

of the Province or sell it to the Quebec Liquor Commission, as provided in the Alcoholic Liquor Act; or

e. by a brewer holding a permit, as to beer manufactured by him; and by those lawfully purchasing such beer.

4. Nothing in this act or the Alcoholic Liquor Act shall be construed as forbidding the continuous transportation, with or without transshipment, of alcoholic liquor through the Province from any place outside the Province to any other place, also outside the Province, provided that the transportation of any alcoholic liquor without a bill of lading showing shipment from one place outside the Province to another place also outside the Province, shall create a conclusive presumption that the said liquor is intended for delivery within the Province.

5. Whosoever contravenes any provision of this act shall be liable, in addition to the costs of prosecution, for the first offence, to a fine of one thousand dollars, and, on failure to pay such fine and costs, to imprisonment in the common gaol for the term of three months, which the court may reduce to one month, and, for any subsequent offence, to imprisonment in the common gaol for three months.

6. The provisions of sections 65 to 136, both inclusive, of the Alcoholic Liquor Act, shall apply to the offences created by this act as if the said act was part of this act.

7. This act shall come into force on the 1st of May, 1921.

CHAP. 26

An Act to amend the Revised Statutes, 1909, respecting licenses

[Assented to, 19th of March, 1921]

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

1. Section fourteenth of chapter fifth of title fourth of the Revised Statutes, 1909, comprising the articles from 903 to 1315 inclusive (of which division I, arts. 904-1175, is already repealed by the act 11 George V, chapter 24),

Transportation through Province, permitted.

Proviso.

Penalty for contravention.

Coming into force.

Section XIV of Chap. 5 of Title 4 of R. S., 1909, replaced.

and the forms following article 1315, are replaced by the following:

"SECTION XIV

"LICENSE ACT

"§ 1.—*Name and application of Section*

Short title. "903. This section may be cited as the "Quebec License Act".

"§ 2.—*General provisions*

By whom li-
censes is-
sued. "904. The licenses granted by the Government of the Province, under this section, are issued by the collector of provincial revenue for the revenue district in which the applicant intends to do business or has his establishment, in the manner and with the formalities hereinafter established and upon payment to such collector of the duties hereinafter mentioned, except in such cases as hereinafter otherwise provided for.

Persons who
may sign
and deliver
licenses. "905. The Lieutenant-Governor in Council may, from time to time, appoint at his discretion one or more persons whom he may authorize to sign and deliver such licenses to the proper collector of provincial revenue, and may also establish their form and the time of their delivery, and such licenses shall be issued for one year only, or for a part thereof, as provided for in this section.

License
year. "906. The license year begins on the first day of May, in each year, and ends on the 30th day of April following.
Expiration
of licenses. Except for licenses which are expressly given for a period of time less than the license year, the licenses are granted for the license year or for a fraction thereof, and expire on the 30th day of April following the date of their issue.

Proportion-
ate amount
of duty for
less than
full year. "907. Whenever, in the course of a license year, any person begins to do a business for which a license is required for the year, the Provincial Treasurer may authorize the collector to accept for the license an amount of duty proportionate to the number of months still to run, from the first of the month during which he begins to do such business.

Conditions
on which li-
censes are
valid. "908. Any license issued shall be valid only:
a. for the person and the period of time therein mentioned, and,

b. in the establishment, or, if none, in the territory therein mentioned, or,

c. for the vehicle, automatic distributor or vessel, as the case may be, therein mentioned.

"909. The Provincial Treasurer may authorize the transfer of any license issued hereunder from the holder thereof to another person, or from one territory to another, or from one establishment to another, or from one vehicle or vessel to another, upon payment by the transferee to the collector of an additional duty equal, in proportion to the number of calendar months which have still to run before and including the 30th of April following, to one-half of the duties so paid for the license, provided that such additional duty for the transfer be not less than five dollars.

Transfers of licenses may be granted.
Additional duty.

"910. In addition to the duties payable to the Province for the issue or for the transfer of a license, the person applying for the issue or transfer thereof shall pay a fee of five dollars to the collector who makes such issue or transfer. However, in the case of an automatic distributor, the fee shall be only one dollar.

Fee payable to collector.

"911. Except in the case of a peddler or of a person in charge of a ferry, or of a person in charge of an automatic distributor, every person holding a license shall cause his license to be displayed, in a prominent and visible manner, in the principal room of the establishment where the rights conferred by the license are exercised.

Licenses to be displayed.

In the case of a peddler, if the license be taken for a vehicle, the plate issued therefor must be displayed on the vehicle.

Peddler.

In the case of a person holding a license for a ferry, the plate issued therefor must be displayed on the boat or other vessel used.

Ferry.

In the case of a person holding a license for an automatic distributor, the plate issued therefor must be displayed on the automatic distributor.

Automatic distributor.

Upon failure to display such license, or plate, as the case may be, in the manner above indicated, for and during the whole of the period for which the license is granted, such person shall be deemed to have no license, and shall be punishable accordingly.

Penalty for failure to display license.

"912. Whenever an offence is committed under this section, by a partnership, a corporation or a club, whether while the holder of a license under this section or not, and whenever a judgment is rendered under this sec-

Execution of judgments against partnerships, etc.

tion against such partnership, corporation or club, such judgment may, in default of payment of the fine and costs by such partnership, corporation or club, be executed: in the case of a partnership against each member of the partnership, in the case of a corporation, or a club, against the president thereof if in the Province, otherwise against the manager or the representative thereof in the Province, and the sentence of imprisonment may be imposed on such members, officers or representative, as the case may be.

Right of entry into establishments licensed.

"913. The collector of provincial revenue or any person appointed by him or any revenue officer authorized by the Provincial Treasurer may enter at a reasonable hour, and free of charge, if any made, into any establishment for which a license is required by virtue of this section, in order to ascertain if the provisions of this section are complied with, and for the purpose of collecting any duty due by virtue of this section.

Search for infringements.

"914. Each collector of provincial revenue, personally or by his deputy or by any other person appointed by him for that purpose, shall, within his district, make a careful search for infringements of this section, and, for that purpose, he shall visit at least once a year every establishment situated in his revenue district for which a license is required or has been issued under this section; and every person in charge of such an establishment who hinders the visit and inspection in question or who molests the officer in the execution of his duty relative to such objects, shall be liable, in addition to the costs, to a fine of fifty dollars for each offence, and, in default of payment of the fine and costs, to imprisonment for a term of thirty days in the common gaol.

Penalty for hindering officers.

Penalty for infringement.

"915. Every infringement of the provisions of this section not otherwise provided for, is punishable by a fine of not less than twenty dollars nor more than one hundred dollars, and costs, for each offence, and, in default of payment of the fine and costs, by imprisonment for not more than one month in the common gaol.

Offences.

"916. Every person,—

- a. who obtains a license under a fictitious name, or under a name which is not his own, or a license in which his own name is not inserted as the name of the person to whom such license has been granted; or
- b. who, holding a license, lends or leases his license to any other person, or traffics in such license; or

c. who makes use of a license issued to another person, without having the same transferred to him, in accordance with the provisions of this section,— shall commit an offence against this section, and be liable, in addition to the costs, to a fine equal to double the amount of the duty payable to obtain a license of that character, and, in default of payment, to imprisonment for one month in the common gaol. Penalty.

"917. Any sum that may become due to the Crown, in virtue of this section, shall constitute a privileged debt, ranking immediately after law costs. Privilege of Crown.

"918. The deputy collector of provincial revenue shall exercise the same powers and perform the same duty as the collector of whom he is the deputy. Deputy collectors.

"919. The word "person" includes partnership, corporation and club. Definition.

"§ 3.—Hotels, restaurants and lodging-houses

"920. The following words and expressions shall, for the purposes of this subsection, have the following meaning: Interpretation.

1. A "hotel" is an establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to travelers;

2. A "restaurant" is an establishment, provided with special space and accommodation, where, in consideration of payment, food (without lodging) is habitually furnished to travelers, "Restaurant";

3. A "lodging house" is an establishment, provided with special space and accommodation, where, in consideration of payment, lodging (without food) is habitually furnished to travelers, "Lodging-house";

4. A "traveler" is a person who, in consideration of a given price per day, or fraction of a day, on the American or European plan, or per meal, *à table d'hôte*, or *à la carte*, is furnished by another person with food or lodging, or both.

"921. It is forbidden to keep and operate a hotel, a restaurant or a lodging-house without having previously obtained a license for that purpose. License required.

"922. Such a license shall be issued upon production of the certificate of inspection required by articles 3866a Issue of license.

and following of the Revised Statutes, 1909, and upon payment of the duties mentioned hereinafter.

Duties.

"923. In the case of a license to keep and operate an hotel or a lodging-house, the duties shall be based upon the number of bedrooms which the establishment has at the disposal of travelers, and in the case of a license to keep and operate a restaurant, they shall be based upon the annual rental value of the restaurant, and shall be as follows:

Hotel;

1. On every license to keep a hotel:
 - a. in any city, five dollars per bedroom, provided always that, whenever the number of bedrooms exceeds one hundred in any one hotel situate in a city having more than 100,000 population, or exceeds twenty in any one hotel situate in a city having less than 100,000 population, the duty shall not, in the first case, exceed five hundred dollars, or, in the second case, one hundred dollars;
 - b. in any town or village having a population of two thousand or more, three dollars per bedroom;
 - c. in any town or village having a population of less than two thousand, two dollars per bedroom;
 - d. in any other territory, one dollar per bedroom; provided always that the duty shall not be less than five dollars.

Lodging-house;

2. On each license to keep a lodging-house:

One-half of the duty exigible for a license to keep a hotel having the same number of bedrooms in premises situated in the same class of municipality; provided, always, that the duty for a license to keep a lodging-house shall be not more than four hundred dollars nor less than five dollars.

Restaurant.

3. On each license to keep a restaurant:
 - a. in the city of Montreal, five per cent of the annual value or rent of the premises for which the license is required;
 - b. in the city of Quebec, four per cent of the annual value or rent;
 - c. in every other city, three per cent of the annual value or rent;
 - d. in every town, two per cent of the annual value or rent;
 - e. in every other municipality, one per cent of the annual value or rent;—

provided, always, that the duty for a license to keep a restaurant shall be not more than two hundred dollars nor less than five dollars. Proviso.

4. On each license to keep a hotel, lodging-house or restaurant in a summer resort or in a place of pilgrimage, Summer resort, etc. for a period of three months or less, one-quarter, or for a period of more than three months but not exceeding six months, one-half, of the duty exigible for an annual license of the same character in the same class of municipality; provided, always, that the duty exigible under this paragraph 4 shall not be more than one-quarter, or, as the case may be, one-half, of the maximum established for such an annual license, nor less than five dollars.

5. On each license to keep a restaurant in an amusement park situated in a city or town, during a period of six months or less, one-half of the duty exigible for one year for a license of the same nature in the same class of municipality. Short term license for amusement park in city or town.

"924. The application for a license to keep a hotel or a lodging-house must set forth the total number of bedrooms which form part of the hotel or lodging-house, whether situated in the same building or not, and the total number thereof required for the family and the employees. The collector of provincial revenue shall determine the number of bedrooms which, in his opinion, are available for travellers, and which shall determine the amount of duties. Contents of application for license.

"925. The application for a license to keep a restaurant shall be accompanied by the certificate of the secretary-treasurer or clerk of the municipality in which are situated the premises for which the license is required, showing the annual value or rental value of such premises, as per the last valuation roll, collection roll or other books of the municipality. Certificate required with apperative.

If, for any municipality, the valuation roll, collection roll or other books do not show the annual value or rental value of the premises, or if the certificate produced does not, in the opinion of the collector of provincial revenue, give the true annual value, or if the certificate produced shows the annual value of the whole property, while the premises for which the license is applied for do not comprise the whole of the property,—in all and any of such cases, the collector of provincial revenue may fix the amount of such annual value. Value may be fixed by collector in certain cases.

