

C H A P . 22

An Act to amend the English version of articles 759a, 4545 and 5780 of the Revised Statutes, 1909

[Assented to 9th February, 1918]

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

R. S., 759a, am. as to Eng. version. **1.** The English version of article 759a of the Revised Statutes, 1909, as enacted by the act 5 George V, chapter 19, section 2, is amended by striking out the words: "thereby incurred", in the fifth and sixth lines thereof.

R. S., 4545, am. as to Eng. version. **2.** The English version of article 4545 of the Revised Statutes, 1909, is amended by inserting therein, after the words: "who is", in the third line thereof, the word: "not".

R. S., 5780, am. as to Eng. version. **3.** The English version of article 5780 of the Revised Statutes, 1909, is amended by replacing the word: "where", in the third line thereof, by the word: "when".

Coming into force. **4.** This act shall come into force on the day of its sanction.

C H A P . 23

An Act to amend the Quebec License Law

[Assented to 9th February, 1918]

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

No license for intoxicating liquor after May 1st, 1919. **1.** Notwithstanding any law to the contrary, on and after the first day of May, 1919, no license shall be issued for the sale of intoxicating liquors in the Province, save and except for the sale of wine for sacramental purposes and of intoxicating liquors for medicinal, mechanical, manufacturing or industrial purposes.

Special licenses for **2.** The license duties for the sale of wine for sacramental purposes or of intoxicating liquors for medicinal,

mechanical, manufacturing or industrial purposes, shall be certain those prescribed by paragraph 13 of article 988 of the Revised Statutes, 1909, as replaced by section 10 of this act. ^{purposes.} Duties.

As regards the formalities with respect to the granting of such licenses, the restrictions to be imposed upon license-holders and the penalties incurred by those who do not comply therewith, as well as the penalties incurred by those who sell intoxicating liquor without a license, the appropriate provisions of division I of the Quebec License Law shall apply, *mutatis mutandis*. ^{Provisions applicable.}

3. From and after the date of the sanction of this act, a tax may be imposed, by way of license or otherwise, upon any person authorized under any legislation of the Parliament of Canada to sell intoxicating liquor in the Province. ^{Tax authorized on persons authorized by Parliament to sell liquor.}

Such tax may be of such amount, and be collected in such manner, as may be determined by the Lieutenant-Governor in Council. ^{Amount, &c., of tax.}

From and after the publication in the *Quebec Official Gazette* of any order in council issued under the preceding paragraph, it shall be unlawful for any such person to sell intoxicating liquor in the Province of Quebec unless he has first paid such tax and complied with all the formalities required by the terms of such order in council. ^{Tax to come into force on publication of order in council.}

Any contravention of the provisions of this section or of any order in council issued thereunder, shall render the offender liable to the penalties prescribed by article 1009 of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 17, section 10. ^{Penalties.}

4. Paragraph 1 of article 904 of the Revised Statutes, R. S., 904, 1909, as amended by the act 4 George V, chapter 6, section 1, is again amended by replacing the words: "beer, lager-beer, cider and any liquor," in the second and third lines of the said amendment, by the following: "Any liquor or beverage". ^{am.}

5. Article 93 of the Revised Statutes, 1909, is amended by replacing the second paragraph thereof by the following: ^{R. S., 937, am.}

"The decision of the council may also be set aside in accordance with the provisions of articles 430 to 433 of the Quebec Municipal Code."

