

the municipalities under their charters to themselves take a census.

COMING INTO FORCE

21. This act shall come into force on the day of its Coming into force.
enactment.

CHAP. 24

An Act to amend the Alcoholic Liquor Act

[Assented to, the 29th of December, 1922]

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 act 11 George V, chapter 24, as 11 Geo. V, c. 24, s. 3, am. amended by the act 12 George V, chapter 31, section 1, is further amended by adding to paragraph 7, the following words: "It also means the establishment so operated".

2. Section 5 of the said act is amended by adding 11 Geo. V, c. 24, s. 5, am. thereto, the following paragraph:

"The Lieutenant-Governor in Council may increase the Number of members. number of the members of the Commission to six or reduce it to three."

3. Section 9 of the said act is amended:

a. By placing the figure: "1", before the word: "The", 11 Geo. V, c. 24, s. 9, am. in the first line;

b. By adding the following paragraph:

"2. The Lieutenant-Governor in Council may apportion Apportionment of functions, etc. the functions, duties and powers of the Commission amongst its members."

4. Section 24 of the said act, as amended by the act 12 11 Geo. V, c. 24, s. 24, am. George V, chapter 31, section 4, is again amended:

a. By replacing the paragraph 2 thereof by the following:

"2. Whenever the alcohol or spirits sold by the Commission is in a bottle, the latter must be wrapped up or up or corking to prevent fraud, and label and sale price. corked so as to prevent fraud and the bottle or its wrapper must bear the label of the Commission and show the sale price."

b. By adding thereto the following paragraph:

"4. The paragraphs 1 and 2 of the present section shall Provisions

not applica-
ble in cer-
tain event.

not apply when the Commission sells alcoholic liquors to the government of a territory other than this Province, or to a commission, to a bureau or to an officer representing that government for the sale of such liquors in such territory."

11 Geo. V,
c. 24, s. 31,
am.

5. Section 31 of the said act, as amended by the act 12 George V, chapter 31, section 6, is further amended:

Sale of beer
by the glass
without a
meal per-
mitted in
certain
event.

a. By adding to paragraph 3 the following paragraph:

"Whenever the permit is granted to a person in charge of a hotel, in a village or rural municipality, the sale of beer by the glass may also be made therein without a meal, provided that the permit so indicate and state the room intended for such purpose, and provided that such selling can take place only in such room. Nevertheless no permit may be granted, conferring the right to sell beer by the glass, without a meal, in the manner indicated in this paragraph, in any of such municipalities, unless a request be made therefor by such municipality in conformity with paragraph 4 of section 34 or in conformity with the second paragraph of paragraph 2 of the same section;"

Proviso.

b. By adding thereto, after the word: "store," in the second line of paragraph 4 thereof, the words: "upon order given at his store or by telephone".

11 Geo. V,
c. 24, s. 31a,
added.

6. The following section is inserted in the said act after section 31:

Permit to a
club.

"31a. On payment of the duties exacted by this act, the Commission may grant a permit to a club authorizing it to keep alcoholic liquor belonging to the members of the club."

11 Geo. V,
c. 24, s. 34,
am.

7. Section 34 of the said act, as replaced by the act 12 George V, chapter 31, section 7, is amended:

a. By replacing the words and number: "in section 31", in the second line of paragraph 1 thereof, by the words and numbers: "in section 31 or 31a.";

b. By adding thereto, after the word: "permit", in the first line of the first paragraph of paragraph 2 thereof, the words: "for the sale of alcoholic liquor".

11 Geo. V,
c. 24, s. 37,
am.

8. Section 37 of the said act, as amended by the act 12 George V, chapter 31, section 10, is further amended by adding after paragraph 11 the following:

Club.

"12. To keep in a club, the alcoholic liquor belonging to members of the club:

a. In a city or town, ten dollars;

b. Elsewhere, five dollars."

9. Section 41 of the said act, as amended by the act 12 Geo. V, George V, chapter 31, section 11, is further amended by c. 24, s. 41, adding to the paragraph 1 thereof the following words: am.
"However the Commission may sell and deliver until three o'clock in the afternoon of certain Saturdays which it indicates in advance by by-law."