If the applicant for such a license claims that the amount of the annual value fixed by the collector of pro- Commission may be appointed.

vincial revenue does not represent the true annual value of the premises for which such license is applied for, the Provincial Treasurer may, upon application, appoint a commissioner to fix such true annual value, and the decision of the commissioner shall be final.

Premises to be included in valuation.

"926. In fixing the annual value of the premises for which the license is applied for, such premises shall be made to include, not only the rooms used for the purpose required for such a license, but also all other rooms in the same house and dependencies and all the vacant land thereto belonging, which are occupied by the applicant or intended so to be, for the purposes of his establishment.

Penalty for having no license.

"927. Every person who keeps or operates a hotel, a restaurant or a lodging-house, without a license to that effect, still in force as by law prescribed, shall be guilty of an offence under this subsection, and liable, for each offence, to a fine equal to twice the amount of the license duty, and costs, and, on failure to pay the said fine and costs, to imprisonment for not more than three months.

Inducing public to believe premises are licensed.

"928. Every person who, without being the holder of a license to keep or operate a hotel, a restaurant or a lodging-house, induces the public or the travelers, by means of advertisement or otherwise, to believe that he keeps a hotel, a restaurant or a lodging-house, or solicits or accepts the patronage of travelers, shall be guilty of an offence under this subsection, and shall, in addition to the payment of the costs, be liable to a fine of not more than twenty-five dollars for each offence, and, in default of payment of such fine and costs, to imprisonment for a term of not more than thirty days.

Penalty.

Special provisions for certain municipalities.

"929. Any person may, without contravening the provisions of this subsection, furnish, in consideration of payment, a traveler with lodging or food, or both, in a private house situated in a municipality where there is no hotel or no restaurant or no lodging-house, or where the hotels or restaurants or lodging-houses are not provided with sufficient space and accommodation for all the travelers.

Accommodation for guests.

"930. Each hotel, situate in a village or in the country parts, shall, in addition to the lodging apartments of the family, contain at least three bedrooms having each a good bed, for the use of travelers.

Accomoda-

"931. The keeper of such a hotel shall keep in an

out-house, near the main building, stalls for at least four horses, and shall always be provided with edibles and provisions for travellers, and hay and grain for their horses.

"932. Every hotel or restaurant in a city or town, shall contain a kitchen of sufficient dimensions, all the utensils necessary to prepare meals for at least ten persons, a dining-room sufficiently large to seat such ten persons, with a suitable table whereon to lay the cloth, and, if a hotel, at least five bedrooms in addition to the lodging apartments of the family.

"933. No licensee for a hotel may refuse without just cause to give lodging or food to travelers.

"934. No licensee for a restaurant may refuse, without reasonable cause, to give food to travelers.

"935. Notwithstanding any special act to the contrary, no municipality may, by by-law, resolution or otherwise, levy any tax, impost or duty for keeping a hotel, a restaurant or a lodging-house.

"§ 4.—Amusements

"936. The following terms and expressions shall, for the purposes of this subsection, have the following meaning:

1. The words "place of amusement" mean and include every theatre, concert hall, music hall, moving picture hall, hall for dancing or for other amusements, circus, equestrian show, menagerie, caravan of wild animals, side-show, show, baseball park, athletic park, amusement park, skating rink, or other place or hall, where, in consideration of a payment made for that or any other purpose, a person attends or participates in an exhibition or an entertainment given or a game played.

2. The words "film exchange" mean any person selling, leasing or exchanging films or devices for exhibitions of moving pictures by means of cinematographs, moving picture machines or other similar means.

3. The words "traveling exhibitor" mean any person giving successively exhibitions, concerts or other entertainments in more than one place or locality either for himself or for others.

"937. For the purposes of amusements, annual or daily licenses may be granted.

Annual; An "annual license" is one beginning on the first day of May or thereafter, for more than thirty days, and ending with the license year, to wit: on the 30th day of April following.

Daily. A "daily license" is one issued for one calendar day or more, but not exceeding thirty days in any one license year.

Licenses re- "938. It is forbidden to keep or operate a place of
quired. amusement unless a license therefor be issued upon pay-
ment of the following duties:

Duties. 1. On every license to open and exhibit a circus or equestrian show, menagerie or caravan of wild animals:

- a. in the cities of Quebec and Montreal, and within three miles of each of such cities, five hundred dollars for each day the same are shown or exhibited;—and for every side-show, thirty dollars for each day;
- b. in every other part of the Province, two hundred dollars for each day;—and for every side-show, fifteen dollars for each day.

2. On each annual license to keep or operate any other place of amusement:

- a. in the cities of Quebec, Montreal, Outremont, Verdun and Westmount, fifty cents for each seat for one person;
- b. in all other cities, thirty cents for each seat for one person;
- c. elsewhere, twenty cents for each seat for one person.

Daily licen- 3. On each daily license to keep or operate any place
se. of amusement other than those mentioned in paragraph 1 of this article, one cent per seat per day if the admission fee be one dollar or less, and three cents per seat per day if the admission fee be over one dollar,—provided always that the duty shall be not less than five dollars.

Duty for film exchan- "939. It is forbidden to carry on a film exchange busi-
ge. ness, unless a license therefor be issued, upon payment to the collector of provincial revenue, for the revenue district of Montreal, of a duty of two hundred dollars.

Duty for travelling exhibitor. "940. It is forbidden to carry on the business of travelling exhibitor, unless a license therefor be issued, at the discretion of the Provincial Treasurer, by the collector of provincial revenue for the revenue district of Quebec, upon payment to the Revenue Branch, at Quebec, of a duty which may, in the discretion of the Provincial Treasurer, be based upon the number of days or tents or opera-

tors or vehicles composing the exhibition, or the number of seats available for the public, and be at such a rate as he may determine.

"941. In the case of a circus, equestrian show, menagerie or caravan of wild animals, with or without side-shows, the license shall be issued in the discretion of the Provincial Treasurer, and it shall include the circus, equestrian show, menagerie or caravan of wild animals, but a separate license shall be issued for side-shows. Circus, etc.

"942. Every person opening or exhibiting a circus, equestrian show, menagerie or caravan of wild animals, or side-show, shall show his license to the collector of provincial revenue, or to one of his deputies, or to any person duly authorized thereto by the collector of provincial revenue, on a simple demand, verbal or written, on his part, and, in default of so doing, such person shall be held to have no license and shall be punishable accordingly. License must be shown if required.

"943. Every person who opens or exhibits any circus, show, menagerie or side-show without a license to that effect, still in force, shall be guilty of an offence under this subsection, and liable, in addition to the costs, to a fine of one thousand dollars for each representation or exhibition. Penalty for having no license.

"944. The collector of provincial revenue or one of his deputies or any other person authorized to that effect by such collector may, on a warrant obtained on satisfactory proof by affidavit, and signed by a judge of the Superior Court, a district magistrate, or a justice of the peace, seize the animals, goods and effects forming part of a circus, show or menagerie, for the opening or exhibition of which no license has been taken, or for which there has been a refusal to show the required license; and may, without any other preliminary judgment or formality, sell and adjudge at public auction the animals, goods and effects so seized for the amount of the fine incurred, and costs of sale. Seizure of goods and effects. Sale thereof.

"945. Every person who keeps or operates any other place of amusement, without a license to that effect, still in force as by law prescribed, shall be guilty of an offence under this subsection, and liable, for each offence, to a fine equal to twice the amount of the license duty, and costs, and, on failure to pay the said fine and costs, to imprisonment for not more than three months. Penalty for not having other licenses.

Exception
for certain
municipali-
ties.

"946. No license shall be required for a place of amusement in a township or parish municipality or in a village or town having a population of less than one thousand souls, or for a hall in an educational building or a church, provided no moving pictures are shown in such place or such hall; but such license shall be required for a moving picture hall in any such municipality or such village or town.

Proviso.

Regulations
by Lt-Gov.
in C.

"947. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient for the purpose of:

- a. carrying into effect the provisions of this subsection;
- b. reducing by one-half the annual license duties for a place of amusement which, by reason of the nature of its construction or the nature of the amusement there carried on, cannot be made use of during a certain period of the year;
- c. reducing or remitting the daily license duties for places of amusement when used for patriotic, agricultural, religious, educational or charitable purposes, or for the encouragement of the arts;
- d. defining what constitutes a seat or the equivalent thereof, in a place of amusement.

"§ 5.—Race meetings

Licenses for
race meet-
ings.

"948. 1. No person shall operate a race track or race meeting, in this province, unless a license to that effect has been issued to him by the proper collector of provincial revenue, upon payment to the latter, in advance for the whole meeting, of the following duties:

Duties.

- a. in the city of Montreal or within a radius of thirty miles of the said city, ten dollars for each day of such race meeting;
- b. in the city of Quebec or within a radius of five miles of the said city, eight dollars for each day of such race meeting;
- c. in any other place, five dollars for each day of such race meeting.

2. But if any wager, bet or pool be recorded, received or sold, under the *pari mutuel* system, at the said race meeting, the duty shall be:

- a. for each track, generally known as a one-mile track, one thousand dollars per day;
- b. for each track, generally known as a one-half mile track, five hundred dollars per day;

c. for each other track, three hundred dollars per day.

3. But if any wager, bet or pool be recorded, received or sold by any other method than that generally known as the *pari mutuel*, the duty shall be double that prescribed by the above paragraph 2 of this article.

No such license shall be issued unless such person is the owner of the race track upon which the meeting takes place and unless it be incorporated under a law of the Dominion of Canada or of this Province.

The Lieutenant-Governor in Council may alter the tariff established by this article, and increase the rates of the duties exigible hereunder.

Tariff may be altered by Lt-Gov. in C.

"949. No person shall attend a race meeting or enter upon the ground occupied for a race meeting, in this Province, unless, before attending or entering, such person has paid to the proper collector of provincial revenue, or to the proper officer in charge appointed by the latter or by the Provincial Treasurer, an entrance duty to the following amount:

Entrance duty to be paid by persons attending.

- a. if the track be one generally known as a one-mile track, thirty cents for each attendance or entry;
- b. if the track be one generally known as a one-half mile track, twenty cents for each attendance or entry;
- c. if the track be one generally known as of shorter length, ten cents for each attendance or entry.

"950. Every person betting at a race-meeting under the *pari mutuel* system shall pay to the Provincial Treasurer a duty equal to the difference between ten per cent of the amount deposited by him for his bet and the percentage which the operator of the race-meeting has a right to retain, under the act of the Parliament of Canada 10-11 George V, chapter 43, section 6. In case such difference exceeds four per cent of the amount deposited by such person for his bet, the duty shall be limited to four per cent.

Duties on all wagers, etc.

The operator who has received the money deposited for a bet shall collect such duty for the Province, in the manner indicated by the Provincial Treasurer, and shall remit such duty so collected by him daily to the Provincial Treasurer. The operator in such a case shall act as the agent of the Provincial Treasurer.

Operator to collect for Province.

Such operator shall furnish daily to the Provincial Treasurer a duplicate sheet of all his calculations concerning the amounts deposited as bets and the amounts retained by the operator for each race, showing at the same

Daily statements.

time the number and denomination of tickets sold for each race.

"Operator" defined.

For the purposes of this article, the word "operator" means any person or association who operates a track or holds a race-meeting or is in any manner the depositary of the money that is deposited or given as a bet, during the actual progress of a race-meeting conducted by and on the race course of such a person or association, upon races being run thereon.

Licenses for recording wagers, etc. outside race grounds.

"951. No person may record, receive or sell any wager, bet or pool in this Province, outside of the grounds where a race meeting is held, by means of any other system than that generally known as the *pari mutuel*, unless a license to that effect has been issued to him by the proper collector of provincial revenue, upon payment of a duty of one thousand dollars for each day.

Duty.

Apparatus to be registered.

"952. Every person receiving, recording or selling bets, wagers or pools under the system known as the *pari mutuel*, shall register every device or apparatus used in connection with such bets, wagers or pools, and shall pay to the collector of provincial revenue a fee of five dollars for every such device or apparatus, per race meeting.

Right of entry upon grounds, etc.

