



63 VICTORIA

CHAP. 12

An Act to consolidate and amend the Quebec License Law

[Assented to 23rd March, 1900]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. This act may be referred to and cited as the "Quebec Short title. License Law."

It applies to the Province, and to the mining divisions Application. therein so long as paragraph 1 of section xxvii of this law, comprising articles 79, 80, 81, 82, and 83, has not been put into force by proclamation. R. S., 827.

PART I

LIQUOR LICENSES

SECTION I

INTERPRETATIVE AND DECLARATORY

2. The following terms and expressions used in this law Interpretation: have the meaning hereinafter applied to them, unless the context clearly indicates a different meaning :

- Intoxicating liquors. 1. Intoxicating liquors are brandy, rum, whiskey, gin, wines of all descriptions, ale, beer, lager-beer, porter, cider, and all other liquors containing an intoxicating principle, and all beverages composed, wholly or in part, of any such liquors.
- Temperance liquors. 2. Temperance liquors are all kinds of syrups and other similar liquids or beverages, simple or mixed, in which there is no intoxicating principle.
- Houses of public entertainment. 3. Houses of public entertainment are houses or places of public resort, established for the reception of travellers and of the public, where, in consideration of payment, food and lodging are habitually furnished.
Such houses of public entertainment are inns and temperance hotels.
- Inn. 4. An inn, embracing those establishments also called hotels and taverns, is a house of public entertainment, where intoxicating liquors are sold.
- Tavern at the mines. 5. A tavern at the mines is an inn kept within a radius of five miles from the place where mining is being prosecuted.
- Restaurant. 6. A restaurant is an establishment where, in consideration of payment, food (without lodging) is habitually provided, and where intoxicating liquors are sold.
- Bar. 7. The word "bar" shall mean the place, behind the counter, in which the said liquors are kept for sale.
- Temperance hotel. 8. A temperance hotel is a house of public entertainment in which no intoxicating liquors are sold.
- Liquor shop. 9. A liquor shop is any store or shop where intoxicating liquors are sold, without food or lodging being provided.
Liquor shops are divided into wholesale and retail shops.
- Wholesale liquor shop. 10. A wholesale liquor shop is that wherein are sold, at any one time, intoxicating liquors in quantities not less than two gallons, imperial measure, or one dozen bottles of not less than one pint, imperial measure, each.
- Retail liquor shop. 11. A retail liquor shop is that wherein are sold, at any one time, intoxicating liquors in quantities not less than one pint, imperial measure.
- Club. 12. A club is an association in which the profits from the sale of intoxicating liquors and the use of billiard tables belong to the members of the club, who are *bonâ fide* proprietors of all the moveable property therein and are proprietors or lessees of the establishment.
- Member of a club. 13. A member of a club, within the meaning of this law, is a person who has been duly elected by ballot, after his name has been publicly posted up in the club for at least eight days previous to the balloting, and who has paid the entrance fee and all other fees fixed by the rules of the club.

14. A steamboat bar is a place or apartment established for the sale of intoxicating liquors in a steamboat or other vessel, the word vessel including every craft. Steamboat bar.

15. A railway buffet is a place or apartment within a railway station, where, in consideration of payment, food is habitually or occasionally provided for railway travellers, and intoxicating liquors are sold. Railway buffet.

16. The words "railway train" comprise every passenger and colonist train of every description running in any part of the province of Quebec. Railway train.

17. A bottler is a person who places in bottles or in kegs or casks the fermented liquors known as beer, ale, porter and stout, and sells and delivers them, either at his own premises, or at those of the purchaser, within the limits of any municipality for which he holds a license, either in bottles containing not less than a pint, imperial measure, each, in quantities of not less than a dozen at a time, or in kegs or casks, in quantities not less than two gallons, imperial measure, at a time; but any person, or the employer of any person, who carries on the business of selling and delivering fermented liquors from a wagon or dray, is, for the purposes of this law, considered a bottler, whether he bottles such fermented liquors himself, or purchases them already bottled from another. Bottler.

18. A license to sell intoxicating liquors in an inn, restaurant, steamboat bar, or railway buffet, includes the permission that the liquors so sold be drunk on the premises; but that privilege does not accrue to liquor shops, in which cases all liquor delivered must be consumed outside of such shops. When licenses permit liquors to be drunk on the premises.

19. A license to sell wine, ale, beer, lager-beer, porter and cider, exclusively, is termed a "beer and wine license," and is construed to mean an inn or restaurant license, as the case may be, which gives the holder thereof the right to sell ale, beer, lager-beer, porter and cider, and also native wines manufactured in the Dominion of Canada, containing not more than fifteen per cent. of alcohol, and light foreign wines, containing not more than fifteen per cent. of alcohol, but not port, sherry or madeira wine or any other intoxicating liquor, subject to the conditions contained in article 40. Beer and wine license.

