

parish of St. Charles de Mandeville annexed to the county of Berthier by section 1 of this act.

R. S. Q., 64, amended. **3.** Numbers 7 and 32 of article 64 of the Revised Statutes are amended accordingly.

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## C H A P. 10

An Act to detach a certain lot in the parish of St. Leonard, in the county of Nicolet, from said parish, and to annex it for all purposes to the parish of St. Eulalie in the said county

[Assented to 14th March, 1907]

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

Part of certain lot in parish of St. Leonard annexed to parish of St. Eulalie. **1.** The north-east lateral and longitudinal two-thirds of lot number thirty-five of the cadastral plan of the county of Nicolet, for the part of the parish of St. Eulalie annexed to the parish of St. Leonard, and already canonically annexed to the parish of St. Eulalie, are annexed for all purposes to the said parish of St. Eulalie in the county of Nicolet.

Limits of said parishes changed. **2.** The limits of the parishes of St. Leonard and of St. Eulalie, in the county of Nicolet, are amended accordingly.

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## C H A P. 11

An Act to amend the Quebec License Law

[Assented to 14th March, 1907]

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

French version of 63 V., c. 12, art. 2, par. 17, amended. **1.** Paragraph 17 of article 2 of the act 63 Victoria, chapter 12, as amended by the act 5 Edward VII, chapter 13, section 1, and by the act 6 Edward VII, chapter 9, section 2, is further amended by replacing the words : “ ailleurs que dans le territoire couvert par sa licence,” in the last two lines of the French version, by the words : “ dans aucune autre partie du territoire couvert par sa licence.”

**2.** Article 28 of the act 63 Victoria, chapter 12, as *Id.*, art. amended by the acts 1 Edward VII, chapter 11, section 2, replaced. and 5 Edward VII, chapter 13, sections 12 and 13, and replaced by the act 6 Edward VII, chapter 9, section 6, is again replaced by the following :

“**28.** 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 ; within the limits of the city of Quebec, as they existed on the first day of January, 1907, to a maximum of one hundred and twenty-five from the first day of May, 1907 ; in Saint Henry ward, of the city of Montreal, to a maximum of thirty-one ; in Sainte Cunegonde ward of the city of Montreal, to a maximum of twenty-three ; in the city of Three Rivers, to a maximum of twelve ; in the town of Saint John's, to a maximum of thirteen ; in the city of Valleyfield, to a maximum of ten ; in the city of Saint Hyacinthe, to a maximum of eighteen ; 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 eighteen ; in the town of Iberville, to a maximum of four ; in the city of Sherbrooke, to a maximum of fifteen ; and, in the city of Hull, to a maximum of twenty, respectively ; and, as respects the city of Hull, the said twenty licenses shall comprise eighteen hotel licenses and two restaurant licenses ; and these numbers shall not be exceeded hereafter in such a way as to give more than one such license to every thousand souls of the population of each of the said cities and towns ; and this proportion shall be adhered to hereafter.

In the event of the annexation to the cities of Quebec or Montreal, of any of the neighboring municipalities, the number of licenses in force in such annexed municipality at the time of the annexation, shall be added to the number of licenses fixed by the next preceding paragraph for each of the said cities of Quebec and Montreal ; but in such wise 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 Saint Henry and Sainte Cunegonde wards of the city of Montreal, and to all other municipalities annexed, or which may be annexed, to either of the said cities of Quebec and Montreal, subject, however, to any general reduction which may be made in the future in the number of licenses in the said cities.”

**3.** The following article is added after article 38 of the act 63 Victoria, chapter 12 :

*Id.*, s. 38,  
New art.  
added.

Duty on transfer of retail shop license.

“**38a.** For the transfer of a retail shop license, the duty payable to the collector of provincial revenue upon the granting of the transfer shall be :—

- (a) In the city of Montreal, seventy-five dollars ;
- (b) In the city of Quebec, fifty dollars ;
- (c) In every other city, forty dollars ;
- (d) In any other part of the Province, twenty dollars.

For transfer of wholesale shop licenses.

For the transfer of wholesale shop licenses the duty payable to the collector upon the granting of the transfer shall be :

- (a) In the city of Montreal, one hundred dollars ;
- (b) In the city of Quebec, seventy-five dollars ;
- (c) In every other city, fifty dollars ;
- (d) In any other part of the Province, thirty dollars.

Transfer of bottler's license.

