.** The provisions of the Fines Payment Act (Chap. 166) shall apply to the fines and costs contemplated by sections 140 and 141."

Coming into force. **36.** This act shall come into force on such date as it may please the Lieutenant-Governor in Council to fix by proclamation.