

CHAP. 18

An Act to amend the Quebec Election Act, 1903

[Assented to 14th April, 1908]

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

3 Ed. VII, c. 1. Article 87 of the act 3 Edward VII, chapter 9, is amended, 9, s. 87, by striking out all the words after the word " printed ", in the amended. twelfth line.

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

CHAP. 19

An Act to amend the Quebec License Law

[Assented to 25th April, 1908]

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

63 V., c. 12, s. 19, amended.

1. Article 19 of the act 63 Victoria, chapter 12, is amended:

a. By replacing the word : “ eight ” in the fourth line by the word “ fifteen.”

Application,
&c., open to
inspection,
&c.

b. By inserting therein after the word : " days " in the fourth line the words : " and in the meantime the application and certificate shall be open to inspection and examination by every interested party in the manner prescribed by article 164 of the Municipal Code."

2. Article 20 of the said act, as amended by section 2 of the act 3 Edward VII, chapter 13, is further amended by replacing the word " seven," in the third line of the second clause, by the word : " fourteen."

3. Article 21 of the said act is amended by adding after the words : “ the same ” in the fourth line, the words : “ and if the notice mentioned in article 20 has been duly given.”

4. Article 23 of the said act as amended by the act 3 *Id.*, s. 23, Edward VII, chapter 13, section 3, is further amended by replacing the word "may" in the third line by the words "shall, if the same is proved to his satisfaction."

5. Article 25 of the said act, as amended by the acts 1 *Id.*, s. 25, Edward VII, chapter 11, section 1; 2 Edward VII, chapter 13, s. 4; and 5 Edward VII, chapter 13, sections 6 to 11, both inclusive, is further amended :

a. By replacing the words : "two dollars in stamps affixed to such form, if in the city of Montreal, and seven dollars if in the city of Quebec", in the third and fourth lines of paragraph 8, by the words : "seven dollars in stamps affixed to the said form in each of the cities of Montreal and Quebec" ;

b. By adding, after the word : "association", in the second line of paragraph 14, the words : "whether incorporated or not" ;

c. By repealing paragraph 19 ;

d. By adding thereto the following paragraphs :

"26. Whenever the license commissioners in either of the cities of Montreal and Quebec refuse to confirm any license certificate, or if any license is cancelled by a judgment of a court or becomes null under the provisions of article 141, such refusal, cancellation or nullity of the certificate or license, as the case may be, shall have the effect of reducing for the future by one, in each case, the number of licenses in each of the said cities, subject to the provisions contained in article 28."

"27. Any license certificate granted before the first day of May of the license year for which such certificate is confirmed, may be revoked and cancelled by the license commissioners at any time between the date of its confirmation and the said first day of May, by reason of acts committed between the said dates by the person in whose favor such certificate was confirmed. The license commissioners shall notify the collector of provincial revenue of such cancellation, who, upon such notification, shall refuse to issue the license."

6. The following article is added after article 26 of the said act as amended by the acts 2 Edward VII, chapter 13, section 5, and 6 Edward VII, chapter 9, section 5 :

"**26a.** The municipal police force in every city of the Province shall see to the carrying out of the provisions of this law and to the strict observance thereof. The chief of the said police in all cities and towns other than the cities of Quebec and Montreal shall report without delay to the collector of provincial revenue of the district, any violation of the said

Fees payable in certain cases.

Reduction of licenses in Quebec and Montreal upon refusal to confirm, &c.

Cancellation &c., of licenses before beginning of license year, &c.

Municipal police to carry out act.

Report to collector, &c. of violations of law.

law, and the collector shall forthwith prosecute the offenders. In each of the cities of Quebec and Montreal, the chief of the municipal police force shall without delay report any violation of the said law to the license commissioners, who shall also report from time to time to the Provincial Treasurer upon the manner in which the said law is observed and upon the conduct of the municipal police officers in respect thereof."

Id., s. 28, replaced.

7. Article 28 of the said act, as replaced by the act 7 Edward VII, chapter 11, section 2, is again replaced by the following :

Limit of hotel licenses in Montreal, as on January 1st, 1905.

"28. 1. Within the limits of the city of Montreal, as they existed on the first day of January, 1905, the number of hotel and restaurant licenses is for the present limited to a maximum of four hundred ; in St. Henry ward of the city of Montreal, to a maximum of thirty-one, and in Ste. Cunégonde ward of the city of Montreal, to a maximum of twenty-three.

S. 25, par. 26, how to apply in Montreal.

Within the limits of the city of Montreal, as existing on the first day of May, 1908, the provisions of paragraph 26 of article 25 shall apply in such wise as to gradually reduce the number of hotel and restaurant licenses therein to four hundred.