20. A license to sell apple cider manufactured by the vendor, or native wine made from grapes or other fruit grown and produced in the Dominion of Canada and manufactured by the vendor, gives the right to sell, at any one time, such cider or native wine in quantities not less than two gallons, imperial measure, or one dozen bottles of not less than one pint, imperial measure, each, at any one time, to be wholly removed and not drunk on the premises. Apple cider and native wine license.

Privileges conferred.

If the licensee has complied *mutatis mutandis* with the formalities prescribed by article 47 respecting the application for and the confirmation of a certificate for this object, he may sell such cider or native wine in quantities not less than half a gallon, imperial measure, or three bottles of not less than one pint each, imperial measure, at a time, the said cider or wine to be wholly removed and not drunk on the premises.

Sample or commission license.

21. A sample or commission license gives the right to sell, by sample or on commission, intoxicating liquors, in quantities not less than two gallons, imperial measure, or one dozen bottles of not less than a pint each, imperial measure, at any one time, such liquors not to be the property of the vendor, whether such liquors are in the Province, or held in bond or otherwise not within the limits of this Province.

What may be classed as pint bottles under this law.

22. For the purposes of this law, when spirituous liquors are imported into this Province, in sealed bottles or flasks of the dimensions known and styled in the trade as pint bottles or flasks, such bottles or flasks, provided they do not hold less than three-fifths of an imperial pint each, are considered as holding an imperial pint each.

What is to constitute a sale of liquor.

23. Every delivery of intoxicating liquor, made otherwise than gratuitously, constitutes, in the sense of this law, a sale thereof.

Gratuitous delivery.

The gratuitous character of the delivery is inferred from the circumstances under which the delivery is made, and from the intention of the persons, respectively, delivering and receiving the liquors.

Delivery in house of ill-fame.

Every delivery of intoxicating liquor in a house of ill-fame or assignation house is a delivery for value and a sale within the meaning of this law.

Non-gratuitous delivery.

Every delivery, not gratuitous, is considered as being that, by sale, without its being necessary to prove the delivery of any payment in money therefor, or of any object having a pecuniary value, as price of the sale of such liquors.

Keeper.

24. The word "keeper," when used in this law, includes the person actually contravening the provisions thereof, whether acting on behalf of himself or of another or others.

Informer.

25. The informer is the person who gives the particulars whereon a prosecution for a contravention of this law is brought.

Collector of provincial revenue.

26. The revenue officer appointed under article 745 of the Revised Statutes, and to whom, under article 749 of the said Statutes, one or more of the portions of this province erected into revenue districts have been assigned, who has, by this law, the power to issue licenses thereunder, and who, in the Municipal Code, is called the collector of

inland revenue, is called, for the purposes of this law, collector of provincial revenue.

27. The word "district," when used alone, means one District. of the districts so established under article 749 of the Revised Statutes.

28. Organized territory is such portion of the territory Organized of the Province which is erected into a municipality, and territory. non-organized territory is such portion of said territory Non-organ- which is not so erected. ized territory.

29. A polling subdivision, in all municipalities except Polling sub- cities, is any subdivision, for voting purposes at elections of division in members of the Legislative Assembly, of an electoral dis- municipali- trict in the province, as shown by the electoral list then in ties. force.

30. In all cities, the following expressions : "ward of the city," "polling subdivision," "polling district" and "electoral district," when they concern a license certificate or an opposition thereto, shall mean any subdivision for polling purposes at municipal elections, as shown by the electoral lists of the city then in force. Polling sub- division, &c., in cities.

31. Any reference in this law to an article, without men- Reference. tioning the law of which such article forms part, is a reference to an article of this law. R. S., 828.

SECTION II

GENERAL PROHIBITIONS

3. It is forbidden to all persons, corporations, or clubs, It is forbid- under pain of the fines and penalties hereinafter promul- den to keep gated, to keep within the limits of this Province : houses of public enter- tainment or carry on cer- tain trades, &c, without license.

1. Any inn or hotel, any tavern at the mines, any res- taurant, steamboat bar, dining-car buffet, railway buffet, any temperance hotel, or any liquor shop, wholesale or retail ;

2. To sell intoxicating liquors, whether by sample, on com- mission or otherwise, or in a club or association of any kind ;

3. To sell wine, ale, beer, lager-beer, porter and cider ;

4. To sell apple cider or native wine manufactured by the vendor ;

5. To carry on the trade of bottler ;

6. If a druggist, to sell intoxicating liquors without one of the certificates mentioned in article 105, or in quantities exceeding one pint, imperial measure, at a time ;

Without having previously obtained, in the manner and form, and after payment of the duties and fees hereinafter mentioned, a license, for each of the said objects. R. S., 829.

