

C H A P. 31

An Act to amend the Alcoholic Liquor Act

[Assented to, the 21st of March, 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, is ^{11 Geo. V, c. 24, s. 3, am.} amended:

a. By adding thereto after the word: "hotel", in the third line of paragraph 9 thereof, the words: "or restaurant";

b. By replacing paragraph 14 thereof by the following:

"14. The word "residence" means the premises where "Residence" a person resides, permanently or temporarily, and includes the aggregation of the rooms inhabited by him, as well as the cellar;"

c. By adding thereto, after paragraph 22 thereof, the following paragraph:

"23. The word "population," means the number of inha- "Popula- tion." bitants in a municipality as determined by the last federal census."

2. The English version of section 18 of the said act is ^{11 Geo. V, c. 24, s. 18, am., in English version.} amended:

a. By replacing the word: "owned", in the first line thereof, by the word: "possessed";

b. By replacing the words: "shall be", in the second line thereof, by the word: "are".

3. Section 20 of the said act is amended by replacing ^{11 Geo. V, c. 24, s. 20, am.} the last paragraph thereof, by the following:

"Nevertheless, there must not be established any branch: ^{Where no branch may be established.} *a.* In any city or town where a prohibition law is in force, applying specially to such municipality or to the county of which it forms part;

b. In any city or town whose population exceeds five thousand inhabitants, and whose council has, by by-law, enacted that no such branch may be established therein;

c. In any city or town whose population does not exceed five thousand inhabitants, unless the establishment of such branch be requested by a by-law of the council, approved by the majority in number of the municipal electors who have voted, and filed in the office of the Commission. A by-law requesting the establishment of

a branch of the Commission cannot be revoked during the two years next following. The provisions of the Quebec Temperance Act, which are not incompatible with the provisions of this paragraph *c*, shall apply, *mutatis mutandis*, to the approval and revocation of such by-law."

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

Special seal
on bottle,
and label
and price on
package.

4. Section 24 of the said act is amended by replacing paragraph 2 thereof, by the following:

11 Geo. V,
c. 24, s. 27,
am.

Return of
part of duty
to brewer in
certain
cases.

"2. Whenever the alcohol or spirits sold by the Commission is in a bottle, the latter must be sealed with the special seal of the Commission and be placed in a package, on which the label of the Commission is affixed and the sale price is indicated."

5. Section 27 of the said act is amended by adding thereto the following paragraph:

"The Commission may, at the expiration of the delay for which the permit has been granted, return a part of such duty to the brewer whose sales of beer, during the year for which the permit has been granted, have not exceeded one hundred thousand dollars."

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

6. Section 31 of the said act is amended:

a. By replacing, in the eighth line of the English version of paragraph 3 thereof, the word: "companions", by the word: "guests";

b. By adding after paragraph 3 thereof, the following paragraph:

Where sale
on steam-
boat per-
mitted
between
meals.

"However, if such permit is granted to a person in charge of a steamboat, the sale of wine and beer may, in addition, be made therein between meals, provided, in addition:

a. that the permit indicates it and designates the room intended for such purpose;

b. that the sale and the delivery be made outside the hours and days prohibited and indicated in paragraph 3 of section 41;

c. that the sale and the delivery of wine and beer in such steamboat be made while *en route*;

d. that such steamboat perform a regular service between two points in this Province, situated at a distance of at least fifty miles from each other and recognized by the Commission as performing such service;

e. that such permit cannot be used during trips outside of its regular service."

Granting of
permit in
certain
cases.

c. By adding thereto after the words: "in force," in the thirteenth line of paragraph 4 thereof, the following words: "In a village or rural municipality, a permit under this

paragraph 4 shall not be granted save to a person in charge of a hotel licensed under the Quebec License Act, and who is, at the same time, the holder of a permit under paragraph 3 of this section."

7. Section 34 of the said act is replaced by the following: 11 Geo. V,

"34. 1. The Commission may refuse to grant any permit mentioned in section 31. c. 24, s. 34, replaced. May refuse permits.

2. The Commission must refuse to grant any permit in any municipality where a prohibition by-law is in force. Must refuse when prohibition by-law in force.

A prohibition by-law may, at any time, notwithstanding any law to the contrary, be revoked as to wine and beer, or as to beer only, and in such case, such revocation not only amends the prohibition by-law but constitutes a request to the Commission, in conformity with paragraph 4 of this section. Such revoking by-law must be passed by the council and be submitted to the electors in accordance with the prohibition act or law under which the prohibition by-law has been passed, and must establish that the Commission may grant all permits or may restrict such grants as to the number and kind of permits. Revocation of prohibition by-law.