For the transfer of a bottler's license, the duty payable to the collector upon the granting of the transfer, shall be :

- (1) If the bottler is at the same time a brewer :
  - (a) In the city of Montreal, sixty dollars ;
  - (b) In the city of Quebec, fifty dollars ;
  - (c) In any other city, forty dollars ;
  - (d) In any other part of the Province, twenty dollars.
- (2) If he is not a brewer :
  - (a) In the city of Montreal, forty dollars ;
  - (b) In the city of Quebec, thirty dollars ;
  - (c) In any other city, twenty dollars ;
  - (d) In any other part of the Province, ten dollars.

Duty on transfer of native wine, &c., licenses.

For the transfer of a licence to sell native wine or cider manufactured by the vendor, of a druggist's license, of a license to sell intoxicating liquors under the provisions of articles 60 or 69, or of a temperance hotel license, the duty payable to the collector of provincial revenue upon the granting of the transfer shall be one fifth of the price of the license.”

Id., art. 47, amended.

**4.** Article 47 of the said act as amended by the act 6 Edward VII, chapter 9, section 11, is further amended by adding at the end of the second paragraph the following words :

“Commercial traveller” defined.

“ For the purposes of this paragraph, the term “commercial traveller” means a traveller who sells to the trade.”

Id., art. 47a amended.

**5.** Article 47a of the act 63 Victoria, chapter 12, as enacted by the act 5 Edward VII, chapter 13, section 21, and amended by the act 6 Edward VII, chapter 9, section 12, is further amended by adding after the first paragraph the following :

Number of retail shop licenses at Quebec.

“ In the city of Quebec the number of retail liquor shop licences is limited to the number existing on the first day of March, 1907.

In the city of Sherbrooke, shop licenses are limited to a maximum of seven, and no increase in this number shall be made hereafter that will give more than one liquor shop license to every two thousand souls of the population of the said city.” Do. in Sherbrooke.

**6.** The following article is added after article 48 of the act 63 Victoria, chapter 12, as amended by the acts 2 Edward VII, chapter 13, section 7; 5 Edward VII, chapter 13, section 22; and 6 Edward VII, chapter 9, section 13. Id. Art. 49 added.

“ **49.** As respects the wholesale licenses and retail liquor shop licenses, mentioned in articles 47 and 48 respectively, only one license, either a wholesale liquor license or a retail liquor shop license, shall be in force at any one time in any one house or shop.” Only one shop license for one shop.

**7.** Paragraphs 2 and 3 of article 50 of the act 63 Victoria, chapter 12, are repealed. Id., art. 50, par. 2 and 3, repealed.

**8.** Article 54 of the said act, is amended by adding thereto the following paragraph : Id., art. 54, par. added.

“ Prosecutions under this section are brought only in the name of the collector of provincial revenue, and with the authorisation of the Provincial Treasurer.” Prosecutions how brought.

**9.** Article 64 of the said act as amended by the act 1 Edward VII, chapter 11, section 5, by the act 5 Edward VII, chapter 13, sections 26, 27, 28 and 29, and by the act 6 Edward VII, chapter 9, sections 19, 20 and 21, is further amended : Id., art. 64, amended.

1. By replacing clauses *b, c, d, e, f* and *g*, of paragraph 1 thereof by the following :—

“ *b.* In the city of Quebec, three hundred dollars if the annual value or rent be two hundred dollars or less; three hundred and fifty dollars, if the annual value or rent be over two hundred dollars and less than four hundred; five hundred and fifty dollars, if the annual value or rent be four hundred dollars and less than eight hundred dollars; seven hundred dollars if the annual value or rent be eight hundred dollars and less than ten thousand dollars; fifteen hundred and fifty dollars, if the annual value or rent be ten thousand dollars or more; License fees in city of Quebec.

“ *c.* In every other city :

If only one license is issued, six hundred dollars ;  
 If two licenses are issued, four hundred and fifty dollars ;  
 If three licenses are issued, three hundred and fifty dollars ; In other cities.

If four or more licenses are issued, two hundred and fifty dollars ;

In towns.

*d.* In every town :

If only one license is issued, four hundred and fifty dollars ;  
If two licenses are issued, three hundred and fifty dollars ;  
If three licenses are issued, two hundred and fifty dollars ;  
If four or more licenses are issued, two hundred dollars.

In villages,  
&c.

*e.* In every village or organized territory ;

If only one license is issued, two hundred dollars ;  
If two licenses are issued, one hundred and seventy-five dollars ;

If three or more licenses are issued, one hundred and fifty dollars ;

In non-organ-  
ized terri-  
tory.

*f.* In every non organized territory, one hundred and twenty-five dollars."