SECTION III

BY WHOM LICENSES ARE ISSUED AND THEIR DURATION

- Licenses at the mines.** **4.** The officer appointed under any mining act in force in this Province, in charge of any mining district or division, shall alone have the right to issue licenses for the sale of intoxicating liquors within a radius of five miles from any mine that is being worked.
- Duties thereon.** Such licenses are subject to such duties as the Lieutenant-Governor in Council may determine, not however to be less than one hundred and twenty-five dollars for any one license, and shall be held subject to such regulations as may be adopted by the Lieutenant-Governor in Council. R. S., 830.
- By whom licenses are granted.** **5.** With the exception of licenses for taverns in mining divisions, which are granted by the officer mentioned in article 4, and which are the only liquor licenses that can be issued in mining divisions, saving the provisions of article 6, each license, for any one of the above mentioned objects, is granted in the name of the Lieutenant-Governor, and issued by one of the collectors of provincial revenue or his deputy. R. S., 831.
- Certain provisions not to apply to cities and towns.** **6.** The provisions of articles 4 and 5 respecting the issue of tavern licenses do not apply to cities and incorporated towns. R. S., 831*a*.
- Issue of licenses.** **7.** Each collector of provincial revenue delivers the licenses to be used within the limits of the district assigned to him, and he collects the duties and fees imposed for such licenses by law.
- Steamboat bar licenses.** In the case of a steamboat bar license, this duty devolves on the collector of provincial revenue for the district where the proprietor, master or person in charge of the said steamboat or vessel, for which such license is required, resides, and, in the event of such steamboat or vessel belonging to a company, on the collector of provincial revenue for the district in which the company holds its head office or principal place of business.
- Dining car licenses, by whom to be issued.** In the case of a dining car license, the duty devolves upon the collector of provincial revenue for the district in which is situate the principal office or station of the railway company within the limits of the Province.
- Powers of deputy collector.** The deputy collector of provincial revenue, in the same manner as his chief, delivers the licenses and collects the duties and fees. R. S., 832.

8. The Lieutenant-Governor in council may, from time to time, name, in his discretion, any person or persons whom he authorizes to sign and deliver licenses to the collectors of provincial revenue, and may likewise determine on their form as well as the date of their delivery. Appointment of persons to sign licenses &c. R. S., 833.

9. Except steamboat bar licenses which expire when the boats go into winter quarters, and licenses for taverns at the mines which are of monthly duration, licenses are granted for one year, or for a portion of a year only, and expire on the first day of the month of May subsequent to their issue. Duration of licenses.

In the case of persons who, during the course of any license year, begin to carry on any business for which a license is required, the Provincial Treasurer may authorize the collector of provincial revenue to accept for the license an amount of duty proportionate to the number of months of the license year still to elapse from the first day of the month during which such persons commence to carry on such business. Licenses taken after commencement of the year. R. S., 834. *in part.*

10. Subject to the provisions of this law as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license to the person therein named only and for the premises therein described, and shall remain valid only so long as such person continues to be the occupant of the said premises and the owner of the business there carried on. Licenses personal and transferable only under this law. R. S., 834*a*.

SECTION IV

LICENSES FOR INNS

11. To obtain a license to keep an inn, the following formalities shall be observed : Certificate by municipal electors.

Previous to the obtaining of any license for any part of the organized territory of this Province, the applicant shall furnish the collector of provincial revenue with a certificate, according to form A annexed to this law, signed by twenty-five resident municipal electors, or a majority of the resident municipal electors if they number less than fifty, of the parish, township, village, town, or ward of the city, within the limits of which is situated the house for which such license is applied for, to the effect that the applicant is personally known by the signers, that he is honest, sober, and of good reputation, and that he is qualified to keep a house of public entertainment, that the house referred to contains the lodging room required by law, and that a house of public entertainment is needed there. R. S., 835.

Affidavit.

12. This certificate shall be accompanied by an affidavit of the applicant, made in accordance with form B annexed to this law, and sworn to before a justice of the peace of the district, or, in the cities of Quebec and Montreal, before the judge of the sessions, the police magistrate or the recorder.

Conditions as to certificates in Quebec and Montreal.