The collector of provincial revenue or any person duly authorized by such collector or by the Provincial Treasurer, may, at any time, enter upon the grounds where any race meeting is held, and make a careful examination of such device or apparatus, and make report of such investigation to the Provincial Treasurer.

Notice of race meetings in advance.

"953. Every person who intends to operate a race track or hold a race meeting during any license year, shall file with the Provincial Treasurer, at Quebec, on or before the first day of May, a notice indicating:

Contents of notice.

- a. the dates on which his race meetings will begin and terminate, during the license year;
- b. the length of the track;
- c. the location of the track;
- d. whether betting will be permitted or not;
- e. whether the betting, if any, will be under the *pari mutuel* system or not;
- f. if it be a company, association or club, the name and address in this Province of its president or other representative.

Dates may be changed

"954. If the period of time indicated as that during which a race meeting is to be held, overlaps the period

of time indicated for another race meeting, the Provincial Treasurer shall have the right to change such dates, and, ^{by Prov. Treas.} in so doing, shall give preference to a race meeting on the longer track.

"955. If any notice required under article 953 be ^{Do.} given after the first day of May, the dates of the race meeting mentioned in such notice may be changed by the Provincial Treasurer, if they interfere with the dates of the race meetings for which a notice has been fyled on or before the first day of May.

"956. No betting shall be carried on under the *pari* ^{*Pari Mu-*} *mutuel* system, unless there be one individual recording ^{*tuel*, how to} device facing the public, at each wicket where betting ^{be operated.} tickets are sold, and unless the face value of the ticket be recorded and added on such device as soon as it is sold.

"957. The Provincial Treasurer shall determine the ^{Classifica-} class to which a track belongs, if its length differs from the ^{tion of} length attributed to any class. ^{tracks.}

"958. Every person holding a license to operate a ^{Return to be} race track or to hold a race meeting, shall be bound to ^{made after} make a return within five days after the close of each race ^{each race} meeting to the proper collector of provincial revenue, ^{meeting.} stating the number of days on which races were held, the number of recording devices used, the total gross amount of all the bets, wagers and pools received, and giving such further information as the Provincial Treasurer may require. In default of so doing, such person shall be guilty of an offence and be liable to a fine of twenty-five dollars for every day during which such person neglects to make such return, and costs, and, on failure to pay such fine and costs, to imprisonment for not more than three months.

"959. Every person who operates a race track or ^{Penalty for} holds a race meeting without a license to that effect, shall ^{having no} be guilty of an offence, and liable, in addition to the pay- ^{license.} ment of the costs, to a fine equal to twice the amount of the license duty, for each day during which such race track is operated or such meeting held, and, on failure to pay such fine and costs, to imprisonment for not more than three months.

"960. On failure of any person operating a race ^{Offences.} track or holding a race meeting,—

a. to take out a license and pay the duties therefor; or,

b. to pay daily the tax imposed on the gross amount of the bets,—

Penalties. any collector of provincial revenue or any person duly authorized by such collector or by the Provincial Treasurer, may stop all racing on his track and seize the goods, effects, moneys and books belonging to him, and may sell such goods and effects at public auction without any other preliminary judgment or formality, and remit the moneys, if any, to the Provincial Treasurer, said moneys to form part of the consolidated revenue fund of the Province.

Issue of license no presumption of legality. **"961.** The issuing of a license under this subsection shall not be considered as indicating that the Government or any of the officials thereof are of the opinion that any bet, wager or pool recorded, received or sold by any person is not prohibited by the Criminal Code, or otherwise; and should any holder of a race meeting license be convicted in the Criminal Courts for an offence in respect of any such bet, wager or pool so recorded, received or sold, then his license shall, *ipso facto*, become null and void.

Races for which no license is required. **"962.** No license is required for races held on the track of any official county agricultural society during the continuance of any exhibition held by such society, nor for races for which no admission fee is charged and at which no bets, wagers or pools are received, recorded or sold.

Restrictions that may be imposed. **"963.** The Lieutenant-Governor in Council may, by regulation, impose such restrictions or conditions as he may determine upon the issuing of licenses to operate a race track or hold a race meeting.

No municipal tax. **"964.** Notwithstanding any special act to the contrary, no municipality may, by by-law, resolution or otherwise, levy any tax, impost or duty for the operating of a race track or the holding of a race meeting.

"§ 6.—Auctioneers

Auctioneer's licences. **"965.** No person shall act as auctioneer in this Province, unless a license has been issued to him, upon payment of the duties hereinafter established and upon furnishing security to the Provincial Treasurer, by means of a guarantee policy.

Guarantee policy. The guarantee policy shall be for an amount of not less than one thousand dollars, nor more than five thousand dollars, in the discretion of the collector, and shall guarantee the payment of all moneys for duties which the

applicant for license shall or ought to receive, and for the faithful execution of the obligations imposed by this subsection upon the assured.

No licensed auctioneer shall employ an assistant, agent, ^{License for} servant or partner as crier, in this Province, unless a ^{assistant,} license to that effect be issued to the auctioneer, upon pay-^{etc.}ment of the duties hereinafter established.

An auctioneer's license may be issued for a year or by the ^{Annual or} day; but a license by the day cannot be issued in a city or ^{daily licen-} a revenue district where an annual license has been issued ^{se.} and is in force.

"966. The duties payable for such licenses are the ^{Duties.} following:

1. On each annual auctioneer's license:
 - a. in each of the cities of Quebec and Montreal, one hundred and thirty dollars;
 - b. in the revenue district of Quebec, except the city of Quebec, and in the revenue district of Montreal, except the city of Montreal, and in each other revenue district, one hundred dollars.
2. On all separate annual licenses, taken out by an auctioneer, for the employment of an assistant, agent, servant or partner as crier:
 - a. in each of the cities of Quebec and Montreal, fifty dollars;
 - b. in the revenue district of Quebec, except the city of Quebec, and in the revenue district of Montreal, except the city of Montreal, and in each other revenue district, forty dollars.
3. On each daily auctioneer's license, including the employment of an assistant, ten dollars per day.

"967. Any property sold by auction and outcry in ^{Property to} this Province, and adjudged to the highest and last bidder, ^{be sold by li-} or lowest and last bidder, therefor, must be sold by a ^{censed auc-} licensed auctioneer, except: ^{tioneer.}

- a. any property of the Crown, of a deceased person, of ^{Exceptions.} minors when sold by forced or voluntary licitation;
- b. any property belonging to a dissolution of community, or to any church;
- c. any property sold by authority of justice, by reason of confiscation, at any bazaar held for religious or charitable purposes, for religious purposes, in payment of municipal taxes, for non-commercial purposes by a farmer removing from the locality;
- d. farm animals exhibited by agricultural societies at an exhibition, and sold during such exhibition.

Duty upon
sales by
auction.

"968. Except in the case of trade sales of fruit and live stock, every sale which, under article 967, must be made by a licensed auctioneer, shall be subject to the duty hereinafter established, which duty shall be paid by the auctioneer to the proper collector of provincial revenue out of the proceeds of the sale, at the cost of the seller unless an express stipulation be made, in the conditions of sale, that such duty shall be paid by the buyer, in which case the duty shall be added to the price.

Amount of
duties.

"969. The duties payable on the gross amount of the sale by auction are:

one per cent on the first one hundred thousand dollars or fraction thereof, plus

one-half of one per cent on the next additional one hundred thousand dollars or fraction thereof, plus

one-third of one per cent on the next additional one hundred thousand dollars or fraction thereof, plus

one-fourth of one per cent on the next additional one hundred thousand dollars or fraction thereof; plus

one-fifth of one per cent on the next additional one hundred thousand dollars or fraction thereof,—

and so on, increasing the denominator of the fraction of the rate by one, for each next additional one hundred thousand dollars, or fraction thereof, in the gross amount of the sale.

Interpreta-
tion.

For the purposes of this article, when an auction sale lasts more than one day, it is considered as one sale.

Penalty.

"970. Any person without a license, making a sale which under article 967 must be made by a licensed auctioneer, shall, in addition to the costs and penalties hereinafter established, pay the duties on such sale, in the same manner as if the sale had been made by a licensed auctioneer.

Auctioneer
to pay over
duties col-
lected.

"971. Every auctioneer holding an annual license shall, within the first ten days of each of the months of February, May, August and November of each year, pay to the collector of provincial revenue or to his deputy the amount of duties levied on the sales made by him, and not paid over.

If no sale has been made by the holder of an annual license, during any period, he shall make a sworn statement to that effect.

In case of
daily license.

Every auctioneer holding a daily license shall, within eight days from the date any sale is made, pay to the collector of provincial revenue the amount of duties levied on the sale made by him.

Every such auctioneer shall at the same time furnish to the collector a sworn statement, stating, for each sale, whether the property sold was moveable or immoveable, the name of the person, firm or estate for which he made the sale, and the gross amount thereof, and containing such other information as may be determined by the Provincial Treasurer.

"972. Every person,—

Offences.

- a. who, without a license to that effect, acts as an auctioneer, or as his assistant, agent, servant or partner as crier; or,
- b. who, whether holding a license or not, neglects or refuses to pay over to the collector of provincial revenue the duty or to furnish his statement, within the delay fixed by law; or,
- c. who, without being the holder of a license, advertises as an auctioneer or advertises any sale which should be made by a licensed auctioneer; or,
- d. who neglects to keep a book where all the information required for his statements are entered, or to give access to such book to the collector of provincial revenue, or to any person authorized by him or the Provincial Treasurer,—

shall be guilty of an offence under this subsection, and shall be liable, in addition to the costs and the payment of the duty for a license and of the duty on the sale, if any be due, to a fine of not less than fifty dollars nor more than two hundred dollars, and, in default of payment, to imprisonment for one month in the common gaol.

Penalties.

"973. The amount of duties received, and not paid over, may be recovered with costs, in the same prosecution as that for the penalties.

Recovery of duties.

The person so in default shall have his license declared cancelled, and such license, from the day a notice to that effect is inserted by the collector of provincial revenue in the *Quebec Official Gazette*, shall be revoked, null and void; and no new license may be granted to such defaulter until payment be made of the amount due in principal and costs.

Cancellation of license.

"974. In any action or prosecution against a defendant accused of having carried on the business of an auctioneer, without the license required therefor by this subsection, the following shall be *prima facie* evidence of the auction sale:

Prima facie evidence of sale.

1. The fact of having placed publicly, to be bid upon, any article, merchandise, or property, moveable or immovable, before an assemblage of persons in order to induce them, or any of them, to purchase the same;
2. The publishing, in any newspaper or hand-bill, of a notice of an auction sale by the defendant;
3. The exhibition in, on or near his house or dependencies, of any sign, printed matter, painting or writing, indicating, or of a nature to indicate, that he is desirous of acting as an auctioneer, or the fact that such has been exhibited with his knowledge or consent.

“§ 7.—*Peddlers*

“Peddler”
defined.

“**975.** The word “peddler” means any person who carries on himself or who transports with him goods, wares or merchandise, with intent to sell the same, and includes not only one who goes from one municipality to another, but also one who peddles within a municipality.

Peddler’s
licenses.

“**976.** No person shall peddle in this Province, unless a license has been issued to him, upon payment of the duty hereinafter established. Such license entitles him to employ a servant to accompany and assist him in carrying about his bales of goods or merchandise, without being obliged to take out a second license for such servant.

Licenses for
vehicles.

“**977.** No peddler shall use a vehicle in this Province, unless a license has been issued to him, upon payment of the duty hereinafter established.

Duties.

“**978.** The duties are:

1. On each license for a peddler, for each revenue district, fifty dollars; but any peddler taking out a license for either of the revenue districts of Quebec and Montreal, who wishes to peddle within the limits of the city of Quebec or of the city of Montreal, as the case may be, shall pay a further duty of one hundred and fifty dollars;
2. On peddler’s vehicles: for one vehicle, fifty dollars; for each additional vehicle, ten dollars.

Duty may
be reduced
for addition-
al districts.

When a license is required for more than one revenue district, the Provincial Treasurer may, upon application made before taking out the license, reduce the duty on the license for each additional revenue district to not less than one-quarter of the duty for each additional revenue district.