Limit of hotel licenses in Quebec as on May 1st, 1909, &c.

2. Within the limits of the city of Quebec as they will exist on the first day of May, 1909, the number of such licenses shall be reduced to one hundred for the license year commencing on the said date, either through the gradual cancelling of licenses by judgment of a court or otherwise, and from and after the first of May, 1909, the number shall be gradually reduced by reason of the cancellation of licenses by judgment of a court in cases of violation of this law or by reason of the application of article 141, until there is not more than one such license to every thousand souls of the population of the said city ; and this proportion shall be adhered to thereafter.

Number of licenses in municipalities annexed to Montreal.

3. In the event of the annexation to the city of Montreal, of any of the neighboring municipalities, the number of licenses in force in such annexed municipalities at the time of the annexation, shall be added to the number of licenses fixed by the preceding clauses of this article for the said city of Montreal, but so that the number of licenses so in force in each annexed municipality shall be maintained, after the annexation, in the territory previously belonging to the municipality. The provisions of this paragraph apply to St. Henry and Ste. Cunégonde wards of the city of Montreal, and to all other municipalities annexed, or which may be annexed, to the city of Montreal, subject, however, to any general reduction which may be made in the future in the number of licenses in the said city.

St. Henry and Ste. Cunégonde wards included.

4. In the city of Three Rivers, the number of such licenses is limited to a maximum of twelve ; in the city of Valleyfield, to a maximum of ten ; in the city of St. Hyacinthe, to a maximum of twelve ; in the town of Maisonneuve to a maximum of twenty-four ; in the town of Lachine, to a maximum of nine ; in the city of Sorel, to a maximum of twelve ; in the town of Iberville, to a maximum of four ; in the city of Sherbrooke, to a maximum of fifteen ; in the town of Farnham, to a maximum of five ; in the town of Shawinigan Falls to a maximum of five ; in the town of Grand'Mère, to a maximum of six for the license year commencing the first of May, 1908, and for all license years thereafter to one license for every thousand souls of the population ; in the city of Hull, to a maximum of fourteen hotels and no restaurant ; in the town of St. Johns the number of hotel and restaurant licenses existing on the first of May, 1908, is to be gradually reduced to ten, as the number is decreased from time to time owing to the cancelling of licenses by judgment of a court for violations of this law ; and these numbers shall not be exceeded thereafter in such a way as to give more than one such license for every thousand souls of the population of each of the said cities and towns, and this proportion shall be adhered to thereafter.

5. As the number of hotel and restaurant licenses in the cities and towns mentioned in this article is gradually reduced, the duty on such licenses shall in each such city and town be proportionately increased by the Lieutenant-Governor in Council, so that the total revenue derived therefrom shall not be less than before such reduction."

8. Article 32 of the said act is amended by inserting after Id., s. 32, the word : " no ", in the first line, the words : " applicant for a hotel, restaurant or liquor shop license certificate and no."

9. The following article is added after article 38a of the said act, as enacted by the act 7 Edward VII, chapter 11, section 3 :

" **38b.** No steps or proceedings tending towards the transfer of any hotel or restaurant license, shall be taken during the period between the issue of the summons or warrant and the rendering of the judgment in any prosecution instituted against the holder of such license for any violation of any of the provisions of this act. If such steps or proceedings be already in progress when such prosecution is instituted, they shall immediately be discontinued until after judgment has been rendered ; and if the court, in pronouncing judgment, cancels the license of the offender, any transfer or steps or proceedings tending towards the transfer to another person of such cancelled license shall be null and void."

Id., s. 39,
amended.

Application
for restau-
rant license
must be *bona*
fide, &c.

10. The first clause of article 39 of the said act is amended by inserting after the word "Montreal" in the fourth line the words : "and no restaurant license certificate shall be granted unless the license commissioners or the city or town council, as the case may be, are convinced that the applicant will keep a *bona fide* restaurant and that such restaurant is required at the place indicated in the application."

Id., s. 47a,
amended.

11. Article 47a of the said act, as enacted by the act 5 Edward VII, chapter 13, section 21, and amended by the acts 6 Edward VII, chapter 9, section 12, and 7 Edward VII, chapter 11, section 5, is further amended by adding after the words : "article 36" in the sixth line of the first clause the words : "but no such transfer shall be granted in any case within the purview of article 141a."

Id., s. 48, par.
1, amended.