In the cities of Quebec and Montreal, no certificate for a license shall be granted, if an absolute majority of the municipal electors, residing or having their place of business within the polling district, shall signify their opposition in writing to the granting of such license, or if it be proved, to the satisfaction of the persons called upon to confirm the certificate, that the applicant is a person of bad character, having already allowed or permitted drunkenness or disorder in his inn, that he has already been twice condemned to a fine for having sold liquor without a license, or has been found guilty of smuggling intoxicating liquors. R. S., 836.

Notification to licensee in certain cases.

13. In the event of the serious misconduct, during the course of any license year, of any person holding a license in the cities of Quebec or Montreal, the license commissioners, upon receiving information thereof, shall at once notify him that his license may not be renewed for the following year.

Exemption from producing certificate of electors in certain cases.

14. Any licensee in the cities of Quebec, Montreal, St. Henri or Ste Cunégonde, of good repute, who has held a license and complied with all the conditions of this law for the last twelve months and has not been convicted of any infringement thereof, and who produces an affidavit to that effect according to form D annexed to this law, may apply for a similar license for the same premises for the then next license year, without being obliged to produce any certificate from the electors, and, if the authorities deem such affidavit and application satisfactory, it shall be thereafter dealt with as if made in the form required by article 11. R. S., 836*a*.

When application for licenses to be produced in Montreal.

15. In the city of Montreal, all certificates and applications for annual licenses shall be fyled in the office of the license commissioners on or before the thirty-first day of the month of December in each year.

Fyling after that date.

In exceptional cases, the license commissioners may, in their discretion, allow the fyling of the certificate and application after the said date. R. S., 836*b*.

Designation of ward and street in certain cases, &c.

16. If the certificate refer to a house situate within the limits of the city, it, as well as the license, shall contain the designation of the ward and street where it is situated.

The license is of no effect outside the limits of such ward and street, except in the case provided for by article 38. R. S., 837. Effect of license outside such limits.

17. In all cities and towns, the signers of the certificate must be municipal electors residing or having their place of business in the polling subdivision in which is situated the house for which the license is applied for. Who may sign certificates in cities and towns.

The authorities charged with confirming the certificates shall not confirm the certificate of any applicant, if the majority of the municipal electors, residing or having their places of business in the polling subdivision in which is situated the house to which the license is to apply, object thereto, by petition, signed by them and produced before the clerk before the day fixed for the taking into consideration of the said certificate. Certificate not to be confirmed if majority of municipal electors object.

In case any applicant for the confirmation of a license certificate should, for any informality or other reason whatsoever, withdraw his petition after an opposition has been produced thereto, the said opposition may serve against any new demand made in the same year for the same establishment by the same person or by any other person in his interest. R. S., 838. If applicant withdraw, opposition previously filed to serve against any subsequent application.

18. Such certificates (except those connected with applications for licenses in the city of Quebec and in the city of Montreal), shall be confirmed by a decision of the council of the municipality within the limits of which the house is situated, drawn in accordance with form E annexed to this law, and such confirmation is certified under the signature of the mayor and city clerk or secretary-treasurer of the council, and no certificate is valid unless so confirmed. Certificate confirmed by the council.

The granting or the refusal of the confirmation of the certificate is in the discretion of the council, saving the cases provided for by article 22, and the decision of the council is final. R. S., 839. Discretionary power of council.

19. No such certificate, in municipalities other than the cities of Quebec and Montreal, shall be taken into consideration by the municipal council until it has been filed with the clerk or secretary-treasurer for at least eight days. R. S., 839a. Time of filing certificate in certain municipalities.

20. Before proceeding to consider the certificate or certificates, the council shall give public notice of the day and hour at which it will take such certificate or certificates into consideration. Notice of time when certificates to be considered.

Duties of council before confirming it.

21. The council, to which this certificate is presented, shall ascertain, by procuring such information as it may deem fit and proper, if the requisite number of duly qualified electors have signed the same. The council shall also cause the authenticity of the signatures attached thereto to be established under oath before one of its members, and, if the result of such double inquiry be, in whole or in part, unfavorable to the applicant, the confirmation applied for shall be refused. R. S., 841.

Refusal of certificate in certain cases.

22. Such certificate shall be refused, if it be proved to the satisfaction of the council :

1. That the petitioner is a person of bad character, having already allowed or permitted drunkenness or disorder in his inn ; or

2. That such petitioner has already been condemned to a fine, for having sold intoxicating liquor in contravention of the provisions of this law, twice within the twenty-four months preceding the date of his petition ; or

3. That his demand for a license is opposed in writing by the absolute majority of the electors resident in the municipality or polling subdivision, as the case may be, in which he intends to open a tavern ; or

4. That he has been convicted of smuggling intoxicating liquors. R. S., 842.

Collector may refuse issue of license in certain cases.