"979. Every person who peddles without a license to that effect, still in force as by law prescribed, is guilty of an offence under this subsection and is liable, for each offence, to a fine equal to twice the amount of the license duty, and costs, and, on failure to pay the said fine and costs, to imprisonment for not more than three months. Penalty for having no license.

Every person who refuses to exhibit his license shall be guilty of an offence under this subsection and be liable, in addition to the costs, to a fine of not less than ten dollars nor more than fifty dollars, and, in default of payment, to imprisonment for a period of not less than one month nor more than three months. Penalty for refusal to exhibit license.

"980. In case a peddler is found to be infringing any provision of this subsection while travelling with one or more vehicles, the fine and penalty shall be double the one established by article 979, and such vehicle or vehicles may also be seized, confiscated and sold at the same time and in the same manner as the goods, wares and merchandise of the peddler. Double penalty in certain case.

"981. Any collector of provincial revenue or person authorized by him or by a revenue officer, any mayor or other municipal officer of any municipality, or any constable or officer of the peace, may demand that a peddler exhibit his license, and may, in case of refusal or in case he has otherwise infringed any provision of this subsection, arrest and detain him without a warrant, provided that within a reasonable delay he be brought before a magistrate having jurisdiction; or such collector or person may, at his option, seize the goods, wares and merchandise found in the possession of such peddler, subject to the confirmation of such seizure by the court, without arresting the peddler, and the goods and wares so seized shall, under such confirmation by the court, be sold by private sale or by auction, according to the instructions given by the Provincial Treasurer. License must be exhibited on demand of officer. Penalty.

"982. The following persons need not take out a peddler's license: Persons who do not require license.

1. Persons peddling and selling temperance tracts or other moral and religious publications under the direction of a temperance society or a benevolent or religious society in the Province, and persons employed by any such society to peddle and sell such tracts or publications under the direction of such society;

2. Persons peddling and selling:
 - Acts of the Legislature;
 - Prayer books and catechisms;

Proclamations, gazettes, almanacs or other documents printed and published by authority;

Fish, fruit, fuel (firewood, coal and coal oils), and provisions, excepting tea and coffee;

Goods, wares and merchandise other than drugs, medicines and patent medicines, when they are peddled and sold by the actual maker or worker, being a British subject and a resident of this Province, or by his children, apprentices, agents or servants.

3. Tinkers, coopers, glaziers, harness repairers, or other persons carrying on the trade of repairing kettles, casks, household furniture and utensils, to go along the highway and carry on their business;

4. Hucksters, or persons having stalls or stands on markets, in cities or towns, for the sale of fish, fruit, victuals, or goods, wares and merchandise, in such stalls or stands, on their complying with the police regulations of the locality.

“§ 8.—*Billiard tables and bowling alleys*”

Interpreta-
tion.

“**983.** The word “billiard table”, in addition to its proper meaning, also means boards used for the games of pigeon-hole, Mississippi, pool, bagatelle or other like games.

Ditto

“**984.** All sums of money or value paid, furnished or promised, directly or indirectly, by those who play upon such billiard tables or upon bowling alleys, to the keeper of the same, his employees or representatives, for playing on the same, shall be considered gain within the meaning of this subsection.

Formalities
for issue of
license.

“**985.** With the exception of the cities of Quebec and Montreal, no billiard table license shall be issued in any municipality unless upon a resolution of the municipal council, of which an authentic copy shall have been filed with the collector of provincial revenue of the district.

Duties.

“**986.** It is forbidden to keep for gain a billiard table or a bowling alley in this Province unless a license has been issued therefor upon payment of the following duties:

1. For billiard table licenses other than those in a club:
 - a. in cities:
 - i. when only one table is kept by the same person and in the same building, sixty dollars;
 - ii. for each additional table, twenty-five dollars.
 - b. in towns:

- i. for the first table, forty dollars;
- ii. for each additional table, twenty-five dollars.
- c. in every other part of the Province, twenty-five dollars for each table.
2. On each license for a billiard table in a club:
 - a. in cities and towns, thirty-five dollars;
 - b. in any other part of the Province, twenty-five dollars.

Such licenses shall not apply to clubs organized under articles 7233 and following, which do not charge for the use of the tables.
3. For each bagatelle, pigeon-hole or Mississippi board license, twenty-five dollars.
4. On each license for a bowling alley:
 - a. in cities and towns, twenty-five dollars;
 - b. elsewhere, ten dollars.

"987. Every person who keeps for gain a billiard table ^{Penalty for} or a bowling alley without a license shall be guilty of an ^{having no li-} offence, and liable to a fine equal to double the amount ^{cense.} of the duties exigible under this subsection and to the costs, and, in default of payment of the fine and costs, to imprisonment for one month in the common gaol.

"988. Every person holding a license for a billiard ^{Offences.} table or a bowling alley, who,—

- a. knowingly allows any apprentice, school-boy or person under eighteen years of age to play thereon; or,
- b. allows any one to play thereon for money or for any stake whatsoever; or,
- c. allows any person to play thereon at any time during Sundays,—

shall be guilty of an offence and liable, in addition to the ^{Penalties.} costs, to a fine of not less than ten dollars nor more than one hundred dollars, for each offence, and, in default of payment of the fine and costs, to imprisonment for thirty days in the common gaol.

"§ 9.—Public laundries

"989. The words "public laundry" mean, for the pur- ^{Interpreta-} poses of this subsection, any shop, dwelling or building ^{tion.} whatsoever in which linen, brought or sent there by the public, is washed or ironed for a profit.

The words "public laundry", however, do not include the shop, dwelling or building of a laundress who, either

alone or with members of her family, washes or irons therein, for a profit, linen brought or sent there by the public, nor the shops, dwellings or buildings occupied by charitable religious communities, or by incorporated companies paying the provincial tax on corporations, and in which linen, brought or sent there by the public, is washed or ironed for a profit.

Proviso. The corporations mentioned in this article, and which pay the provincial corporation tax, are exempt from the application of this subsection only if the taxes paid each year, under article 1345 and following, equal or exceed the fees and duties which might be exacted under this subsection.

Duties. “**990.** No person shall carry on or keep a public laundry unless a license to that effect has been issued to him, upon payment of the following duty:

- a. in the cities of Montreal, Westmount and Outremont, fifty dollars;
- b. in the city of Quebec, forty dollars;
- c. in any other city, twenty-five dollars;
- d. in any town, twenty dollars;
- e. elsewhere, fifteen dollars.

Penalty for having no license. “**991.** Every person who carries on or keeps a public laundry without having a license therefor in force, shall be guilty of an offence under this subsection and shall be liable, in addition to the payment of the license duty and the costs, to a fine of not less than thirty dollars nor more than two hundred dollars, for each offence, and, in default of payment, to imprisonment for two months.

“§ 10.—*Brokers*

Non-resident brokers. “**992.** 1. Every broker, firm of brokers, or person, whose residence or chief place of business is without the Province, desiring to do business therein through an agent or representative by dealing or taking orders to deal in shares, bonds, debentures or debenture-stock from within the Province, with any broker or firm of brokers or person outside the said Province, shall take out, for such agent or such representative in a fixed office or place of business, an annual license, upon payment of a duty of two thousand dollars.

Proviso. 2. The taking out of a license under this article shall not exempt the holder of such license from any of the provisions of articles 1360 to 1373, inclusive.

"993. Every person coming within the purview of paragraph 1 of article 992, who carries on the business therein described, without being the holder of a license for that purpose, then in force, as well as his agent and representative in the Province, shall incur a penalty of two thousand dollars for each offence; and every one who deals with such person in the business described in the said paragraph 1 shall be liable to the Crown for twice the amount exigible upon each such transaction under articles 1360 to 1373, inclusive.

"994. 1. Every person not residing within the Province, who temporarily comes therein for the purpose of dealing in shares, bonds, debentures, or debenture stock, either in his own name or in the name of any firm or company, having its head office outside of the Province, or of any broker or other person not residing in the Province, shall first obtain a semi-annual license, upon payment of of a duty of five hundred dollars.

2. Every person residing in the Province and doing a brokerage business of any kind therein, shall, at such times and in such manner as may be determined by the Provincial Treasurer, register with the stock tax collector, if in the district of Montreal, and with the proper collector of provincial revenue in any other revenue district. The registration fee shall be three dollars, of which two dollars shall belong to the consolidated revenue fund and one dollar to the collector.

3. The taking out of a license under this article shall not exempt the holder of such license from any of the provisions of articles 1360 to 1373, inclusive.

"995. Every person coming within the purview of paragraph 1 of article 994, who carries on the business therein described without being the holder of a license for that purpose, then in force, shall incur a fine of not more than one thousand dollars and not less than five hundred dollars, for each offence; and every one who deals with such person in the business described in the said paragraph 1 shall be liable to the Crown for twice the amount exigible upon each such transaction under articles 1360 to 1373, inclusive.

"§ 11.—*Loan offices*

"996. No person shall keep a loan office, unless a license to that effect has been issued to him, upon payment of the following duty:

- a. in the city of Montreal, two hundred dollars;
- b. in the city of Quebec, one hundred and fifty dollars;
- c. elsewhere, fifty dollars.

Discretion
of Prov.
Treas.

"997. The issue of a license to keep a loan office shall be in the discretion of the Provincial Treasurer, who shall also have the right to cancel the license at any time upon the conviction of the holder thereof before a criminal or civil court.

Proviso.

No license issued under the provisions of this article shall in any way authorize the receiving of money on deposit or the doing of anything in contravention of the Bank Act.

Penalty for
not having
license.

"998. Any company, not coming within the purview of articles 1345 to 1359, inclusive, imposing direct taxes on corporations, and any firm or person other than pawn-brokers, keeping a loan office, without having a license for that purpose—except persons engaged in a profession or business other than that of money-lending and who only incidentally so lend money,—shall be liable to a fine of not less than two hundred dollars nor more than five hundred dollars, for each offence, and, in default of payment of such fine, and costs, to imprisonment for three months.

“§ 12.—*Powder*”

“Powder”
defined.

"999. The word “powder” means every explosive substance, whether powder for cannon, or gunpowder, or mining powder, or other powder, or nitro-glycerine, or any other substance of that nature, however prepared or offered for sale, either loose or in barrels or otherwise, or when combined in any quantity whatever in an article of commerce, as cartridges, fire-crackers, fire-works, rockets or other things.

License re-
quired.

"1000. No person shall sell or keep for sale any quantity of powder, unless a license to that effect has been issued, upon payment of the following duties:

Duties.

For each license for the sale of powder or to keep it on sale:

- a. in the cities of Quebec and Montreal:
 - 1. by wholesale and retail, thirty dollars;
 - 2. by retail only, twelve dollars;
- b. in every other city:
 - 1. by wholesale and retail, fifteen dollars;
 - 2. by retail only, eight dollars;
- c. in every town:

1. by wholesale and retail, eight dollars;
2. by retail only, four dollars;
- d. in any other part of the Province:
 1. by wholesale and retail, four dollars;
 2. by retail only, two dollars.

A quantity of twenty-five pounds or more, or a dozen Interpretation. canisters of one pound each, sold at any one time, shall be deemed to be sold at wholesale, and a less quantity shall be deemed to be a sale by retail.

"1001. No person shall keep for his own use, and not Storing of for sale or storage in any building other than a powder-powder. magazine, any quantity of powder weighing more than ten pounds; and in keeping it he shall store it in a metal box or case, at a sufficient distance from any inflammatory agent, such as a lamp, candle, light, gas, stove-pipe, fire-place, (which enumeration is not exhaustive), or otherwise he shall be liable to a penal prosecution, in which he may be condemned to the payment of a fine of not less Penalty. than thirty dollars nor more than one hundred dollars for each offence, in the discretion of the court.

"1002. Every person keeping powder for sale shall at Place where all times render conspicuous the part or parts of the powder is building where the powder is lodged, and shall keep placed, stored to be above the entry of such building, a sign bearing the words "Licensed to sell Powder", under a penalty of a fine Sign to be of five dollars for each week during which he offends displayed. against this article.