6. Article 943 of the Revised Statutes, 1909, as replaced by the act 4 George V, chapter 6, section 8, and amended by the acts 5 George V, chapter 20, section 2, 6 George V, ^{R. S., 943, am.}

chapter 12, section 1, and 7 George V, chapter 17, section 5, is further amended:

No. of
licenses in
Montreal.

a. By replacing the words: "two hundred", in the fifteenth and sixteenth lines of paragraph 1 thereof, as replaced by the act 7 George V, chapter 17, section 5, by the words: "two hundred and fifty, without prejudice to the number of licenses that the city of Maisonneuve, annexed to the city of Montreal, has the right to preserve";

Iberville.

b. By inserting therein, after the word "two", in the fifth line of paragraph 4 thereof, as replaced by the act 7 George V, chapter 17, section 5, the words: "granted, one only to the holder of a certificate confirmed by a decision of the municipal council, for the house situated on the east half of No. 200 of the cadastre of the town of Iberville, and the other for the house situated on the east half of No. 50 of the same cadastre." ;

Granby and
Waterloo.

c. By adding, at the end of paragraph 4 thereof, the words: "in the city of Granby to a maximum of three; and in the town of Waterloo to a maximum of one".

R. S., 961,
replaced.

7. Article 961 of the Revised Statutes, 1909, is replaced by the following:

Formalities
for obtain-
ing temper-
ance hotel
licenses.

"961. Temperance hotel licenses shall be granted by the proper collector of provincial revenue upon production of the certificate of inspection required by articles 3866a and following, whenever such articles are applicable, and upon payment of the required duties and fees.

Limit to
number.

The number of temperance hotel licenses in a municipality shall be limited to one for each thousand souls or fraction thereof of the population, unless otherwise provided by the Lieutenant-Governor in Council.

No municipi-
pality may
levy any
tax, &c.

Notwithstanding any special act to the contrary, and the provisions of article 1105, no municipality may, by by-law, resolution or otherwise, levy any tax, impost or duty for keeping a temperance hotel."

R. S., 969,
am.

8. Article 969 of the Revised Statutes, 1909, is amended by replacing the words and figures: "articles 561 and 563," in the eighth line of the first paragraph thereof, by the words and figures: "article 402".

R. S., 981,
repealed.

9. Article 981 of the Revised Statutes, 1909, as amended by the act 7 George V, chapter 17, section 8, is repealed.

R. S., 988,
par. 13,
replaced.
Sales for

10. Paragraph 13 of article 988 of the Revised Statutes, 1909, is replaced by the following:

"13. On each license to sell liquors for medicinal,

mechanical, manufacturing or industrial purposes, or for medicinal, use in divine worship, in municipalities where a prohibitory &c., purposes by-law is in force, such sum as may be fixed by the Lieutenant-Governor in Council, which sum shall be:

- a. In cities, not more than six hundred dollars; Cities.
- b. In towns, not more than five hundred dollars; Towns.
- c. In all other municipalities, not more than three hundred dollars; Other municipalities.
- d. In non-organized territory, not more than two hundred dollars; Non-organized territory.

11. Paragraph 16 of article 988 of the Revised Statutes, Id., par. 16, 1909, as amended by the act 1 George V (1st session), replaced. chapter 10, section 5, is replaced by the following paragraphs, to wit:

"16. On each license to keep a temperance hotel in a municipality where an inn license is in force: Temperance hotel where inn license in force.

- a. In the city of Montreal, fifty dollars;
- b. In any other municipality, five dollars.

"17. On each license to keep a temperance hotel in a municipality where no inn license is in force: Where no inn license in force.

- a. In any city, five dollars per bed-room;
- b. In any town or village having a population of two thousand or more, three dollars per bed-room;
- c. In any town or village having a population of less than two thousand, two dollars per bed-room;
- d. In any other municipality, one dollar per bed-room, provided that the duties shall not be less than five dollars.

"18. On each license to keep a temperance hotel in non-organized territory, one dollar per bed-room, provided that the duties shall not be less than five dollars. In non-organized territory.

"19. On each license to keep a temperance hotel for a period of six months or less, in a summer resort, one-half the duties exigible in such place for an annual license. For less than one year.

The duties under paragraphs 17, 18 and 19 shall be determined according to the total number of bed-rooms forming part of the temperance hotel, whether situated in the same building or not, with the exception, however, of those reserved for the hotel employees and the family, up to six for a temperance hotel in a city, four for a temperance hotel in a town or village, and three for a temperance hotel in any other municipality. How duties to be determined.