23. If the council confirm the certificate contrary to the provisions of the law, the collector of provincial revenue may refuse to issue the license, and, if a *mandamus* be taken against him, may, in his defence, invoke all reasons of nullity that might have been urged against the confirmation of the certificate. R. S., 842a.

Licenses at summer resorts.

24. Independently of the right of municipal councils of places of summer resort to issue ordinary inn or hotel licenses, under the provisions of this law, licenses for hotels at such places may be issued in the course of any license year for any portion of such year comprised between the first of May and the thirty-first of October, upon a certificate to that effect confirmed by the municipal council of such place of summer resort, in accordance with the provisions of this law, *mutatis mutandis*, respecting applications for, and the confirmation of inn licenses ;—each said certificate and license limiting the right of the holder thereof to the sale of intoxicating liquors to his *bonâ fide* boarders or guests, and to tourists or summer residents, to the exclusion of all other persons. No bar shall be allowed in any such hotel.

The keepers of such summer hotels are not subject to the provisions of article 107 respecting stabling and hay and grain for horses. R. S., 107, not to apply.

25. (1.) The confirmation of the certificate is granted, Confirmation of certificates at Quebec and Montreal. at the police court in Quebec, for the city of Quebec, by the judge of the sessions of the peace or the recorder; and at the police court in Montreal, for the city of Montreal, by two judges of the sessions of the peace holding office and receiving emoluments as such and by the senior recorder, or by any two of them.

2. For the purposes of such confirmation, these magistrates are styled license commissioners. License commissioners.

3. It shall, however, be lawful for the Lieutenant-Governor in council, in the case of the absence, sickness or other inability to act for more than ten days of all or any of the license commissioners, to appoint a competent person or persons to temporarily perform such duties. Temporary replacement thereof.

4. In the city of Quebec, the clerk of the peace acts as clerk of the license commissioners. Clerk in Quebec.

5. In the city of Montreal, a clerk of the license commissioners is appointed by the Lieutenant-Governor in council, with a salary not exceeding one thousand dollars. Clerk in Montreal.

6. An assistant clerk shall be appointed by the license commissioners in the case of the sickness or absence of the clerk, to act as such. Assistant clerk.

7. The clerk or assistant clerk has power to administer the oath required in support of certificates, oppositions, petitions and other documents which may be used as evidence before the license commissioners. Powers of clerk and as assistant.

8. Any person intending to apply for the confirmation of a certificate shall procure the form from the office of the clerk and pay a tax of two dollars in stamps affixed to such form. The license commissioners shall not recognize any such certificate not having the required stamps. Form of certificate of confirmation and stamp thereon, &c.

9. The clerk shall prepare a list and post it up in a conspicuous place in his office, open to the public; such list shall give the date of the entry of each application; the name, occupation and residence of the applicant; the situation of the house to which the license applies, and the day on which the application will be taken into consideration. Lists to be prepared by clerk, &c.

10. Subject to the provisions of article 26, the license commissioners must take the applications for licenses into consideration according to the date of their entry on the said list by the clerk, and the hour, if two or more are applied for on the same day, but not before eight days, nor later than fifteen days after the date of such entry; save when opposition is made to the confirmation of a certificate, When applications are to be taken into consideration.

and when, in special cases of the temporary inability of one of the said commissioners, the others may extend the delay for not more than ten days.

Decision within certain delay in certain cases.

11. In the case of an applicant who is already the holder of a license, when the commissioners see no objection to the confirmation of the certificate within the delay fixed by paragraph 10 of this article, they shall give their decision thereon as soon as such delay shall have expired.

May be opposed.

12. Any person may oppose the application, and, if notice of the opposition have been given to the clerk, the latter shall, three days before the taking into consideration of such application, give notice thereof to the applicant and to the opposant if there be one.

Hearing.

13. Any person, producing before the license commissioners when the application is being taken into consideration, or who has previously produced before the clerk, verbally or in writing, the objections by him made to the granting of the confirmation of the certificate, has the right to be heard on the grounds and reasons of such objections or such other objections as may then be raised.

Application of paragraph 13.

14. Paragraph 13 applies to every accredited representative of any association established for the purpose of supervising the proper execution of this law, and to every accredited representative of the incorporated associations of hotel-keepers and of licensed victuallers.

Day when heard.

15. The commissioners shall hear such persons, as well as the applicant, within eight days of the production of the opposition, and, if necessary, adjourn the hearing from time to time until a decision is rendered upon the said opposition.