"1003. Every person who sells or keeps for sale, Penalty for whether by wholesale or retail, any quantity of powder, not having without having obtained a license for that purpose, or license. or who does not comply with the provisions of article 1000, shall be guilty of an offence and be liable to a fine, in the discretion of the Court, of not less than ten nor more than sixty dollars for each sale, and to a similar penalty for keeping powder for sale.

"1004. The Lieutenant-Governor in Council may, Regulations from time to time, make the necessary regulations, con- by Lt. Gov. formably to the provisions of this subsection, for the in C. reception, transportation, storage and delivery of powder.

"1005. Nothing in this subsection shall apply to the Applica- powder required by His Majesty, nor affect the transporta- tion. tion, by the troops of His Majesty on military service, of

munitions of war, going into or coming from powder magazines of His Majesty.

“§ 13.—*Pawnbrokers*

Interpreta-
tion.

“**1006.** Pawning, within the meaning of this subsection, is the loan of money or anything convertible into money or having a pecuniary value, for a profit, either impliedly or expressly stipulated, in favor of the lender, and the taking of a pledge to secure the return of the money or thing loaned, with or without the profit.

He who lends and who receives the pledge is a pawnbroker; he who receives the sum of money or thing loaned and gives the pledge is the pawner.

The business of pawnbroking is carried on when such loans are habitually made.

To establish that such business is carried on it shall not be necessary that several loans secured by pledge should be proved, although such proof may be sufficient.

Proof of
pawnbrok-
ing.

A single loan secured by pledge, preceded or followed by one or more loans, or accompanied or preceded or followed by circumstances which, in the opinion of the court seized with the case, establish the habit of making such loans, or the intention of carrying on the business aforesaid, constitutes, for the purpose of this subsection, sufficient proof that the lender follows the business of pawnbroking.

License re-
quired.

“**1007.** No person shall carry on the business of pawnbroking, unless a license has been issued to him to that effect, upon payment of the following duties:

Duties.

- a. in the city of Montreal, one thousand dollars;
- b. in the city of Quebec, five hundred dollars;
- c. in any other municipality, two hundred and fifty dollars.

Offences.

“**1008.** Every person who,—

- a. carries on the business of pawnbroking or lends on pawn without having a license to that effect, or
- b. being a licensee, carries on the business of pawnbroking in more than one house, shop or place of business, or
- c. does not display on the outside of his place of business an indication of the business therein carried on, or
- d. does not keep proper books where all transactions made by him as a pawnbroker are entered, or
- e. being a pawnbroker, does not give to the pawner a memorandum containing the description of the

articles pawned, the name and address of the pawner, and the amount for which the articles were pawned, or

f. makes a special charge for the storage of pawned articles,—

shall be guilty of an offence under this subsection, and be ^{Penalties.} liable, in addition to the costs, to a fine of not less than fifty dollars nor more than three hundred dollars, and, on default of payment of such fine and costs, to imprisonment for not less than one month nor more than three months.

"1009. No pawnbroker need return the articles pawned, unless the pawner returns him the memorandum. ^{Memorandum must be returned.} However, if such memorandum has been lost, destroyed or stolen from the pawner, or fraudulently obtained from him, the pawnbroker shall give to the person who claims to be the proprietor a copy of the memorandum, with the form of an affidavit of the circumstances which are stated to him, which affidavit shall be sworn to by the alleged proprietor before a justice of the peace. ^{Proviso.}

"1010. If the pawnbroker refuses to acknowledge that such person has a right to the article pawned, upon payment of the amount due, the pawner may notify the pawnbroker to go before a justice of the peace, after a ^{Hearing before justice of the peace in certain case.} delay of at least two days, and the latter shall hear the parties and their witnesses under oath, examine the documents produced, and award the articles claimed to the rightful owner. Such judgment shall be in writing, and shall give the right to keep or redeem the article, as the case may be.

All the above proceedings shall be without costs.

"1011. If any person pawn the property of another, without the authority of the owner, any two justices of the peace may grant a warrant to arrest the offender; and, on conviction, he shall be liable to the penalty mentioned in article 1008, and forfeit the value of the property pawned, ^{Pawning of property of another.} which shall be paid to the owner, and may be recovered at the same time and in the same manner as the penalty. ^{Penalty.}

"1012. Every person, who knowingly receives in pawn from a journeyman mechanic any goods of any manufacture, either separate or mixed with others, or materials plainly intended for manufacturing purposes, when such goods or materials are in course of preparation but before being completed and exposed for sale, or any goods, materials, linen, or apparel, which have been en- ^{Penalty for receiving in pawn certain goods.}

trusted to any person to wash, scour, iron, mend, or manufacture, or for any purpose of a like nature, and is convicted thereof, shall forfeit the sum lent thereon, and shall forthwith restore the goods to the owner.

Return of
goods so
pawned.

"1013. If the pawned goods, or any part of them, are found, and the owner thereof proves, to the satisfaction of the justices of the peace, by the oath or affirmation of a witness or by the admission of the suspected person, that they belong to such owner, the justices of the peace shall cause the same to be forthwith returned to such owner, and the occupant of such house, shop or other place shall be liable to the penalty mentioned in article 1008.

Penalty.

"§ 14.—Ferries

License re-
quired.

"1014. No person shall carry on the business of ferryman, unless a license to that effect has been issued, upon payment of a duty, as hereinafter provided for.

Regulations
by Lt. Gov.
in. C.

"1015. The Lieutenant-Governor in Council may make, amend and repeal regulations for the following purposes:

1. to establish the location of ferries;
2. to specify how and subject to what conditions such license shall be issued, its duration, and the duty or sum payable therefor;
3. to fix the tariffs and rates for which persons and goods shall be crossed on such ferries, and the manner in which such tariffs and rates shall be published, and the places of such publication;
4. to fix the time, the hours and the fractions of hours, when the vessels employed on such ferries shall cross and recross, or start from one side or the other of such ferry for that purpose;
5. to impose fines for every infraction of such regulations.

Such regulations shall, after publication in the *Quebec Official Gazette*, have the same effect as if they formed part of this subsection.

Place where
no license
required.

"1016. No license shall be required to carry on the business of ferryman,—

- a. between the banks of the river St. Lawrence, except between the city of Montreal and the city of Longueuil, between the said city of Montreal and the town of Laprairie, and between the city of Lachine and Caughnawaga;

- b. between the banks of any river forming the boundary line between this Province and any other province or territory.

"1017. This subsection shall not apply to any vessel Not to apply to certain vessels. plying between two ports in this Province or regularly entered at any such port or used under any privilege granted by the Legislature of the late Province of Lower Canada, of the late Province of Canada, or of this Province, to the proprietors of any bridge or to any railway company or other road company.

"§ 15.—Automatic distributors

"1018. For the purposes of this subsection, the words Interpretation. "automatic distributor" mean any apparatus, table, board, rack or device put at the disposal of the public, and operated by the introduction of coins or counters, or the operation of which is governed in any way by the skill or the exercise of judgment of any person, and not Exception. being an apparatus used for supplying gas, nor one the use or the keeping of which is prohibited by law as being a gambling device or otherwise.

"1019. No person shall keep or make use of any auto- License re- matic distributor without a license to that effect, upon quired. payment of the sum of four dollars for each automatic Duty. distributor.

"1020. Every such person shall affix to each auto- Plate to be matic distributor a plate furnished by the collector of affixed. provincial revenue, keep the plate attached thereto until the 1st of May following, and shall on such day remove the plate from the automatic distributor.

"1021. Every person who keeps or makes use of an Penalty for automatic distributor without a license to that effect, or having no li- who neglects to keep the plate on it or to remove it there- cence, etc. from on the 1st of May following, shall be guilty of an offence under this subsection, and be liable to a fine of not more than twenty dollars and costs, and, in default of payment of such fine and costs, to imprisonment for not more than two months, or both.

"1022. The issuing of an automatic distributor license Issue of li- for any apparatus or device shall not be considered as cence no indicating that the Government, or any of the officials presumption thereof, are of the opinion that such apparatus or device of legality.

is one that is not prohibited by law as a gambling device or otherwise; and should the person keeping or making use of the same be convicted in the Criminal Courts of an offence in respect of said apparatus or device, then his license for the same shall become null and void.

“§ 16.—*Employment bureaus*

Duty for
employ-
ment bureau
licenses.

“**1023.** 1. The license mentioned in article 2520^l (as enacted by the act 4 George V, chapter 21, section 1), and which is required by the holder of a permit granted by the Minister of Public Works and Labour as a condition precedent to opening, keeping or controlling an employment bureau other than an employment bureau for women only, may be granted upon payment of the following duties,—

a. if the employment bureau be situated in a city or town in which there are one or more free employment bureaus organized under articles 2520^a and following, two hundred dollars per annum;

b. if in any locality where there is no such free employment bureau, twenty-five dollars per annum.

Penalty for
not having
license.

2. Every person keeping or controlling an employment bureau without being the holder of such a license, shall be liable to the penalties fixed by article 2520^m.

“§ 17.—*General procedure*

By whom
proceedings
taken.

“**1024.** Actions or prosecutions for offences against this section are brought in the name of the collector of provincial revenue for the district in which the offence has been committed.

When pro-
secution to
be taken.

“**1025.** The collector of provincial revenue shall institute prosecutions whenever he has reason to believe that a contravention of the law has been committed and that such prosecution can be maintained.

May require
deposit in
certain case.

“**1026.** Whenever the collector of provincial revenue is called upon to institute a prosecution, he may, in his discretion, either before instituting it or at any time during the proceedings, require from the person upon whose application such prosecution is instituted, the deposit of a reasonable amount to cover costs, in the event of the action being dismissed.

Recovery of
fines and
penalties.

“**1027.** The fines and penalties, imposed by this section or by the regulations made under its authority, and the

duties and fees exigible under the same, shall be recovered in the manner and before the courts hereinafter indicated.

"1028. Every prosecution shall be brought in the judicial district where the offence has been committed, or in that where the offender resides. Where prosecution to be brought.

If the offence has been committed on board a steamboat or other vessel, or upon any other vehicle, the prosecution may be instituted in any judicial district of the Province. Steamboats, etc.

If the offence has been committed on the border of two adjacent districts, and it is difficult to determine in which of said districts the offence was committed, the prosecution may be instituted in either district. Border of adjacent districts.

"1029. In all matters pertaining to this section, the county of Berthier shall form part of the district of Richelieu, and the county of Verchères part of the district of Montreal, for judicial purposes. Districts of Richelieu and Mont-real.

"1030. Any action or prosecution may, at the option of the prosecutor, be brought before the Circuit Court, but without any right of evocation therefrom to the Superior Court, or before two justices of the peace in the judicial district, or before the judge of the sessions of the peace, or before the police magistrate, the district magistrate, or any other officer having the powers of two justices of the peace, subject to the provisions of article 708 of the Criminal Code. Before whom prosecution may be instituted.

For the purposes of this article, everything necessary to the carrying out of the provisions of this section respecting the prosecution of offenders, including the signing of summonses and warrants and the granting of adjournments, may be done by one justice of the peace, save as respects the hearing and the judgment, which are governed by the provisions of articles 1053 to 1060, inclusive. Certain acts may be done by one justice of the peace.

"1031. In the Circuit Court, the delays upon summonses and other proceedings are governed by the provisions of the Code of Civil Procedure respecting suits between lessor and lessee. Procedure before Circuit Court.

Except as regards actions brought in the Circuit Court, service of the summons is made by any bailiff or constable, appointed for the judicial district where the prosecution is instituted, by leaving a copy, certified by the magistrate, judge, or functionary who has signed the original, or by the attorney for the prosecutor, with the defendant personally, or with a grown and reasonable person of his family at his domicile or place of business. Service of summons.

Nevertheless in cases in which the defendant evades In case of

evasion of
service, etc.

service of the summons, and also in all cases of occupants of buildings situate on the boundary line between this Province and the United States of America, the judge, magistrate, or justice of the peace may, upon a return to that effect, prescribe whatever mode of service he deems proper

Proof of
service.