3. The Commission must, in addition, refuse to grant any permit or any certain permit, as the case may be, in any city or town whose population exceeds five thousand inhabitants and where a prohibition by-law is not in force, whenever the municipal council has, by by-law, requested the Commission to refuse to grant any permit or certain permits; provided, however, that such by-law be filed in the office of the Commission and be in force. If the filing of such by-law takes place after the Commission has granted a permit in such city or town, the Commission will be unable to give effect to the request before the first of May next after the date of filing. Must refuse where prohibition by-law not in force in certain cases.

4. The Commission must in addition refuse to grant any permit in a city or town municipality whose population does not exceed five thousand inhabitants, or in a village or rural municipality, unless such municipality requests it, by a by-law of its council, approved by the majority in number of its municipal electors who have voted, and filed in the office of the Commission. Such request may be restricted as to the number and kind of permits. A by-law requesting the granting of permits cannot be revoked during the two years next following. The provisions of the Quebec Temperance Act which are not incompatible with the provisions of this paragraph shall apply, *mutatis mutandis*, to the approval and revocation of such by-law. Idem. Provisions to apply.

5. The Commission must, in addition, refuse to grant any permit to sell alcoholic liquor upon the grounds occupied by agricultural or Must refuse for agricultural or

industrial
exhibition
or race-
meeting.
Permit to
navigation
or railway
company
for hotel in
a summer
resort.

cupied by an agricultural or industrial exhibition or for any race-meeting.

6. Nevertheless, notwithstanding the provisions of paragraphs 2 and 4 of this section, the Commission may grant to any navigation or railway company, having charge of a hotel in a summer resort, a permit to sell to travellers only, by the glass or by the bottle, wine and beer which they, themselves and their guests, must consume on the premises during their meals in such hotel. Such permit shall be granted for three months only and upon payment of the duties and on the conditions that the Commission think proper to impose."

11 Geo. V,
c. 24, s. 35,
am.

8. Section 35 of the said act is amended:

a. By adding thereto, after the word: "thereof", in the sixth line of paragraph 2, the words: "and the receptacles containing it,";

b. By replacing, in the third line of sub-paragraph *b* of paragraph 4 thereof, the word: "five" by the word: "four".

Id., s. 36,
am.

9. Section 36 of the said act is amended:

a. By adding thereto, after the word: "person", in the eighth line of paragraph 3 thereof, the words: "and the receptacles containing it.";

b. By replacing, in the second line of sub-paragraph *a* of paragraph 3 thereof, the words: "so delivered", by the words: "and of the receptacles so delivered,";

c. By replacing, in the third line of sub-paragraph *a* of paragraph 3 thereof, the word: "five" by the word: "four";

d. By replacing, in the second line of sub-paragraph *b* of paragraph 3 thereof, the words: "so delivered" by the words: "and of the receptacles so delivered,".

Id., s. 37,
am.

10. Section 37 of the said act is amended:

a. By adding thereto, after paragraph 2 thereof, the following paragraph:

Duties
exigible
where same
person has
charge of a
hotel and
keeps a
store.

"If the holder of a permit under this paragraph 2 is a person having charge of a hotel situated in a village or rural municipality, and if a permit is also granted to him to keep in the same place a store, in accordance with paragraph 4 of section 31, the duties exigible and payable upon the granting of these two permits are one hundred dollars only, and, in such case, sub-paragraph *d* of paragraph 7 of this section 37 does not apply.";

b. By adding thereto, after paragraph 3 thereof, the following paragraph:

Duties when "If the holder of a permit is, in addition, authorized to

sell between meals, the amount of the duties under this paragraph shall be five hundred dollars."

authorized
to sell
between
meals.

11. Section 41 of the said act is amended:

11 Geo. V, c.
24, s. 41, am.

a. By adding at the end of paragraph 4 thereof, the following words: "and, if such permit be not for use in a steamboat, dining-car, or in a hotel having at least fifty bed-rooms if it is situated at Quebec or Montreal and at least twenty-five bed-rooms if it is situated elsewhere, it is also forbidden for such person to sell on any holiday herein-after mentioned.";

b. By adding thereto the following paragraph:

"6. In the municipalities where daylight saving time is enacted, such daylight saving time shall apply to the hours mentioned in this section, for the period during which such daylight saving time exists."