Evidence upon oath

16. It shall be lawful for the commissioners at any time, when they may consider it necessary, to take evidence upon oath or affirmation, and for that purpose to summon before them and administer the oath to any person whomsoever.

Duties of commissioners.

17. Upon such hearing, as well as on every application which is not objected to, it is the duty of the commissioners, collectively or separately, whenever they may consider it useful or necessary, to make all the inquiries they deem proper to satisfy themselves of the qualifications of the applicant and of the truth of the facts put in issue.

Powers of commissioners.

18. The commissioners may, to that end, take into consideration all documents, hear, or cause to be heard by some fit person, all persons whom, from the personal knowledge of the commissioners or on the indication of the objecting parties or of others, they believe to be able to give information, and generally to resort to any other source of information.

Information from police force.

19. When the commissioners wish to obtain information from the officers or members of the Quebec or Montreal

police force respectively, they may order these officers to come before them and to make all such inquiries as may be deemed necessary.

20. When opposition is made to any application for the confirmation of a certificate, such confirmation, in the case of an applicant who has not previously been the holder of an inn license, can only be made, in Quebec by the judge of the sessions and the recorder, and in Montreal by the two judges of the sessions and the senior recorder sitting as license commissioners. If the applicant has already held such a license, the unanimous consent of the license commissioners is not requisite for the confirmation of the certificate, but both of the commissioners in Quebec, and all three of them in Montreal, must hear the case.

How confirmation may be made if opposition thereto.

21. Subject to the provisions of article 26, the granting of the confirmation of the certificate or the refusal thereof, for any cause whatever, is discretionary with the commissioners, except in the cases provided for in article 12, and their decision is final.

Subject to art. 26, granting or refusal discretionary.

22. Whenever the confirmation of a certificate is refused, the commissioners shall, at the request of the applicant, make known to him the reasons of such refusal.

Duties of commissioners in case of refusal.

23. No license shall be granted by the collector of provincial revenue, unless there be deposited in his hands a certificate signed by the commissioners, who shall deliver to the applicant such certificate attesting the granting of such confirmation.

Certificate of commissioners necessary before granting licenses.

24. The clerk shall, from time to time, prepare a list of the certificates which the commissioners have confirmed and which are then in force, and keep it posted in the police court or in his office. R. S., 843.

List of certificates confirmed to be prepared by clerk, &c.

26. In the matter of the confirmation of license certificates, the preference, as far as possible, is to be given to such applicants as were holders of licenses during the preceding year, whether for the same or for other premises, provided that, while they were so licensed, such persons have, in the opinion of the license commissioners, complied with all the requirements of the law.

Preference to be given to previous license holders.

Notwithstanding the provisions of the first paragraph of this article, preference shall be given, in respect of applications for hotel licenses, to premises specially constructed and fitted up to serve as hotels.

Proviso.

Subject to the provisions of the first paragraph of this article, as regards taverns and restaurants, preference is to be given, as far as possible and according to circumstances, to the premises occupied as taverns or restaurants during the year in which the application for confirmation of the certificate is made.

Preference to be given to certain premises.

Confirmation of certificate in certain cases.

27. In the cities of Montreal and Quebec, whenever the requirements of article 108 are complied with, and no objection exists as to the personal character of an applicant for a hotel license, the commissioners shall confirm the certificate of such applicant as presented.

Number of hotel and restaurant licenses in Montreal, Quebec, St. Henri and Ste. Cunégonde, limited.

28. In the city of Montreal, the number of hotel and restaurant licenses is for the present limited to a maximum of four hundred ; in the city of Quebec, to a maximum of one hundred and twenty ; in the city of St. Henri, to a maximum of thirty-one, and in the city of Ste. Cunégonde, to a maximum of twenty-three, respectively ; and these numbers shall not be exceeded hereafter, until the population of the said cities shall have so increased that an increase in the number of hotel and restaurant licenses therein may be made in such wise that there shall never be more than one such license to every thousand souls of the population of each of the said cities ; and this proportion shall be adhered to thereafter. R. S., 843*a*.

When license to be taken out after confirmation of certificate.

29. A certificate for the obtaining of a license, if such certificate has been confirmed before the first of May in any year, shall lapse unless the license is taken out before the thirtieth day of June ; and, if it has been confirmed after the first of May, it shall lapse if the license is not taken out within sixty days after such confirmation.

Confirmation of other certificate, in Montreal.

In the city of Montreal, the license commissioners may, on the lapsing of a certificate, confirm the certificate of another person, so as to make up the number of licenses fixed by article 28. R. S., 843*b*.