10. Section 44 of the said act is amended:

a. By adding to sub-paragraph *f* of paragraph 1 the following words: "provided that such club hold a permit granted according to the provisions of section 31*a* and that such permit be in force;" 11 Geo. V, c. 24, s. 44, am.

b. By adding the following paragraph to paragraph 2:
"Moreover, if the transportation of the beer be effected by railway, steamboat, common carrier or express company, the person transporting such beer shall have in his possession and produce upon request a way-bill containing the name and address of the shipper and the name and address of the consignee."

11. Section 46 of the said act, as amended by the act 11 Geo. V, 12 George V, chapter 31, section 13, is again amended by c. 24, s. 46, adding thereto the following paragraph: am.

"The Quebec Liquor Commission may, upon the conditions it determines, grant to any distiller, duly licensed by the Government of Canada for the manufacture of alcohol and spirits in the Province, a special permit authorizing such distiller to purchase and import, from such persons as are entitled to sell the same, wines or spirits to be used for the sole purpose of blending with and flavoring such products." Special permit to certain distillers.

12. Section 48 of the said act is amended by replacing all the words after the word: "beverage", in the fourth line of the second paragraph thereof, by the following: "the Commission may notify the manufacturer or the agent in this Province of the manufacturer of such liquid or solid, or the person who has acquired such liquid or solid to resell, that same is not a medicine within the meaning of paragraph 2 of section 47, but is an alcoholic liquor to which this act applies, and from the service of such notice this act shall apply to such liquid or solid, and the manufacturer, the agent in this Province of the manufacturer, or the person who has acquired same to resell, so notified, commits an offence against this act if he sell such liquid or solid after the date of the service upon him of such notice." 11 Geo. V, c. 24, s. 48, am. Notice to manufacturer, etc., that liquid or solid is an alcoholic liquor.

Form of
notice.

This notice shall consist of a copy, certified by the secretary of the Commission or by one of its members, of a resolution passed by the Commission, published in the *Quebec Official Gazette*, and stating that the liquid or solid specified in the resolution is not a medicine in the sense of paragraph 2 of section 47, but is an alcoholic liquor to which this act applies, and this notice is served by sending such copy by registered letter to the manufacturer, to the agent in this Province of the manufacturer, or to the person who has acquired same to resell.

Service.

Application
of section.

This section applies to every preparation indicated in paragraph 2 of section 47 other than that which is only prepared by the pharmacist at the time of the prescription of the physician and in accordance with its tenor, or which is prepared by the physician for the use only of a patient actually under his care."

11 Geo. V,
c. 24, s. 50,
am.

13. Section 50 of the said act is amended:

a. By replacing paragraph *e* by the following:

Manufactur-
er or
agent selling
alcoholic
liquor as a
medicine or
preparation
after notice.

"*e.* being the manufacturer or the agent in this Province for the manufacturer of any liquid or solid containing alcoholic liquor, sells such liquid or solid as a medicine or preparation after the Commission has notified him in accordance with section 48 of this act; or";

b. By adding immediately after paragraph *f*, the following paragraphs:

Liquor in a
club.

"*g.* not being the holder of a permit in virtue of section 31*a*, keeps or allows alcoholic liquor to be kept in a club, for himself or for members of the club, or for other persons, in storage or otherwise; or

Possesses or
sells frau-
dulently
wrappers,
labels, etc.

"*h.* has in his possession or fraudulently sells wrappers, labels, corks, caps, or stamps, imitating those used by the Commission, or sells or deals in any manner whatever with those manufactured for the Commission and for its use,—";

c. By adding after the words: "fine of", in the twenty-ninth line, the following words: "not less than".

11 Geo. V,
c. 24, s. 51,
am.

14. Section 51 of the said act, as amended by the act 12 George V, chapter 31, section 15, is further amended:

a. By replacing paragraph *m* by the following:

Sale after
notice.