Where day-
light saving
time.

12. Section 42 of the said act is amended by adding thereto the following paragraph:

11 Geo. V, c.
24, s. 42, am.

"The delivery of alcoholic liquor to any one of the persons mentioned in this section is equivalent to a sale. Nevertheless, if such delivery is made to any one of the persons, mentioned in paragraphs 1 and 2 above, by his relation or by any other person having charge of him, and if it is made gratuitously, it shall not constitute an offence."

Delivery
equivalent
to sales.

Exception.

13. Section 46 of the said act is amended by adding thereto the following paragraph:

11 Geo. V, c.
24, s. 46, am.

"The Commission may, however, upon the conditions it determines, authorize a wine manufacturer in this Province to sell to the public wines manufactured by him therein before the first of May 1921, provided that such sales be made under the control of the Commission and only for a limited period."

Sale of
wines man-
ufactured
before 1st of
May, 1921.

14. Section 47 of the said act is amended by adding thereto the following paragraph:

11 Geo. V,
c. 24, s. 47,
am.

"3. However, if the Commission is of the opinion that one of the products enumerated in sub-paragraph a of paragraph 2 of this section contains alcoholic liquor and is used for beverage purposes, it may notify the manufacturer or the vendor to that effect and from and after the date of such notice this act applies to such product, and the manufacturer or the vendor so notified commits an offence under this act if he sells such product after such notice, and is liable to the penalties mentioned in section 50 of this act."

When prod-
uct con-
tains alco-
holic liquor
and used for
beverage
purposes.

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

15. Section 51 of the said act is amended:

a. By replacing, in the third line of paragraph *a* thereof, the word: "five" by the word: "four";

b. By replacing, in the first line of paragraph *l* thereof, the words: "keeps or transports any alcoholic liquor" by the words: "being the holder of a permit, keeps any alcoholic liquor or transports any beer";

c. By replacing paragraph *t.* thereof by the following paragraphs:

"*t.* buys, for any remuneration whatsoever, any alcoholic liquor for another person; or,

"*u.* contravenes any provision of this act otherwise than as mentioned in sections 49 and 50 and the foregoing paragraphs of this section,—".

11 Geo. V,
c. 24, s. 51a,
enacted.

16. The said act is amended by inserting therein, after section 51 thereof, the following:

Fine in lieu
of imprison-
ment for
joint-stock
company.

"**51a.** Whenever the penalty for an offence committed consists of imprisonment only and the accused is a joint-stock company, such penalty shall be replaced by a fine of two thousand dollars, in addition to the costs."

11 Geo. V,
c. 24, s. 68,
am.

17. Section 68 of the said act is amended:

a. By replacing, in the tenth line of the first paragraph thereof, the words: "if it", by the words: "and of the receptacles containing it if such liquor";

b. By replacing, in the first line of the second paragraph thereof, the words: "shall be handed over" by the words: "as well as the receptacles containing it shall be handed over".

Id., s. 71,
am. in
French
version.

18. The French version of section 71 of the said act is amended:

a. By replacing, in the second and third lines thereof, the words: "ce véhicule est susceptible d'être" by the words: "si ce véhicule est de telle nature qu'il puisse être";

b. By striking out the word: "et" in the fourth line thereof.

Id., s. 72,
am.

19. Section 72 of the said act is amended:

a. By replacing, in the second line of the second paragraph thereof, the words: "within thirty days of the seizure" by the words: "within the delays fixed by section 136";

b. By adding thereto, after the word: "seized", in the third line of paragraph 3 thereof, the words: "Never-

theless the confiscation may be ordered without the infliction of a penalty.”;

c. By replacing, in the fifth line of the fifth paragraph thereof, the word: “five”, by the word: “four”.

20. Section 74 of the said act is amended by adding thereto, after the word: “action”, in the fourth line thereof the words: “notwithstanding the provisions of the second and third paragraphs of section 76.” 11 Geo. V, c. 24, s. 74, am.

21. The said act is amended by inserting therein, after section 86 thereof, the following: Id., s. 86a, enacted.

“**86a.** Notwithstanding any law to the contrary, no sworn declaration, information or complaint shall be required to obtain the issuing of a warrant or of a summons; the one or the other may be issued upon the mere production of the declaration, information or complaint signed in accordance with section 87 of this act, without the declarant, informer or complainant appearing before the magistrate.” How warrant or summons issued.