"1032. Every service by a bailiff shall be certified under his oath of office, and that made by a constable shall be proved by means of a return, sworn to before a justice of the peace in the judicial district, or before the court.

Circuit
Court.

Before the Circuit Court, the service of proceedings and convictions is made in the same manner as the service of the summons.

Summary
procedure
before Cir-
cuit Court.

"1033. In all prosecutions under the authority of this section before the Circuit Court, the procedure shall be summary, and shall be the same as that prescribed for suits between lessor and lessee in articles 1150 to 1162, inclusive, of the Code of Civil Procedure.

Law appli-
cable.

"1034. Except where otherwise prescribed in this section, in all prosecutions other than those taken in the Circuit Court, the provisions of part xv of the Criminal Code, and those of articles 3513 to 3520 of these Revised Statutes shall apply, with the exception of the following words of article 722 of the said Criminal Code: "but no such adjournment shall be for more than eight days", which words shall not apply to prosecutions instituted under this section; but no adjournment shall be for more than thirty days.

Exception.

Evidence.

It shall not, however, be necessary to have the evidence taken down in writing or in shorthand.

Provisions
to apply.

"1035. The provisions of articles 237 to 250, inclusive, of the Code of Civil Procedure shall also apply, *mutatis mutandis*, to prosecutions under this section before magistrates.

Delay for
trial.

"1036. No prosecution instituted under this section shall be tried or heard on the day it is first called, unless the defendant elects to confess judgment or has given three clear days written notice to the prosecutor that he will be ready to stand his trial on such day, or unless the prosecutor gives notice in the summons served upon the defendant that the action will be tried on the day it is returnable.

Exceptions.

How com-

"1037. In every prosecution for an offence under this

section brought in the name of the collector of provincial revenue, the complaint must be signed by the proper collector of provincial revenue or his deputy.

"1038. In all proceedings under this section, the simple declaration of a collector of provincial revenue that he is such, is sufficient *prima facie* proof of his appointment, and of his being in office at the date of such declaration. Proof of certain facts.

The same shall also apply to the declaration of the collector of provincial revenue as to the extent and limits of his revenue district.

"1039. It shall not be necessary to allege, in a prosecution instituted under this section, in the declaration, information, complaint or summons, any negative fact, nor any fact the burden of proof of which is upon the defendant. Negative facts, etc., need not be alleged.

"1040. Several offences committed by the same person may be included in one and the same declaration, information, complaint or summons, provided that such declaration, information, complaint or summons contain a specific statement of the time and place of the commission of each offence; and in such case the forms indicated by this section shall be modified *mutatis mutandis*, but no further additional fees shall be allowed to the advocate than if there had been only one offence. Cumulation of offences.

"1041. Before every court, except the Circuit Court where the ordinary rules of procedure in reference to amendments shall prevail, any declaration, information, complaint or summons may, on application of the prosecutor to that effect, be amended in substance or in form without costs. Amendment to be allowed without costs.

Upon such amendment, the defendant may obtain a further delay in which to make his defence and proof. Delay.

"1042. If, in any prosecution instituted under this section, any stay of proceedings or postponement of the trial or hearing be applied for on behalf of the defence, such stay or postponement shall be granted only if the costs of the day are previously paid by the defence, which costs shall include a fee of three dollars to the prosecuting attorney. Postponement may be granted defence, on payment of costs of the day.

"1043. Any husband, living and residing with his wife, when any offence under this section is committed by her, whether she be a public trader or not, may be prosecuted and convicted in the same manner as if he himself had contravened this act. Husband responsible for offence of wife.

Witnesses
may be sum-
moned.

Arrest for
refusal.

Imprison-
ment.

Penalty for
refusal to
appear or
give eviden-
ce.

Depositions
taken in
writing.
Adjourn-
ment.

Witness
must ans-
wer ques-
tions ten-
ding to in-
criminate.

Defendant
to be com-
petent wit-
ness.

Proof as to
time, etc.

"1044. In every prosecution under this act before any court, other than the Circuit Court, in which court the rules of procedure applicable to suits between lessor and lessee as to the taking of evidence shall prevail, the court may summon before it any person represented to be a material witness therein; and, if such person refuses or neglects to attend on such summons, the court, if, from affidavits or from the circumstances of the case, it be of opinion that the witness refuses to appear and that thereby the ends of justice may be defeated, may issue its warrant for the arrest of such person; and thereupon he shall be brought before the court, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common goal, there to remain until he consents to be sworn or to affirm and to answer.

"1045. If any person summoned as a witness to give evidence before a court touching any of the matters relative to this section, neglects or refuses to appear at the time and place appointed for that purpose, without, in the opinion of the court, reasonable excuse, or appearing refuses to give evidence upon oath, he shall incur, for such neglect or refusal, a penalty of not less than five dollars nor more than forty dollars, and, in default of payment, imprisonment for not less than ten nor more than thirty days, the whole in the discretion of the court, even though the prosecution may have terminated without his having appeared or given evidence.

"1046. Upon the demand of either party the court may in its discretion receive and cause to be taken in writing the depositions of the witnesses then and there present, and postpone the trial to a further day fixed for that purpose.

"1047. Every person, other than the defendant, examined as a witness in any prosecution brought under this section, shall answer all questions put to him which are pertinent to the issue, notwithstanding any declaration on his part that his answers may disclose facts tending to subject him to any penalty imposed by this section, but such evidence shall not be used against him in any prosecution.

"1048. In prosecutions instituted under this section, the defendant shall be a competent witness.

"1049. Allegations in the complaint as to the time the offence was committed, need not be strictly proved;

it shall be sufficient to prove that the offence was committed within the delay allowed by law for prosecutions.

"1050. In any prosecution against a person not licensed under the provisions of this section, strict proof of the name of the defendant shall not be necessary; the personal identification of the defendant by the collector of provincial revenue or any of his officers, under oath as a witness, shall be sufficient, and no error in the name of the defendant shall invalidate the conviction or commitment. Proof as to name of defendant. Identification.

"1051. In any suit under this section where proof is required respecting any license, a certificate signed by the collector of provincial revenue of the district shall be sufficient proof of the existence of such license, and the identity of the person to whom it was granted; and the production of such certificate shall be considered a sufficient proof of the facts therein stated, and of the authority of the collector of provincial revenue, without any other proof of his appointment or of his signature being required. Certificate to be proof of certain facts.

"1052. The production of the license shall be sufficient evidence of the payment of the duty thereon, unless the prosecutor proves that the duty has not been paid, in which case the license, without such payment, shall be deemed to be invalid. Duty shall be presumed to be paid. Exception.

"§ 18.—Judgments

"1053. When a prosecution, instituted under the authority of this section, has been tried before two justices of the peace, judgment may be pronounced by one of them in the absence of the other, provided that such judgment be reduced to writing and signed by both justices. Hearing by two justices of the peace.

"1054. When a prosecution has been tried before two justices of the peace, and they fail to agree on the judgment to be rendered, either of such justices of the peace may sign a certificate to that effect, and transmit it to the collector of provincial revenue, who thereupon may institute a new action for the same offence. In case they fail to agree.

"1055. In default of payment of any fine imposed, or of any sum claimed under this section, the offender condemned to pay the same shall be imprisoned and detained in the common gaol for three months, unless another period of detention is prescribed by this section. Imprisonment of offender on failure to pay.

"1056. The penalty for a repetition of the offence, Penalty for

subsequent offence. against any one condemned more than once for an offence of the same nature and kind, under the authority of this section, except in cases otherwise provided for, shall be a fine of double the amount imposed for the previous offence, and imprisonment for six months, in default of payment.

Contents of judgment. **"1057.** In the cases mentioned in articles 1055 and 1056 and in all other cases wherein a similar legal provision exists, every judgment or conviction shall contain a condemnation of the defendant to such imprisonment.

Recording of judgment in absence of judge, etc. **"1058.** Whenever a judge, magistrate, or justice of the peace, who has heard a case, is unable, on account of illness, absence or other cause, to pronounce judgment in person, he may transmit his judgment in writing, certified by him, to the proper clerk of the court or of the magistrate, justice or justices of the peace, with instructions to record such judgment, and to read it or to give communication of it on demand to the parties or to their attorneys, on the day which he fixes for that purpose.

Effect of re-registration of judgment. The clerk, on receiving the written judgment and the instructions accompanying it, shall conform to such instructions; and the judgment so registered has the same effect as if it had been rendered by the judge, magistrate, or justice of the peace during the sitting of the court.

Report of judgment to Provincial Treasurer. **"1059.** Every conviction under this section shall, within fifteen days from the date of the judgment, be reported to the Provincial Treasurer by the clerk of the court before which the action was taken, under a penalty of twenty dollars.

Application of judgment. **"1060.** In any prosecution instituted under this section the judgment rendered shall not affect any offences committed before the date of the rendering thereof, except such as are alleged in the complaint.

"§ 19.—Costs

Tariff of fees. **"1061.** The Lieutenant-Governor in Council may make, replace and repeal the tariff of fees, granted to any clerk, bailiff, peace officer, constable, advocate, witness or other officer in any suit or action instituted under this section.

No costs against collector of prov. rev. **"1062.** No costs shall be adjudged against the collector of provincial revenue in any action or prosecution instituted under this section; but, on the recommendation

of the court or of the collector of provincial revenue, the Provincial Treasurer may, in his discretion, pay to the person in favor of whom judgment has been pronounced against the collector of provincial revenue, the costs or Prov. Treas. may pay costs. indemnity to which he may deem such person equitably entitled.

"1063. In any prosecution under this section, if the collector of provincial revenue attends the court as prosecutor or witness, and travels to attend such court more than Costs of officer attending as witness, etc. three miles from his place of residence, the justice or justices trying the case may tax against the defendant, in case of conviction, as costs in the case, to cover railway fares or hire of conveyance of the collector of provincial revenue or any person deputed by him, in attending the said prosecution, as follows:

1. if he travels by railway or stage, the sum he has had to pay;
2. if he travels in a hired vehicle, the sum actually charged for such horse and vehicle, and the tolls;
3. if he travels in his own conveyance, twenty cents a mile for a trip one way only; and
4. to cover all other expenses, an additional sum of two dollars a day.

In the event of the trial being adjourned at the request of the defendant, the latter may be condemned to the Costs of adjournment. payment of like additional costs when such collector is actually present at the sitting of the court.

Travelling and other expenses shall be attested under oath by such collector.

"1064. The Lieutenant-Governor in Council may Alteration of tariff. modify from time to time, as he may see fit, the tariff contained in article 1063.

"1065. In any prosecution under this section, the cost of taking down the evidence in writing, whether by short-hand or otherwise, shall be included in the taxed costs of the suit. Costs of taking of evidence to be included in taxed costs.

"§ 20.—Execution of judgments

"1066. In default of immediate payment of the fine and costs, the prosecutor may, upon the rendering of the judgment or conviction, or at any time during the delay, if any, granted to the defendant, make option whether the defendant shall be first imprisoned for the time mentioned in the judgment or conviction, or shall be first proceeded against by seizure. Right of prosecutor to make option.

Seizure and imprisonment.

In the latter case, the amount of such fine and costs shall be levied by a warrant of seizure and sale of the moveables and effects of the defendant; and, in default of moveables and effects, or if they are insufficient, the defendant shall be imprisoned; but, in either case, he may procure his discharge from imprisonment by paying the fine in full and all costs incurred up to the time of the conviction and subsequent costs.

Partial payment and defects of form not to affect the judgment in certain cases.

"1067. Except in the case of full payment as aforesaid, no defendant imprisoned in virtue of any provisions of this section shall be liberated on the ground of any defect of form in the warrant of commitment, or without due notice given to the prosecutor; nor shall any part payment affect or modify the terms of the judgment pronounced against him, in so far as imprisonment is concerned.

Penalty for procuring avoidance of arrest.

"1068. Any one knowing or having reason to believe that a commitment has been issued against any person under this section, who prevents the arrest of the defendant, or by any act or advice or in any other manner, procures for the defendant the means of or facilitates his avoiding arrest, shall be liable to a fine of forty dollars.

Delay for execution of judgment.