12. The first paragraph of article 48 of the said act, as replaced by the act 5 Edward VII, chapter 13, section 22, and amended by the act 6 Edward VII, chapter 9, section 13, is further amended :

a. By replacing the words : "the preceding article", in the eighth line, by the words : "article 47;"

Distillers'
Licenses.

b. By inserting after the word "villages" in the twelfth line the words : "but wholesale liquor licenses taken out by distillers are issued simply upon payment of the required duties and fees."

Id., s. added
after s. 84b.

13. The following article is added after article 84b, of the said act as enacted by the act 6 Edward VII, chapter 9, section 23, and amended by the act 7 Edward VII, chapter 11, section 12 :

Mail drivers
not to bring
intoxicants
into certain
municipali-
ties, &c.

"**84c.** No mail driver shall bring any intoxicating liquor into any municipality in which a prohibitory by-law is in force or where there is no person licensed to sell such liquors ; and every person offending against this article incurs, for the first offence, a fine of twenty dollars, and in default of payment, imprisonment for one month ; and for the second and every subsequent offence, a fine of fifty dollars, and in default of payment, imprisonment for three months."

Id., s. added
after s. 94.

14. The following article is added after article 94 of the said act, as amended by the act 5 Edward VII, chapter 13, section 33 :

Certain li-
censees not
to cash pay
checks, &c.

"**94a.** Every person holding either a hotel or a restaurant license, who cashes or exchanges for money, any employer's certificate of wages or pay check, incurs for each offence a fine of twenty dollars, and in default of payment, imprisonment for one month."

15. Article 100 of the said act is amended by inserting after *Id.*, s. 100, the word : " thereof ", in the third line, the words : " for the ^{amended.} purpose of selling the same."

16. The following article is added after article 101 of the *Id.*, s. added said act : ^{after s. 101.}

" **101a.** Any person not being the holder of a bottler's ^{Itinerant} license, who goes from town to town or from house to house, ^{liquor selling} taking with him any stock of intoxicating liquor, whether in a ^{forbidden,} &c. ^{&c.} waggon or by any other mode of transportation, for the purpose of selling such liquor upon the highway or upon any private grounds or in any building, shall incur for each offence, a penalty of fifty dollars and the confiscation of the said liquors and vessels and of the horse and vehicle if there be one.

The collector of provincial revenue of the district in which the offence is committed, or any person thereto authorized by ^{Seizure of} him in writing, may seize and hold the said liquor and the horse ^{liquor so} and waggon, without warrant, pending the judgment of the ^{sold, &c.} court respecting them.

The judgment inflicting the penalty shall order the confisca- ^{Confiscation} tion of the effects so seized, which shall be sold as provided by ^{thereof by} the second paragraph of article 101. ^{judgment.}

The finding of intoxicating liquor in the circumstances ^{Presumption} described in the first paragraph of this article, shall be a pre- ^{as to intent} sumption that it is being transported for purposes of sale, and ^{to sell, &c.} proof of anterior facts may be adduced at the trial in support of such presumption."

17. The following article is added after article 109 of the *Id.*, s. added said act : ^{after s. 109.}

" **109a.** With the exception of restaurants in which more ^{How certain} than fifty *bonâ fide* meals are served daily and which the license ^{restaurants} commissioners or the city or town council, as the case may be, ^{to open on} shall see fit to exempt from the provisions of this article no ^{street, &c.} restaurant shall have any door communicating with the street or highway unless each such door opens directly into the bar-room."

18. Article 121 of the said act, as replaced by the act 1 *Id.*, s. 121, Edward VII, chapter 11, section 7, and amended by the act ^{amended.} 5 Edward VII, chapter 13, section 37, is further amended by adding after the word : " Sunday ", in the sixth line of the first paragraph, the words : " and of Christmas Day, New Year's Day and Good Friday."

19. Article 122 of the said act, as replaced by the act 1 *Id.*, s. 122, Edward VII, chapter 11, section 8, is amended by adding after ^{amended.} the word : " Sunday ", in the fifth line, the words : " and of Christmas Day, New Year's Day and Good Friday."

Id., s. added after s. 136. **20.** The following article is inserted in the said law after article 136 :

Forfeiture of license in certain case. “ **136a.** Every holder of a license who makes use of intoxicating liquor to such a degree as to attract public attention, or who is frequently seen in public in a state of intoxication shall, for such offence, incur the forfeiture of his license.”

Id., s. 137, amended. **21.** Article 137 of the said act, as amended by the acts 5 Edward VII, chapter 13, section 40, and 6 Edward VII, chapter 9, section 28, is further amended by adding at the end of the first paragraph thereof the following words : “ But upon the conviction for a third offence of any holder of a restaurant license, his license shall forthwith be cancelled.”