12. Article 993 of the Revised Statutes, 1909, is amended by replacing paragraphs 1 and 2 thereof by the following: R. S., 993, am.

Druggists,
&c.

"1. On each druggist's or other vendor's license for the sale of liquors, for sacramental, medicinal and mechanical purposes, such sum as may be fixed by the Lieutenant-Governor in Council, which sum shall be:

- a. In cities, not more than six hundred dollars;
- b. In towns, not more than five hundred dollars;
- c. In all other municipalities, not more than three hundred dollars;
- d. In non-organized territory, not more than two hundred dollars;

Wholesale.

"2. On each wholesale license in any part of the Province, such sum as may be fixed by the Lieutenant-Governor in Council, which sum shall not be more than eight hundred dollars."

R. S., 1027,
am.

Penalty for
keeping
temperance
hotel
without
license.

13. Article 1027 of the Revised Statutes, 1909, is amended by adding thereto the following paragraph, to wit:

"Whoever, without being the holder of a temperance hotel license still in force as by law prescribed, by means of an advertisement or any other means whatsoever, leads the public or travellers to believe that he keeps a temperance hotel, or solicits or accepts the patronage of the public and of travellers, shall be liable, for each offence, to a fine of thirty dollars, and, on failure to pay the same, to imprisonment for one month."

R. S., 1032a,
am.

14. Article 1032a of the Revised Statutes, 1909, as enacted by the act 4 George V, chapter 6, section 21, and replaced by the act 7 George V, chapter 17, section 16, is amended by replacing the figures: "1918", in the first line thereof, by the figures: "1919".

R. S., 1065,
am.

15. Article 1065 of the Revised Statutes, 1909, as replaced by the act 7 George V, chapter 17, section 22, is amended by replacing the figures: "1918", in the first line thereof, by the figures: "1919".

R. S., 1073,
replaced.

16. Article 1073 of the Revised Statutes, 1909, is replaced by the following:

What shall
constitute
second and
third
offence.

"**1073.** An offence against any of the provisions of the first division of this section shall be considered a second or third offence, as the case may be, if it be shown that the accused has previously been convicted of one or more offences, as the case may be, against any of the articles contained in the first division of this section, saving always the provisions of article 1074 with regard to the offences mentioned therein."

17. Article 1075 of the Revised Statutes, 1909, as amended R. S., 1075, ed by the act 7 George V, chapter 17, section 25, is again ^{am.} amended by striking out all the words after the words: "may be", in the eighth line thereof, to the end of the article.

18. Article 1097 of the Revised Statutes, 1909, as R. S., 1097, amended by the act 4 George V, chapter 6, section 34, ^{am.} is again amended by inserting therein, after the word: "writing", in the third line thereof, the words: "by the Comptroller of Provincial Revenue or".

19. Article 1098 of the Revised Statutes, 1909, is R. S., 1098, amended by adding thereto the following paragraph, to ^{am.} wit:

"The Comptroller of Provincial Revenue may also give the authorization mentioned in the preceding paragraph."

20. Article 1143 of the Revised Statutes, 1909, as R. S., 1143, amended by the act 6 George V, chapter 12, section 6, ^{am.} is again amended by adding, at the end of the second paragraph thereof, the following words, to wit: "The costs of such analysis shall form part of the taxed costs of the case."

21. Article 1151 of the Revised Statutes 1909, as R. S., 1151, amended by the acts 4 George V, chapter 6, section 38, ^{am.} and 5 George V, chapter 20, section 9, is again amended by adding thereto, after sub-paragraph *d* thereof, the following sub-paragraph, to wit:

"*e.* To each revenue officer, ten cents for each mile ^{Fee to} travelled by him to effect, under this section, a seizure ^{revenue} before judgment of intoxicating liquor." ^{officer.}

22. Article 1159 of the Revised Statutes, 1909, is R. S., 1159, amended by adding thereto, at the end thereof, the follow- ^{am.} ing words: "If such judgment condemns the accused to imprisonment alone, it must be excuted forthwith."