"1069. The execution of a judgment upon any prosecution or action instituted under this section may take place forthwith. If the judgment condemns the offender to imprisonment only, it must be executed immediately.

Coercive imprisonment.

"1070. Whenever proceedings for coercive imprisonment are had in the Circuit Court, such imprisonment shall be ordered by one of the judges of the Superior Court or of the Circuit Court, or by the clerk of the Circuit Court, on a summary petition, alleging that the defendant has not paid the total fine, or the amount claimed, and the costs of the prosecution.

Notice not required.

It shall not be necessary for the defendant to be notified of the presentation of such petition.

Term of imprisonment.

"1071. Each term of imprisonment under this section shall be reckoned from the date of incarceration.

Rights of complainant if defendant be a married woman.

"1072. Whenever a married woman is convicted in an action instituted under this section, the complainant may exercise the option whether to proceed by seizure and sale either against the goods of the married woman, or of those of her husband; and, in case the goods of one of them be found insufficient, then against the goods of the other, provided they habitually live together.

"1073. If any member of a partnership be condemned under this section, the right of the prosecutor to proceed by seizure and sale may, in case the goods and effects of the defendant be found insufficient, be exercised against the goods and effects of the partnership found on the premises where the offence has been committed. If defendant be member of partnership.

"§ 21.—Recourse by certiorari or prohibition

"1074. 1. Unless, within eight days after the conviction, judgment or order in any action or prosecution instituted under this section, the defendant deposits in the hands of the clerk of the justices of the peace or of the court which has rendered the judgment, the full amount of the fine and all costs, and a further sum of fifty dollars to secure the payment of such costs as may be subsequently incurred, no action, prosecution, conviction, judgment or order shall be taken by certiorari to any other court; and, in default of complying with these requirements, the notice of application for certiorari shall not suspend, retard or affect the execution of such conviction, judgment or order. Deposit of fine and costs, and security.

2. The court or judge to whom such application is made, shall dispose of the same upon the merits, notwithstanding any variance between the information and the conviction, or any defect in form or substance therein, provided it appears by such conviction that the same was made for an offence against some provision of this section, within the jurisdiction of the justice of the peace, police magistrate, or district magistrate, who made or signed the same, and provided it further appear from such conviction that the appropriate penalty or punishment for such offence was intended to be thereby adjudged; and, in all cases where it appears that the merits have been tried and that the conviction is valid under this section, such conviction shall not be quashed. If the original record is before the court or judge, it shall be remitted to the court below. Procedure before court or judge on appeal.

3. There shall be no appeal from such conviction, judgment or order to any court of sessions of the peace or to the Court of King's Bench. No appeal to C. K. B. etc.

4. Any person applying for a writ of prohibition in reference to anything done or sought to be done under this section, shall previously deposit with the prothonotary of the court before which the application is made, the sum of fifty dollars to secure the payment of the costs of the adverse party, in case the petition is dismissed. Deposit with application for writ of prohibition.

The writ of certiorari or prohibition shall be applied for within eight days after the date of the judgment, and Delay for application.

Deposit to
be made.

with such application the full amount of the fine and costs, in addition to the sum above-mentioned, must be deposited; and the proceedings thereupon shall be summary and from day to day.

“§ 22.—*Fines*

Application
of fines.

“**1075.** The fine recovered shall be applied as follows:

1. If the full amount of the fine and costs have been levied:

a. if the fine do not exceed sixty dollars: one-quarter to the collector of provincial revenue; one-quarter to the informer, and the remainder to the consolidated revenue fund of the Province;

b. if the fine exceed sixty dollars, but do not exceed eighty dollars: one-quarter to the collector of provincial revenue; fifteen dollars to the informer, and the remainder to the consolidated revenue fund of the Province;

c. if the fine exceed eighty dollars: to the collector of provincial revenue, twenty dollars; to the informer, fifteen dollars, and the remainder to the consolidated revenue fund of the Province.

Application
of partial
amount.

2. If the fine and costs be not paid in full, the amount levied shall be applied, in the first instance, to the payment of costs, and the balance shall be divided between the collector of provincial revenue, the informer, and the consolidated revenue fund of the Province, in the proportions mentioned in paragraph 1 of this article.

To whom
payable.

“**1076.** The fine and costs or the amount levied shall be payable to the collector of provincial revenue for the district, who shall without delay apply, divide and apportion the amount recovered, in the manner prescribed by article 1075.

No remis-
sion of pen-
alties.

“**1077.** No remission shall be granted of any penalty imposed by virtue of this section, nor shall any suspension be allowed either before or after judgment, of proceedings instituted under the same, save such delays as the court may see fit to grant in the interest of the parties concerned.

Certain
power of re-
mission not
to apply.

The power to remit certain penalties, conferred upon the Lieutenant-Governor in Council by article 900, shall not apply to penalties imposed under this section.

“§ 23.—*Additional proceedings respecting prosecutions*

Prescription.

“**1078.** Unless otherwise provided, every prosecution

under this section shall be instituted within two months from the commission of the offence if committed in either of the cities of Quebec or Montreal; within twelve months, if in the revenue district of Saguenay; and within four months therefrom in every other part of the Province.

"1079. No action shall be maintained against a collector of provincial revenue by reason of his official acts, unless instituted within six months from the date of the act which gave rise to it.

"1080. Under a plea of the general issue, the collector of provincial revenue may prove all facts of a nature to establish a special defence, in the same manner as if he had pleaded the same. Proof under general denial.

On dismissal or discontinuance of the complaint or action, the defendant shall be entitled to costs against the adverse party. Costs.

"1081. If the judgment be rendered in favor of the plaintiff, and if the court certifies that the defendant had reasonable grounds to justify his proceedings, such plaintiff shall have no right to costs, and shall recover nominal damages only. No costs in certain case.

"1082. Every clerk of the peace, of justices of the peace, and of the district or police magistrate, or such magistrate himself if he has no clerk, and the clerk of the Circuit Court, shall, during the months of April and October, of each year, under a penalty of one dollar for each day during which the same is wilfully neglected (such penalty to be recovered in the same manner as provided by this act for the recovery of penalties), forward to the Provincial Treasurer a statement of all prosecutions instituted under this section, which have been brought before them and adjudicated upon during the six months ending on the thirty-first day of March and the thirtieth day of September respectively; and such statement shall mention the names of the judges or the justices of the peace before whom each case has been brought, the name of each defendant, the date of every judgment and the amount of the fine or other condemnation in each case. Statement of prosecutions twice a year by clerks of peace, etc.

If during such six months, no such prosecution have been instituted, they shall, under a like penalty, make a return to that effect to the Provincial Treasurer.

"§ 24.—Forms

"1083. The forms contained in the schedule annexed Forms.

to this section, or other forms to the like effect, shall be sufficient for the purposes for which they are intended.

“FORMS

“A.—(*Article 1030*)

“*Declaration*

Province of Quebec, }
District of }

Before (*name and designation of the justice*).

(*Name of the collector of provincial revenue*), of the (*name of the city, town, township or parish*) in the district of (*name of the district*), collector of provincial revenue for the revenue district of on behalf of our Sovereign Lord the King, prosecutes, (*name of defendant*) of the city, (*town, township or parish*) in the district of

For that whereas (*name of defendant*) did at the city (*town, township or parish*) of , in the district aforesaid , on and at sundry times before and since (*here state succinctly the offence*) contrary to the statute in such case made and provided: Whereby and by force of the said statute the said has become liable to pay the sum of dollars.

Wherefore the said collector of provincial revenue prays judgment against the defendant, and that he may be condemned to pay the sum of dollars for the said offence, with costs.

(*Signature*)

J. P.

“B.—(*Articles 1032, 1034*)

Summons

Province of Quebec, }
District of }

To (*name of defendant*) of the (*name of the city, town, township or parish*) in the district of (*name of the district*)

You are hereby commanded to be and appear before us

the undersigned justices of the peace (*or* magistrate) for the said district (*or, as the case may be*) at (*name of place*) on the day of , at the hour of of the clock in the noon, to answer then and there to the complaint made against you by the collector of provincial revenue (*or, as the case may be*) who prosecutes you in His Majesty's name and behalf, for the causes mentioned in the declaration hereunto annexed,—otherwise judgment will be given against you by default.

Given under our (*or my, as the case may be*) hand and seal, this day of , one thousand nine hundred , at , in the district of

(Signature)

[Seal or Seals.]

J. P.

Certificate of Service of Summons

I, the undersigned, do hereby certify, under my oath of office, that on the day of , I did serve the within summons and the declaration thereto annexed, on the within named defendant, at the hour of of the clock in the noon, by leaving a true and certified copy of the said summons and of the declaration at the domicile of the said defendant in the , speaking to of on the day of 19 .

(Signature)

NOTE.—*If the service be not made by a bailiff, insert "being duly sworn, do make oath and certify," instead of "do hereby certify, under my oath of office," and after the signature, add:*

• "Sworn before me, at this day of 19 ."

(Signature.)

"C.—(Article 1034)

Conviction

Province of Quebec, }
 District of . }

Be it remembered that on the day of , in the year one thousand nine hundred and , at (*name of place where convicted,*) in the said district, (*name of defendant,*) is convicted before the undersigned

His Majesty's justices of the peace for the said district, (*or, as the case may be*) for that he, the said (*name of defendant,*) did (*state succinctly the offence of which he or they were convicted*) and I or we (*name of magistrate or justices,*) adjudge the said (*name of defendant*) for his said offence, to pay, as a fine, to the sum of , and also to pay to the said the sum of for his costs in this behalf

Given at , under hand and seal, the day and year first above-mentioned.

(*Signature,*)

J. P. (*or as the case may be*)

[*Seal or Seals.*]

"D.—(Article 1034)

Warrant of Distress

Province of Quebec, }
 District of . }

(*Name of justice*) Esquire, one of His Majesty's justices of the peace in and for the said district.

To any bailiff or constable in and for the said district:

Whereas (*name of defendant*) of the parish of (*name of parish or township,*) in the said district, has been convicted before (two) of His Majesty's justices of the peace for the said district, (*or, as the case may be*), of having (*state the offence*) whereby the said (*name of defendant*) has forfeited, and has by the said been adjudged to pay the sum of dollars , and further the sum of

amount of the costs allowed) by the said allowed and adjudged to be paid by the said (defendant) to (name of officer) collector of provincial revenue, (or, as the case may be) for costs by him paid about the conviction aforesaid;

These are therefore to command and require you, and each and every of you, to distrain the goods and chattels of the said (name of defendant), wheresoever they may be found within the said district; and on the said goods and chattels so distrained to levy the said penalty and costs, making together the sum of

; and if, within four days next after such distress made by you the said last mentioned sum of , together with the reasonable charges of taking and keeping the said distress, are not paid, that then you do sell the said goods and chattels so by you distrained as aforesaid, and out of the moneys arising from such sale that you do pay the said sum of

unto the said collector of provincial revenue (or, as the case may be) returning to the said the overplus, reasonable charges of distraining, keeping and selling the said distress being first deducted; and you are to certify to with the return of this warrant what you shall have done in the execution thereof. Herein fail not.