"*m.* having acquired for the purpose of re-sale any liquid or solid containing alcoholic liquor, sells it as a medicine or preparation after having been notified by the Commission in accordance with section 48 of this act; or";

b. By adding, immediately after paragraph *t*, the following paragraph:

"u. being in charge of the transportation by railway or steamboat, or, being a common carrier or express company, transports beer without having with him and showing when asked a way-bill giving the name and address of the shipper and the name and address of the consignee, or having a way-bill giving a false name or a false address; or";

c. By striking out the indicating letter: "u", preceding the word: "contravenes", in the last paragraph.

15. Section 72 of the said act, as amended by the act 11 Geo. V, c. 24, s. 72, 12 George V, chapter 31, section 19, is further amended: am.

a. By adding thereto, at the end of the third paragraph thereof, the following words: "if the judge be of the opinion that the person prosecuted is not guilty of the offence which he is accused of, but that the alcoholic liquor seized was kept or transported in violation of this act.";

b. By adding, immediately after the third paragraph, the following paragraph:

"The confiscation of the liquor shall carry with it the confiscation of the vessels, vehicles or other things which, at the time of seizure, contained such liquor or were used to transport same, unless the court orders otherwise."

What the
confiscation
shall carry
with it.

16. Section 79 of the said act is replaced by the following: 11 Geo. V, c. 24, s. 79, replaced.

"**79.** For every judicial proceeding instituted under this act, the county of Verchères shall form part of the district of Montreal."

County of
Verchères in
district of
Montreal.

17. Section 80 of the said act is amended by replacing the first paragraph thereof, by the following: 11 Geo. V, c. 24, s. 80, am.

"**80.** Any action or prosecution may, at the choice of the party prosecuting, be instituted before the Circuit Court or District Magistrate's Court, before two justices of the peace, the police magistrate, the district magistrate or any other officer having the powers of two justices of the peace, saving the provisions of section 5 of the Quebec Summary Convictions Act."

Institution
of any ac-
tion or pro-
secution.

18. Section 81 of the said act is amended by adding in the third line thereof, after the word: "Court", the words: "or District Magistrate's Court". 11 Geo. V, c. 24, s. 81, am.

19. Section 82 of the said act is amended by adding in the second line thereof, after the word: "Court", the words: "or District Magistrate's Court". 11 Geo. V, c. 24, s. 82, am.

11 Geo. V,
c. 24, s. 83,
am.

20. Section 83 of the said act is amended by adding thereto, in the first line of the second paragraph, after the word: "Court", the words: "or District Magistrate's Court".

11 Geo. V,
c. 24, s. 84,
am.

21. Section 84 of the said act is amended by adding after the word: "Court", in the first line, the words: "or District Magistrate's Court".

11 Geo. V,
s. 24, s. 85,
replaced.

22. Section 85 of the said act is replaced by the following:

Law appli-
cable.

"85. Except in any case otherwise provided for by this act, in every prosecution other than those instituted before the Circuit Court or District Magistrate's Court, the provisions of the Quebec Summary Convictions Act shall apply. Nevertheless the words in paragraph 1 of section 42 of the said Summary Convictions Act: "but no such adjournment shall be for more than fifteen days, except with the consent of the parties", shall not apply to prosecutions instituted under this act. However, no such adjournment, during any such prosecution, shall be for more than thirty days."

Exception.

No adjourn-
ment for
more than
thirty days.

11 Geo. V,
c. 24, s. 87,
am.

23. Section 87 of the said act, as amended by the act 12 George V, chapter 31, section 22, is further amended by adding thereto, at the end thereof, the following words: "The signature of such member, officer or collector is proof of its authenticity as well as of his authorization by the Commission unless the contrary be proved."

11 Geo. V,
c. 24, s. 96
am.

24. Section 96 of the said act is amended by adding in the first line of the first paragraph thereof, after the word: "Court", the words: "or District Magistrate's Court".

11 Geo. V,
c. 24, s. 98,
am.

25. Section 98 of the said act is amended by adding in the first line thereof, after the word: "Court", the words: "or District Magistrate's Court".

11 Geo. V,
s. 24, s. 100,
replaced.

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

Deposi-
tions.

"100. The depositions of the witnesses shall be taken down in writing or shorthand."