22. Section 87 of the said act is amended: 11 Geo. V, c. 24, s. 87, am.
a. By adding thereto, after the word: “members”, in the fourth line thereof, the words: “or by one of its officers authorized generally for such purpose”;

b. By replacing the words: “in the same”, in the seventh line thereof, by the word: “generally”.

23. Section 89 of the said act is amended: Id., s. 89, am.

a. By replacing the words: “the declaration of any person that he is a member of the Commission,” in the first and second lines thereof, by the words: “whenever a document bears the signature of a person known as being one of the members of the Commission, such document”;

b. By replacing the word: “declaration”, in the fifth line thereof, by the word: “document”.

24. Section 91 of the said act is amended by adding thereto the following paragraph: Id., s. 91, am.

“Whenever a person has been convicted of selling alcoholic liquor without a permit, in any premises, the provisions of the act 10 George V, chapter 81, and of its amendments, respecting the owners of houses used as disorderly houses, shall apply, *mutatis mutandis*”.

25. Section 94 of the said act is amended by replacing the words: “and unfit for consumption”, in the sixth and seventh lines thereof, by the words: “was unfit for consump-” 11 Geo. V, c. 24, s. 94, am.

tion, had been made fraudulently, was adulterated or misrepresented as to its character”.

11 Geo. V,
c. 24, s. 96a,
enacted.

26. The said act is amended by inserting therein, after section 96, the following:

Costs of the
day and
lawyer's
fee.

“**96a.** In any prosecution instituted under this act, if a suspension of proceedings or an adjournment of the inquiry or the hearing be requested by the defence, such suspension or adjournment shall not be granted unless the costs of the day be previously paid by the defence, which costs shall include a fee of five dollars to the lawyer of the prosecution.”

Provisions
not to apply.

27. Sub-paragraph c of section 20 of the said act, as enacted by section 3 of this act, shall not apply to cities and towns where the Commission has established a branch before the date of the coming into force of this act.

Idem.

28. Paragraph 4 of section 34 of the said act, as enacted by section 7 of this act, shall not apply to municipalities where permits have been granted and are in force at the date of the coming into force of this act.

Commission
to be
notified of
alcoholic
liquor by
certain
vendors.

29. The vendors authorized to sell intoxicating liquors under the Canada Temperance Act, in the year preceding its repeal in a municipality where it was in force, must, within the thirty days following the coming into force of this act, make known to the Commission all the alcoholic liquor belonging to them or in their possession or control, by whatsoever title, and place it under the control and in the possession of the Commission in the manner indicated by it.

Control of
Commis-
sion.

Provisions
applicable.

Upon the failure of an authorized vendor to conform to the requirements of the preceding paragraph, paragraph 2 of section 21 of the act 11 George V, chapter 24, shall apply, *mutatis mutandis*, to such vendor.

Idem.

In addition, paragraph 3 of the same section 21 shall apply to such authorized vendors and to such alcoholic liquor.

Provisions
applicable
to declara-
tions, etc.,
in pending
cases., etc.

30. The provisions of section 86a of the act 11 George V, chapter 24, as enacted by section 21 of this act, shall apply to the declaration, information or complaint made in pending cases and in those in which conviction has been pronounced or the order rendered; and any such declaration, information or complaint which is in conformity with the provisions of the said section 86a is as valid as though such section had been in force at the time it was made.

Validation.

31. All permits in force at the time of the sanction of this act shall remain in force up to the first of May next, if not cancelled according to law. ^{Permits in force.}

32. Paragraph *b* of section 8, paragraph *c* of section 9, paragraph *a* of section 15, and paragraph *c* of section 19, of this act shall come into force on the first of August, 1922, and the other provisions of this act, on the day of its sanction. ^{Coming into force.}

CHAP. 32

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

[Assented to, the 21st of March, 1922]

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

1. Section 5 of the act 11 George V, chapter 25, is amended by adding thereto, after the word: "act", in the first line thereof, the words: "commits an offence, may be arrested without warrant provided that he be brought without delay before a magistrate having jurisdiction and". ^{11 Geo. V, c. 25, s. 5, am.}

2. This act shall come into force on the day of its sanction. ^{Coming into force.}

CHAP. 33

An Act to amend the Revised Statutes, 1909, respecting taxes upon corporations, companies, partnerships, associations, firms and persons.

[Assented to, the 21st of March, 1922]

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

1. Article 1346 of the Revised Statutes, 1909, as amended by the act 10 George V, chapter 23, section 3, is further amended by adding thereto the following: ^{R. S., 1346, am.}