Given under hand and seal, at , in the said district, this day of one thousand nine hundred and

(Signature)

[Seal]

J. P.

“E.—(Article 1034)

Warrant of Commitment in Default of Distress

Province of Quebec, }
District of . }

I , of the
Esquire, of
the district of :

To all and every the Bailiffs, Constables or Peace Officers in and for the said district of ; and to

the Keeper of the Common Gaol of the said district of

Whereas _____, of the
of _____, in the district of _____,
has been convicted on the _____ day of _____,
_____ one thousand nine hundred _____,
before _____, Esquire,
_____ for the district of _____,
of having (*recite offence*;) contrary to the provisions of the
statute in such case made and provided, and, for such
offence, has been adjudged to pay to _____,
collector of provincial revenue for the _____ revenue
district of _____ (the prosecutor), the sum of _____
_____, as a fine to be applied according
to law, and also the further sum of _____
for his costs in that behalf; and whereas it has been ordered
that in default of immediate payment of such fine and
costs, the same be levied by seizure and sale of the move-
ables and effects of the said _____, and in
default of such moveables and effects, or in case they be
insufficient, that the said _____ be im-
prisoned, in the common gaol, at the _____ of
_____ in the district aforesaid, for a period
of _____ months, unless the said fine and costs and charges
of such seizure and sale, of arrest, commitment and con-
veying the said _____
to the said common gaol, be sooner paid;

Whereas, afterwards, on the
day of _____, in the year aforesaid, I
issued a warrant to all and any of the bailiffs, constables or
other peace officers of the district of _____, com-
manding them and any of them to levy the said fine and
costs by seizure and sale of the moveables and effects of
the said _____;

And whereas it appears to me, by the return of the said
warrant by the constable who had the execution of the
same, that the said constable has made diligent search for
the moveables and effects of the said _____;
but that no sufficient moveables and effects whereon to
levy the said fine and costs above-mentioned, could be
found (*or, that the said moveables and effects are in-
sufficient to pay the whole of the said fine and costs*);

These are therefore to command you, the said bailiffs,
constables or peace officers, or any one of you, to take
the said _____ and h _____ safely con-
vey to the common gaol at the _____ of _____,
in the district of _____, and there deliver
h _____ to the keeper thereof, together with this
warrant.

And I do hereby command you, the said keeper of the said common gaol, to receive the said , into your custody, in the said gaol, and there to imprison h , for months from the date of h arrival as a prisoner thereat, unless the said fine and costs and all the costs of the warrant of seizure and sale, and of the arrest, commitment and conveying the said to the said common gaol, amounting to the further sum of be sooner paid unto you, the said keeper of the said common gaol.

And for so doing, this shall be your sufficient warrant.

Given under my hand and seal, at the of , in the said district, this day of one thousand nine hundred and (Signature)

[Seal.]

(Title of Magistrate)

“F.—(Article 1034)

Warrant of Commitment in the First Instance

Province of Quebec, }
District of . }

To all and every the Bailiffs, Constables or Peace Officers in and for the said district of and to the Keeper of the Common Gaol in the said district of :

Whereas (*name of defendant*), of the of the day of one thousand nine hundred and , before (*name and title of magistrate who rendered judgment*) Esquire, for the district of , of having (*recite offence*), contrary to the provisions of the statute in such case made and provided, and, for such offence, has been adjudged to pay forthwith to , collector of provincial revenue for the revenue district of (the prosecutor) the sum of

, as a fine to be applied according to law, and also the further sum of _____ for his costs in that behalf; and, in default of such payment being made as aforesaid, to be imprisoned in the common gaol at the _____ of _____ in the said district for a period of _____ unless the said fine and costs be sooner paid;

And whereas the said _____ has failed to pay the said fine and costs;

These are therefore to command you, the said bailiffs, constables or peace officers, or any one of you, to take the said _____ and h _____ convey safely to the common gaol at the _____ of _____ in the district of _____, and there deliver h _____ to the keeper thereof, together with this warrant.

And I do hereby command you, the said keeper of the said common gaol, to receive the said _____ into your custody, in the said common gaol, and there to imprison h _____ for the space of _____, unless the said fine and costs and all costs of the arrest, commitment and conveying the said _____ to the said common gaol, amounting to the further sum of _____ dollars and _____ cents, be sooner paid unto you the said keeper of the said common gaol.

And, for so doing, this shall be your sufficient warrant.

Given under my hand and seal, at _____ in the said district of _____, the _____ day of _____ one thousand nine hundred and _____

[Seal.]

(Signature)

(Title of Magistrate)

“G.—(Article 1034)

Conviction ordering Imprisonment

Province of Quebec, }
District of _____ }

Be it remembered, that on the _____ day of _____, one thousand nine hundred and _____, at the _____ of _____, in the district of _____,

(*name, occupation and residence of defendant*),
of the _____ of _____
in the district aforesaid,
is convicted before the undersigned (*title of magistrate*) for
the district of _____, for that he the
said _____ did (*recite offence*)
contrary to the provisions of the statute in such case made
and provided;

And, I, the said _____ do adjudge the
said _____
for _____ h _____ said offence, to forfeit and pay to
of the _____ of _____ in the district
aforesaid, collector of provincial revenue for the revenue
district of _____, the prose-
cutor, the sum of _____ as a
fine, to be applied according to law, and also to pay to the
said _____ the sum of _____
for his
costs in this behalf;

And, whereas the said prosecutor has made option that
the said (*name of defendant*) be committed to the common
gaol at the _____ of _____ in the
said district for _____, unless the said
fine and costs be forthwith paid;

I do therefore order and adjudge that, in default of im-
mediate payment of the said several sums, the said _____
be committed to
the common gaol at the said _____ of _____
_____, for the space of _____
unless the said several sums of money, and costs
and charges of arrest, of commitment, and of conveying
the said _____ to the said common
gaol, be sooner paid.

Given under my hand and seal, the day and year first
above mentioned, at the _____ of _____,
in the district of _____ aforesaid.

(*Signature*)

(*Title of Magistrate*)

[*Seal*]

H.—(Article 1034)

Warrant of Seizure and Sale

Province of Quebec, }
 District of . }

(Name of Magistrate) of the
 of
 Esquire, of

the district of :

To all and every the Bailiffs, Constables or Peace Officers
 in and for the district of :

Whereas (name of defendant) of the of
 in the district of has been convicted
 on the day of
 one thousand nine hundred and before
 Esquire, for the district of
 , of having (*recite offence*) contrary to
 the provisions of the statute in such case made and pro-
 vided; and, for such offence has been adjudged to pay to
 , collector of provincial revenue for the
 revenue district of
 the prosecutor, the sum of as a fine,
 to be applied according to law, and also the further sum of

, for his costs in that behalf;
 and whereas it has been ordered that, in default of im-
 mediate payment of such fine and costs, the same be levied
 by a warrant of seizure and sale of the moveables and effects
 of the said
 and, in default of such moveables and effects, or in case of
 their being insufficient, that the said
 be imprisoned in the common gaol at the

of , in the district of
 for the space of , unless the said fine and costs,
 and costs and charges of such seizure and sale, and of the
 arrest, commitment and conveyance of the said
 to the said common gaol, be sooner paid;

And whereas the said
 being required to pay the said fine and costs, doth now fail
 to pay the same;

These are therefore to command and require you, and
 each and every of you, to seize the moveables and effects
 of the said , wheresoever they

may be found within the said district, and, on the same, levy the said fine and costs, making together the sum of

And if, within four days next after such seizure so made by you, the said last mentioned sum of

, together with the reasonable charges of taking and keeping the said moveables and effects, are not paid, that then you do sell the same, and out of the money arising from such sale, that you do pay the said sum of

to the said collector of provincial revenue, returning to the said

the surplus, if any; the reasonable charges of taking, keeping and selling the said moveables and effects being first deducted therefrom.

And, if such moveables and effects belonging to the said cannot be found, or if the same be insufficient, that you certify the same unto me, in order that such further proceedings may be had thereon as to law and justice do appertain.

And you are to certify to me with the return of this warrant what you have done in the execution thereof.

Herein fail not.

Given under my hand and seal, at the of
 , in the district of ,
 this day of
 one thousand nine hundred and .

[Seal]

(Signature)
 (Title of Magistrate)

I.—(Article 1034)

Conviction ordering Seizure

Province of Quebec, }
 District of . }

Be it remembered that on the
 day of one
 thousand nine hundred
 at the of , in the district
 of , (name, occupation and residence of the

defendant, of the _____ of _____, in the district aforesaid, is convicted before the undersigned (*name of magistrate*) for the district of _____ for that he _____ the said _____ did (*recite offence*), contrary to the provisions of the statute in such case made and provided;

And I, the said _____, do adjudge the said _____, for _____ h _____ said offence, to forfeit and pay to _____ of the _____ of _____, in the district aforesaid, collector of provincial revenue for the revenue district of _____, the prosecutor, the sum of _____, as a fine, to be applied according to law, and also to pay to the said _____ the sum of _____

for his costs in this behalf;

And whereas the said prosecutor has made option that the said (*name of defendant*) be first proceeded against by seizure, in default of immediate payment of such fine and costs, I, the said (*name of magistrate*), do hereby order and adjudge that, in default of immediate payment of the said fine and costs, the same be levied by a warrant of seizure and sale of the moveables and effects of the said _____;

And, in default of such moveables and effects, or in case they be insufficient, I do order that the said _____ be imprisoned for the space of _____ in the common gaol at the _____ of _____, in the district aforesaid, unless the said fine and costs, charges of seizure and sale, commitment, and conveying the said _____ to the said common gaol, be sooner paid.

Given under my hand and seal, at _____, the day and year first above mentioned, at the _____ of _____, in the district of _____ aforesaid.

(*Signature*)

(*Title of Magistrate*)"

[*Seal*]

Provisions
repealed.

2. The acts, or parts thereof, mentioned in the annex to this section, are repealed to the extent therein set forth.

ANNEX

(Including the provisions of the acts and parts of acts repealed by this act and by The Alcoholic Liquor Act.)

<i>Citation of the Act</i>	<i>Title</i>	<i>Extent of the repeal</i>
R. S., 1909.....	Quebec License Law.....	{ Articles 903 to 1304, Articles 1314 to 1315 and the Forms annexed to the Que- bec License Law.
R. S., 1909.....	Closing of taverns.....	Articles 1329 to 1333.
1 George V (1st session), chap- ter 10.....	An Act to amend the Quebec License Law.....	Sections 1 to 12.
1 George V (2nd session), chap- ter 15.....	An Act to amend the Revised Statutes, 1909, respecting the reduction of the number of licenses for the sale of intoxi- cating liquors in the town of La Tuque.....	The whole.
2 George V, chapter 12....	An Act respecting the Quebec License Law, and to author- ize the appointment of a com- mission to inquire into the sale of intoxicating liquors and as to the changes it is ex- pedient to make in the said law.....	The whole.
2 George V, chapter 13....	An Act to amend the Revised Statutes, 1909, respecting the reduction in the number of hotel licenses in the towns of Marienville and Acton Vale...	The whole.
3 George V, chapter 17....	An Act respecting the Quebec License Law, and the License Commission of the Province of Quebec.....	The whole.
3 George V, chapter 36....	An Act to amend the Revised Statutes, 1909, respecting ex- hibitions of moving pictures.	Sections 2 to 7.
4 George V, chapter 6.....	An Act to amend the Quebec License Law.....	The whole.
4 George V, chapter 7.....	An Act to amend article 1085 of the Revised Statutes, 1909, respecting notices not to de- liver intoxicating liquor to certain persons.....	The whole

ANNEX—Continued

<i>Citation of the Act</i>	<i>Title</i>	<i>Extent of the repeal</i>
4 George V, chapter 40....	An Act to amend the Revised Statutes, 1909, respecting exhibitions of moving pictures.	Sections 7 to 13.
5 George V, chapter 20....	An Act to amend the Quebec License Law and the Quebec Temperance Act.....	Sections 1 to 15.
5 George V, chapter 21....	An Act to amend article 1011 of the Revised Statutes, 1909, relating to the Quebec License Law.....	The whole.
5 George V, chapter 22....	An Act to amend the Quebec License Law relating to public laundries.....	The whole.
5 George V, chapter 23....	An Act respecting automatic distributors.....	The whole.
5 George V, chapter 58....	An Act to amend the Revised Statutes, 1909, relating to exhibitions of moving pictures..	Sections 4 to 10.
6 George V, chapter 11....	An Act to amend the Quebec License Law relating to brewers', distillers' and wholesale liquor licenses.....	The whole.
7 George V, chapter 17....	An Act to amend the Quebec License Law.....	Sections 1 to 36.
8 George V, chapter 23....	An Act to amend the Quebec License Law.....	The whole.
9 George V, chapter 18....	An Act to provide for the prohibition of the sale of intoxicating liquors, and to amend the Quebec License Law in certain cases.....	Sections 27 to 34.

Coming
into force.

3. This act shall come into force on the 1st day of May, 1921.