Id., s. added after s. 159. **22.** The following article is added after article 159*b* of said act as enacted by the act 6 Edward VII, chapter 9, section 33:

Bottler not to carry liquors not allowed by license, &c. “ **159c.** No bottler licensed as such under this law, shall carry in his vehicle any intoxicating liquors other than those allowed by his license, and every bottler so doing, incurs for each offense a fine of fifty dollars and the confiscation of his entire stock together with the horse and vehicle, all of which may be seized without a warrant by any collector of provincial revenue or any other person thereto authorized in writing by a collector of provincial revenue. The effects so seized shall be placed in the care and possession of the collector of provincial revenue for the district in which the seizure has been made, to await the judgment of the court respecting them. The effects so confiscated shall be sold in the manner prescribed by article 101.”

Id., s. 169, amended. **23.** Article 169 of this act is amended by adding thereto the following paragraph :

One justice may act in certain cases. “ For the purposes of this article, everything necessary to the carrying out of the provisions of this act 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 198 to 202*b* both inclusive.”

Id., s. 171 amended. **24.** Article 171 of the said act is amended by adding thereto the following paragraph :

How summons served in certain cases. “ Nevertheless in cases in which the defendant evades 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.”

25. The following article is added after article 182 of the said act : Id., s. added after s. 182.

“ **182a.** Whenever any person is prosecuted and condemned to a fine or to imprisonment for any infraction of the provisions of the first part of this act, if, in the course of such prosecution, it be ascertained that the liquor sold by such person is of bad quality and unfit for consumption, the amount of the fine or the length of the imprisonment to which such person would otherwise have been condemned for such offence, shall be doubled.” Double punishment in certain cases.

26. The following articles are added after article 202 of the said act : Id., s. added after s. 202.

“ **202a.** Whenever a judge, magistrate, recorder or justice of the peace who has heard a cause, is unable, on account of illness, absence or other cause, to pronounce judgment in person, he may transmit the draft of the judgment, certified by him, to the clerk of the court or of the magistrate, recorder, 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.” Recording judgment in absence of judge, &c.

The clerk, on receiving the draft of judgment and the instructions accompanying it, shall conform to such instructions, and the judgment so enregistered has the same effect as if it had been rendered by the judge, magistrate, recorder or justice of the peace during the sitting of the court.” Effect of registration of judgment, &c.

“ **202b.** Every condemnation under this act 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.” Report of judgment to Provincial Treasurer, &c.

27. Article 203 of the said act is amended by replacing the third line of sub-paragraph *c* of the second paragraph by the following : Id., s. 203, amended.

“ When witnesses are examined, \$10.00.”

28. The following article is added after article 205 of the said act : Id., s. added after s. 205.

“ **205a.** The Lieutenant-Governor in Council may modify from time to time, as he may see fit, the tariff contained in articles 203 and 205 of this act.” Modification of tariffs.

29. Article 297 of the said act is amended by inserting after the word “ contravention ”, in the fifth line, the words : Id., s. 207, amended.

“ And the judgment inflicting such penalty shall order the Confiscation

of license, confiscation of the license so lent or trafficked with, which shall
lent, &c. forthwith be cancelled by the collector of provincial revenue."

Id., s. 341*k*, **30.** Article 341*k* of the said act, as enacted by the act 6
amended. Edward VII, chapter 9, section 50, is amended by replacing
the words "incurs the penalty enacted in article 341*f* for each
contravention," in the fourth and fifth lines, by the words
"incurs a fine of not more than one thousand dollars and not
less than five hundred dollars for each offence."

Id., s. 341*l*, **31.** Article 341*l* of the said act, as enacted by the act 6
replaced. Edward VII, chapter 9, section 50, is replaced by the follow-
ing :

Non-resident " **341*l*.** 1. Every non-resident broker shall show his license
broker to to any collector of provincial revenue or to any person thereto
show license, authorized in writing by a collector of provincial revenue,
&c. and, in default of so doing, such person shall be held to have
no license and is punishable accordingly.

And not to 2. No non-resident broker licensed as aforesaid, shall lend
lend license. his license to another person under a penalty of three hundred
dollars for each offence."

Id., s. 342, **32.** Division III of article 342 of the said act, as amended
div. III, by the act 6 Edward VII, chapter 9, section 52, is replaced
replaced. by the following :

" III--PEDDLER'S LICENSES

Duties on On each license for a peddler, fifty dollars ; but any peddler
peddlers' li- taking out a license for either of the revenue districts of Que-
censes. bec 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.

And on ped- For peddlers' vehicles: For one vehicle fifty dollars ; for
dlers' vehi- each additional vehicle ten dollars."

Coming into **33.** This act shall come into force on the first day of May,
force. 1908.