23. Article 1292*a* of the Revised Statutes, 1909, as R. S., 1292*a*, enacted by the act 7 George V, chapter 17, section 29, ^{am.} is amended:

a. By inserting therein, after the words: "music hall," in the third line of paragraph 1 thereof, the words: "hall for dancing or other amusements";

b. By inserting therein, after the words: "music hall" in the third line of paragraph 2 thereof, the words: "hall for dancing or other amusements";

c. By adding thereto the following paragraph, to wit:

"3. The expression "price of admission" means and includes any payment made to attend or take part in any amusement."

R.S., 1292aa,
enacted.

24. The following article is inserted in the Revised Statutes, 1909, after article 1292a, as enacted by the act 7 George V, chapter 17, section 29, to wit:

Penalty for
keeping
place of
amusement
without
license.

"**1292aa.** Any one who keeps or operates a place of amusement or a temporary place of amusement, without a license to that effect, still in force as by law prescribed, 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.

Who may be
condemned
to imprison-
ment.

In the case of a company, association or club, the sentence of imprisonment may be imposed on the president, the manager, or the agent in the Province of Quebec."

R. S., 1292b,
am.

25. Article 1292b of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 17, section 29, is amended:

a. By inserting therein, after the word: "amusement" at the end of the second line of the first paragraph thereof, the words: "nor take part at such place in any amusement whatever";

b. By replacing, in the second paragraph thereof, all the words after the word "tickets," in the third line thereof, by the words: "or by any other method prescribed by the Provincial Treasurer; and the latter may grant to such person or to any other person such commission as he may deem expedient upon the sale of such tickets or the putting in operation of any other method so prescribed";

c. By adding thereto, at the end thereof, the following paragraph, to wit:

"The Provincial Treasurer may also in certain cases prescribe that the ticket shall represent both the price of admission and the duty thereon."

R. S., 1292d,
am.

26. Article 1292d of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 17, section 29, is amended by inserting therein, after the word: "performance", in the fourth line thereof, the words: "or for the purpose of taking part in any amusement whatever in such place".

R. S., 1292e,
am

27. Article 1292e of the Revised Statutes, 1909, as

enacted by the act 7 George V, chapter 17, section 29, is amended by inserting therein, after the word "performance", in the sixth line thereof, the words: "or taking part in any amusement".

28. Article 1292*h* of the Revised Statutes, 1909, as R. S., 1292*h*, enacted by the act 7 George V, chapter 17, section 29, ^{am.} is amended by adding thereto the following paragraph, to wit:

"Any revenue officer authorized by the Provincial Revenue Treasurer may enter, free of charge, upon presentation of such authorization, into any place of amusement or temporary place of amusement, to ascertain if the provisions of this subsection are complied with." ^{officers may enter places of amusement.}

29. Section 37 of the act 7 George V, chapter 17, is ^{7 Geo. V, c. 17, s. 37,} repealed. ^{repealed.}

30. Article 1292*j* of the Revised Statutes, 1909, as R. S., 1292*j*, enacted by the act 7 George V, chapter 17, section 29, ^{replaced.} is replaced by the following:

"**1292*j*.** No license shall be required for a place of amusement or temporary 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 or temporary moving picture hall in any such municipality or such village or town." ^{No license required in certain cases.}

The admission duty shall not be exigible for any game, exhibition, concert or other instructive or amusing performance, recognized by the provincial revenue bureau as played or given solely for patriotic, agricultural, religious or charitable purposes, and exclusively by amateurs residing in the Province and receiving no remuneration for their services, provided, however, that no exhibition of moving pictures is given thereat." ^{Admission duty not exigible in certain cases.}

31. Article 1292*k* of the Revised Statutes, 1909, as R. S., 1292*k*, enacted by the act 7 George V, chapter 17, section 29, ^{replaced.} is replaced by the following:

"**1292*k*.** Save in the case mentioned in article 1292*j*, every person, before entering a place of amusement or temporary place of amusement, shall pay a duty under this subsection, as follows: ^{Tariff of duties.}

On every admission of a price of less than thirty-five cents, two cents;

On every admission of a price of thirty-five cents or more, but less than seventy-five cents, three cents;

On every admission of a price of seventy-five cents or more, but less than one dollar and a half, five cents;

On every admission of a price of one dollar and a half or more, ten cents.