Fee on confirmation.

30. On each confirmation of a certificate for the purpose of obtaining a license for the cities of Quebec or Montreal, the sum of eight dollars is paid to the corporation of each of such cities ; and a sum not exceeding twenty dollars may be demanded and received by other corporations for the same object, within the limits of their jurisdiction.

Certain rights preserved.

The preceding provision does not deprive cities and towns of the rights which they may have by their charters or by-laws. R. S., 845.

Certificates deposited in office of collector and dues to be paid before license issued.

31. The certificates required by this law are deposited in the office of the proper collector of provincial revenue, who shall not issue any license before it is proved, to his satisfaction, that the sums due thereon in virtue of article 64 have been paid. R. S. 847.

Penalty for municipal councillor

32. No municipal councillor, being, at the same time, a brewer, distiller or dealer in intoxicating liquors, or pro-

prietor of a house of public entertainment, shall sign the certificate mentioned in article 11, under a penalty of twenty dollars for each contravention. R. S., 850. signing certificate under art. 11.

33. No person shall, knowingly, sign such certificate, unless duly qualified so to do, under a penalty of twenty dollars for each contravention. R. S., 851. Penalty for unqualified person signing.

34. Applications for inn licenses in non-organized territory must be submitted to the Provincial Treasurer, and are subject to his approval. R. S., 852. Applications in non-organized territory to whom submitted.

35. None of the licenses hereinbefore mentioned shall be granted to a grocer, or person keeping a shop or store for the sale of groceries, provisions, sweatmeats or fruits within the limits of a city or town. R. S., 853. Grocers, &c., in cities or towns.

SECTION V

TRANSFERS OF LICENSES

36. (1) In the cities of Quebec and Montreal, the formalities required for the transfer of a license are the following : Formalities for the transfer of licenses in Quebec and Montreal.

(a) The applicant for the transfer of the license of a licensee who has died or is going or has gone out of business, shall file with the clerk of the license commissioners a petition applying for the transfer, signed by himself and by the transferor or his legal representatives, which petition shall be annexed to the usual form of application provided for by articles 11 and 12. The applicant for the transfer shall further comply with all the formalities required by article 37, and the license commissioners shall take the application of the transferee into consideration and confirm or reject it in the same manner as provided by article 25 with respect to applications for license certificates.

(b) For such transfer in the cities of Quebec and Montreal, the tax shall be twenty-five dollars, payable in stamps to be affixed upon the form of such transfer when the same is applied for, and the license commissioners shall not recognize any such application not having the required stamps ; if the transfer is granted, a further sum of twenty-five dollars shall be paid in stamps affixed upon the said form. Tax on transfer payable in stamps, &c.

2. In all parts of the Province, other than those above mentioned, if the licensee leave his house or die before the license expires, he or his representatives, as the case may be, may transfer such license to another. Transfer of licenses in other parts of the province.

3. Save in the case of an abandonment of property, or of the death of the licensee, no transfer of a license shall be made until after the expiration of forty days from the date When licenses may be transferred.

upon which the license was delivered by the collector of provincial revenue.

Delay to make transfer, &c., of licenses.

4. In the case of the death of a licensee or of a voluntary or judicial abandonment of property on his part, a delay of thirty days is granted to his heirs or representatives, or to the curator of his estate, during which delay the license continues in force, in order to give them an opportunity to apply for a transfer.

Rights of transferee.

5. The transferee thereof, in all cases, may exercise all the rights which accrued thereunder to the original licensee in the house therein described, or, if such house be situated within an organized territory of the Province, in any other building situated within the limits of the municipality, which the judge of the sessions or recorder at Quebec or the two judges of the sessions of the peace and the senior recorder at Montreal or the majority of them, or, in any other municipality, the municipal council, as the case may be, approve of, and which is set forth in the certificate referred to in article 37. R. S., 848.

Certificate required from transferee.

37. This transfer has its effect, only if the transferee, in case the house in question be situated in organized territory, deliver the certificate to the collector of provincial revenue, which the licensee was himself obliged to furnish ; and, in the cities of Quebec and Montreal, pay the excess of duty which may be exigible in consequence of the difference of the rent or annual value, between the house occupied by the original licensee and the one occupied by the transferee.

Duty exigible.

Endorsement.

The transfer shall be written on the back of such license by the collector of provincial revenue, and the transferee shall comply with all the formalities which were incumbent on the original applicant.

Delay limited.

The transfer shall be so made within three months from the death of the licensee or from his abandonment of his house, failing which the license is of no avail. R. S., 849.

Transfer of license to another part of municipality.