11 Geo. V,
c. 24, s. 111,
am.

27. Section 111 of the said act is amended by adding thereto, after the word: "pay", in the first line thereof, the words: "the costs,".

11 Geo. V,
c. 24, s. 125,
replaced.

28. Section 125 of the said act is replaced by the following:

"125. When coercive imprisonment lies to enforce a judgment of the Circuit Court or District Magistrate's Court, it shall be granted by one of the judges of the Superior Court or of the Circuit Court or by the District Magistrate, or by the clerk of the Circuit Court or District Magistrate's Court, on summary petition, alleging that the defendant has not paid in full the fine or the sum claimed and the costs of the prosecution.

It shall not be necessary to give notice to the defendant of such petition.

29. Section 131 of the said act is amended by replacing paragraphs 6 and 7 by the following:

"6. There shall be no appeal from any judgment rendered in any prosecution or action instituted under this act, except:

- a. in any case wherein the court which rendered the judgment has exceeded its jurisdiction;
- b. in any case wherein the offence in respect of which the prosecution or the action was instituted, renders the offender liable to imprisonment only;
- c. in any case wherein alcoholic liquor has been seized under this act, and where, under the provisions thereof, the court must order confiscation.

In each such case the appeal must be taken, by petition, before one of the judges of the Court of King's Bench at the place where appeals in the district are brought. It must be taken within eight days from the date of the judgment and be tried before a division of three judges of the Court of King's Bench at its next term, with priority over all other cases, when it relates to a judgment carrying imprisonment.

The appeal may be taken by either party to the prosecution or action. If it be taken by the defendant, he must at the same time make a deposit of three hundred dollars in the hands of the clerk of appeals. If the appeal be dismissed such deposit shall be confiscated and forfeited to the Commission, and the defendant shall be liable, in addition, to the penalties and costs to which he has been condemned.

Such appeal shall be final.

"7. The original record in the case, as well as the depositions of the witnesses taken in writing in accordance with section 100 of this act, shall be submitted to the Court of King's Bench which must decide the question on the merits, without taking into account any defect, either as to form or matter, provided that it appears by the judgment that conviction has been had for an offence against any provi-

Coercive imprisonment to enforce a judgment of the Circuit Court, etc.

Notice to defendant unnecessary.

11 Geo. V. c. 24, s. 131, am.

Appeals.

How appeal taken.

By either party. Deposit if taken by defendant.

Appeal to be final. Procedure on appeal.

sion of this act before the Circuit Court, District Magistrate's Court, two justices of the peace, a police magistrate, district magistrate, or other officer having the powers of two justices of the peace, acting within their jurisdiction, and that it appears moreover by such judgment that the penalty or punishment applicable to that offence has been applied. If it appears that the case has been decided on the merits and that the conviction is valid, under this act, such conviction shall not be set aside.

Record to be sent back. The original record of the case shall be sent back to the court below, after the rendering of the judgment in appeal."

11 Geo. V, c. 24, s. 132, replaced. **30.** Section 132 of the said act is replaced by the following:

To whom fines and costs shall be paid.

"132. Whenever any proceeding is taken by the Commission or in its name, the fine and costs may be paid to the clerk of the peace, no matter what court, judge or magistrate tried the case, or to the clerk of the Circuit Court or of the District Magistrate's Court, according as the prosecution has been brought and tried before one or other of such courts, or to the clerk of the justices of the peace, of the district magistrate or of the police magistrate, before whom such proceeding has been brought, or, if there be no such clerk, then to the justice of the peace or to the magistrate himself."

Coming into force. **31.** Section 5 of this act shall come into force on the first day of May, 1923, and the other provisions of this act, on the day of its sanction.

CHAP. 25

An Act to amend the act respecting the possession and transportation of alcoholic liquor

[Assented to, the 29th of December, 1922]

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

11 Geo. V, c. 25, s. 5, am.

1. Section 5 of the act 11 George V, chapter 25, as amended by the act 12 George V, chapter 32, section 1, is again amended by adding thereto, after the words: "fine of", in the third line thereof, the words: "not less than".

Coming into force. **2.** This act shall come into force on the day of its sanction.