2. By replacing the words : "two hundred dollars or more than four hundred dollars", in the last two lines of paragraph 8 thereof, by the words : "three hundred dollars nor more than four hundred and fifty dollars in the city of Montreal, nor less than two hundred and fifty dollars nor more than four hundred dollars in the city of Quebec".

3. By adding to paragraph 9 thereof the following clause :

Distiller's  
license.

"But when such wholesale liquor license is granted to a distiller, the duty is one thousand dollars".

4. By replacing paragraph 10 thereof by the following :

Sale by sam-  
ple, &c.

"10. On each license to sell intoxicating liquor on sample or on commission, the same duty as for wholesale liquor licenses, unless the licensee carries no stock, whether in bond or otherwise, in which case the duty is three hundred and fifty dollars."

5. By replacing division 1 of paragraph 11 thereof by the following :

If bottler also  
brewer, &c.

"1. If the bottler is at the same time a brewer, whether his brewery is situated within the Province, or whether it is situated outside the Province and the brewer has one or more agencies in the Province :

*a.* For the principal establishment or the principal agency in the Province, seven hundred and fifty dollars ;

*b.* For every other establishment or agency in any county other than that in which the principal establishment or the principal agency is situated, ninety dollars."

Id., art. 72,  
par. 2  
amended.

**10.** The second paragraph of article 72 of the act 63 Victoria, chapter 12, is amended :

*a.* By replacing the words, "In cases" in the first line, by the words : "In the case of liquor shops."

*b.* By adding to the said paragraph the following words :  
 “ But in the case of hotels, the valuation shall be made conformably to the terms of the first paragraph of this article, even though there be no communication from within between the bar and other parts of the building.”

**11.** Article 84 of the said act, as amended by the act 5 Id., art. 84, Edward VII, chapter 13, section 30, is further amended by amended. replacing the words : “ shall be condemned to an imprisonment of not less than three nor more than six months without the option of a fine ”, in the last three lines, by the words : “ incurs a fine of not less than two hundred and fifty dollars nor more than three hundred and fifty dollars, and, in default of payment, an imprisonment of six months, or, in the discretion of the court, an imprisonment of six months, without the option of the fine.”

**12.** Article 84*b* of the act 63 Victoria, chapter 12, as en-Id., art. 84b, acted by the act 6 Edward VII, chapter 9, section 23, is amended. amended :

*a.* By inserting after the word “ person ” in the first line the words “ receiving boarders or guests for gain, or keeping a temperance hotel, or ” ;

*b.* By replacing all the words after the word “ liquors ” in the eleventh line, by the words : “ and every person contravening the provisions of this article, by taking orders, shall incur the penalties imposed by article 84.”

**13.** Article 88 of the act 63 Victoria, chapter 12, is Id., art. 88, amended : amended.

*a.* By striking out the words : “ of one and the same kind of liquor ” in the tenth line ;

*b.* By adding at the end the following paragraph :

“ With respect to the sale of liquor under a wholesale liquor license, the two gallons or dozen bottles sold at any one time must be of one and the same kind of liquor, under the penalties mentioned in the first paragraph of this article, save in the case of liquors imported in sealed bottles or flasks ; in which case one dozen bottles must be sold at the same time, but such dozen may be made up of different kinds of liquor. Quantity required to be of same kind of liquor. Proviso.”

**14.** The following article is added after article 117*a* of the said act, as enacted by the act 5 Edward VII, chapter 13, section 35 ; Id., art. 117b, added.

- Female not to act as bar-maid, &c.      “**117b.** No female shall act as bar-maid or be employed to serve or wait upon the guests or the public in the bar-room of any tavern, hotel, inn or restaurant licensed under this act.
- Proviso.      This article shall not apply to the wife of any tavern, inn or restaurant keeper.”
- Id., art. 138, amended.      **15.** Article 138 of the act 63 Victoria, chapter 12, is amended by replacing the words : “article 137”, in the second line, by the words : “this act.”
- Id., art. 159a, amended.      **16.** Article 159a of the said act, as enacted by the act 5 Edward VII, chapter 13, section 45, and amended by the act 6 Edward VII, chapter 9, section 32, is further amended :  
*a.* By inserting, after the word : “Province” in the second line, the words : “either from any other district of the Province, or from without the Province” ;  
*b.* By inserting after the words : “Quebec License Law”, in the eleventh line, the words : “or if the said liquors are brought in under such other circumstances as to warrant the presumption that they are so brought in to be sold without license”.
- Id., art. 162a, amended.      **17.** Article 162a of the act 63 Victoria, chapter 12, as enacted by the act 6 Edward VII, chapter 9, section 34, is amended by adding, after the words “charging”, in the second and third lines, the words : “or receiving, directly or indirectly.”
- Id., art. 164, replaced.      **18.** Article 164 of the act 63 Victoria, chapter 12, is replaced by the following :
- Security for costs from prosecutor, &c.      “**164.** 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.”
- Id., art. 190, replaced.      **19.** Article 190 of the said act, is replaced by the following :
- Witness must answer questions tending to criminate.      “**190.** 1. Subject to the provisions of paragraphs 2 and 3 of this article, every person, other than the defendant, examined as a witness in any prosecution brought under this act, is bound to 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 act; but such evidence shall not be used against him in any prosecution. Proviso.