The holder of a complimentary or season ticket shall pay the duty based on the price of admission that he would pay if he did not hold such ticket."

R. S., 1292ⁿ, enacted. **32.** The following article is inserted in the Revised Statutes, 1909, after article 1292^m, as enacted by the act 7 George V, chapter 17, section 29, to wit:

Return to Prov. Treas. **"1292ⁿ.** Every person keeping or operating a place of amusement or temporary place of amusement shall, when requested in writing so to do, forward to the Provincial Treasurer a return showing the number of admissions at the various prices of admission, at each performance in the preceding week.

Penalty for infringement. Every infringement of the provisions of this article shall render the offender liable to a fine of not less than ten dollars nor more than two hundred dollars, and costs, and, on failure to pay such fine and costs, to imprisonment for not more than ten days."

R. S., 1302, am. **33.** Division VII^a of article 1302 of the Revised Statutes, 1909, as enacted by the act 5 George V, chapter 20, section 15, and replaced by the act 7 George V, chapter 17, section 30, is amended by inserting therein, before the last paragraph of the said division VII^a, the following paragraph, to wit:

Duties may be reduced in certain case. **"3.** The Lieutenant-Governor in Council may make regulations to reduce the license duties for places of amusement or temporary places of amusement, which, by reason of lack of construction or the nature of the construction, or the nature of the amusements there carried on, cannot be made use of during a certain season of the year."

Tariff in R. S., 1302, am. **34.** The tariff of duties for licenses contained in article 1302 of the Revised Statutes, 1909, as amended by the acts 3 George V, chapter 36, section 5; 4 George V, chapter 40, section 12; 5 George V, chapter 20, section 15; 5 George V, chapter 22, section 4; 5 George V, chapter 58, section 8, and 7 George V, chapter 17, section 30, is further amended

by inserting in the first line of division III thereof, after the words: "for a peddler", the words: "for each revenue district".

35. Article 968 of the Revised Statutes, 1909, as re-R. S., 968, placed by the act 7 George V, chapter 17, section 6, is ^{am.} amended by striking out, in the first paragraph thereof, all the words after the word: "fifty", in the fourth line thereof.

36. Sections 7, 10, 11, 12 and 13 of this act shall come ^{Coming into} into force on the first of May, 1918; the other sections of ^{force.} this act shall come into force on the day of its sanction.

CHAP. 24

An Act to amend the Revised Statutes, 1909, relating to
succession duties

[Assented to 9th February, 1918]

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

1. Article 1375 of the Revised Statutes, 1909, as R. S., 1375, enacted by the act 4 George V, chapter 9, section 1, and ^{am.} amended by the act 7 George V, chapter 20, section 1, is again amended by replacing the word: "descendant", in the second line of sub-paragraph *b* of paragraph 2 thereof, by the words: "son or daughter".

2. The following article is inserted in the Revised R. S., 1376*b*, Statutes, 1909, after article 1376*a*, as enacted by the act enacted. 5 George V, chapter 25, section 1, to wit:

"1376*b*. For the purposes of this section, a disposition ^{Property in} which consists of leaving to one or more survivors of ^{joint} several joint proprietors a property held in common or ^{ownership.} joint ownership before the death, is assimilated to a gift in contemplation of death, and the share of the deceased shall be subject to the payment of succession duties."

3. Article 1377*a* of the Revised Statutes, 1909, as R. S., 1377*a*, enacted by the act 5 George V, chapter 24, section 2, is ^{am.} amended by inserting therein, after the word: "transmitted," in the first line thereof, the words: "in direct line".