2. No person called as a witness in any prosecution under this act shall be asked whether he is the informer in such prosecution, nor shall any question be put to the collector of provincial revenue, when called as a witness, or to any other witness, tending to make known whether the prosecution has been instituted upon the complaint of the informer, or tending to make known the name of the informer. Witness not to be asked if he is informer, &c.

3. No witness called in any prosecution instituted under this act, shall be asked whether the deposit mentioned in article 164 has been asked for or has been made in connection with the said prosecution. Nor whether security for costs given. ”

**20.** Article 223 of the said act as amended by the act 6 Edward VII, chapter 9, section 39, is further amended by adding at the end thereof the following words: “ but the above limitation of time shall not apply to prosecutions instituted against peddlers for offenses coming within the purview of articles 292 to 298 of this act.” Id., art. 223, amended.

**21.** Paragraph 7 of article 229 of the act 63 Victoria, chapter 12, as amended by the act 5 Edward VII, chapter 13, section 49, and by the act 5 Edward VII, chapter 14, section 1, is repealed. Id., art. 229, par. 7, repealed.

**22.** The following article is added after article 229 of the act 63 Victoria, chapter 12: Id., art. 229a, added.

“ **229a.** With the exception, of peddlers’ licenses, transfers of which are governed by the provisions of article 292a, the Provincial Treasurer may authorize the transfer of any of the licenses mentioned in the second part of this act from the holder thereof to another person, upon payment by the transferee of a supplementary duty equal to one fifth of the price of such license, and a fee of one dollar to the collector.” Duty on transfer of certain licenses, &c.

**23.** Article 292a of the said act as enacted by the act 5 Edward VII, chapter 13, section 52, is amended by adding thereto the words: “ and of three dollars and a fee of one dollar to the collector for the transfer of each vehicle license.” Id., art. 292a, amended.

**24.** Article 294 of the act 63 Victoria, chapter 12, is amended: Id., art. 294, amended.

*a* By adding to the first paragraph thereof the following words: “ but if such peddler travels with one or more vehicles, the fine shall not be less than twenty nor more than one hundred dollars, and in any case, in default of payment,

the offender shall be condemned to an imprisonment of not less than three months, nor more than six months.”

*b* By replacing the words : “ to whom he shall remit the moneys realized,” in the last line of the second paragraph, by the words : “ and the collector shall retain one-third of the price realized, and shall remit two-thirds to the Provincial Treasurer.”

Id., art. 339, amended. **25.** Article 339 of the said act is amended by replacing the words : “ two hundred ” in the third line, by the words : “ four hundred ”.

Id., section VIIIc, repealed. **26.** Section VIIIc of the said act respecting commercial travellers not residing in the Province, as enacted by the act 5 Edward VII, chapter 14, section 2, and amended by the act 6 Edward VII, chapter 9, sections 47, 48 and 49, is repealed.

Id., art. 342, section X, repealed. **27.** Section X of article 342 of the said act, as enacted by the act 5 Edward VII, chapter 14, section 3, and replaced by the act 6 Edward VII, chapter 9, section 56, is repealed.

Coming into force. **28.** This act shall come into force on the day of its sanction.

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## CHAP. 12

An Act to amend article 1109 of the Revised Statutes respecting certain fines

[Assented to 14th March, 1907]

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

R.S.Q., 1109, replaced. **1.** Article 1109 of the Revised Statutes is replaced by the following :

Application of certain fines. **“ 1109.** The fines imposed for contravention of article 1107, in prosecutions instituted under the provisions of article 1108, are applied in the following manner :

If the full amount of the fine and costs belevied, one-half of the fine belongs to the municipality, with the obligation to pay over one-half of such half to the informer, if there be one, and the balance is remitted to the Provincial Treasurer to form part of the Consolidated Revenue Fund.