38. The provisions of this law, which apply to the transfer of a license from one person to another, also apply in the case where the holder of a license desires to change his domicile and to transfer his license to another part of the municipality for which he has obtained it. R. S., 849a.

SECTION VI

RESTAURANT LICENSES

Certificates for restaurant licenses.

39. The conditions and formalities imposed, relating to the certificates required to obtain a license for an inn,

apply *mutatis mutandis* to restaurant licenses, including the provisions established for the cities of Quebec and Montreal.

No restaurant license shall, however, be granted elsewhere than in cities or towns. R. S., 854. Restriction.

SECTION VII

BEER AND WINE LICENSES

40. The conditions and formalities imposed, relating to the certificates required to obtain a license for an inn or a restaurant, as the case may be, including the provisions established for the cities of Quebec and Montreal, and the obligations and penalties relating to the holder of an inn or a restaurant license, as the case may be, apply *mutatis mutandis* to licenses for the exclusive sale of wine, ale, beer, lager-beer, porter and cider. R. S., 854a. Conditions, &c., for beer and wine licenses.

SECTION VIII

TEMPERANCE HOTEL LICENSES

41. The conditions and formalities required by law for obtaining a license for an inn, apply *mutatis mutandis* to temperance hotel licenses, including the provisions established for the cities of Quebec and Montreal. Formalities for obtaining temperance hotel licenses.

Upon a petition presented by the superintendent or manager of any railway company, the Lieutenant-Governor in Council may, however, authorize the proper collector of provincial revenue to issue to the person indicated in such petition, a temperance hotel license within the limits of any municipality in which there is a station of such railway company, but only one such license can be issued in each such municipality; and the conditions and formalities required by the first clause of this article do not apply to the issue of temperance hotel licenses so granted. R. S., 855. Temperance hotels near railway stations.

SECTION IX

RAILWAY BUFFET AND WATERING PLACE HOTEL LICENSES.

42. Upon a petition presented by any railway company or any inland navigation company, the Lieutenant-Governor in Council may authorize the proper collector of provincial revenue to deliver to the person indicated a license to sell intoxicating liquors, at the railway station therein mentioned by such railway company, or at any summer hotel situate at any watering place in this province belonging to the said Licenses for railway buffets and watering place hotels.

navigation company and kept by it, to travellers upon such railway or to persons boarding at such hotels, and to no others. R. S., 858.

Provisions applicable to railway buffet licenses.

43. With the exception of the provisions contained in articles 11 to 34, inclusively, and also the provisions hereinafter mentioned, relative to the accommodation which must be provided for travellers by the master of an inn, to the prohibition to sell intoxicating liquors, to keeping the bar closed during certain days and certain hours, also to the obligation to receive and accommodate travellers, the other provisions of this law shall *mutatis mutandis* apply to licenses of railway buffets, in so far as they are not incompatible with such licenses.

One person only shall be licensed for each station. R. S., 859.

SECTION X

DINING CAR LICENSES

Application for dining car license.

44. Upon a petition presented by any railway company, the Lieutenant-Governor in council may authorize the issue to the said company of one or more dining car licenses.

Privilege conferred.

Each such license shall authorize the said company to sell in a dining or buffet car the liquors permitted to be sold under a beer and wine license.

Sales to be to *bonâ fide* travellers.

All sales shall be confined to *bonâ fide* travellers upon the train to which the said dining or buffet cars are attached.

Restriction as to sales.

No sale shall be made when the train is at or within the limits of any station, nor shall any liquors at any time be sold to officers, employees or servants of the company or to any one on their behalf. R. S., 855a.

SECTION XI

STEAMBOAT BAR LICENSES

Steamboat bar licenses

45. Steamboat bar licenses are granted simply upon payment to the proper collector of provincial revenue of the required duties and fees. R. S., 855.

SECTION XII

CLUB LICENSES

Incorporated club licenses.

46. (1.) Licenses for the sale of intoxicating liquors in clubs are granted only to clubs incorporated by letters-patent or by special charter.

2. Subject to paragraph 4 of this article, such licenses in cities and towns, and in the banlieue of Quebec, are granted by the proper collector of provincial revenue simply upon payment to him of the required duties and fees.

In cities and towns.

3. Subject to paragraph 4 of this article, such licenses in other municipalities are granted by the said officer upon such payment and after the conditions and formalities imposed, relative to the certificates required to obtain a license for the sale of intoxicating liquors by retail in shops, have been *mutatis mutandis* complied with.

In other municipalities.

4. Before any club license is issued, the constitution and the rules and regulations of such club must be submitted to the Provincial Treasurer, who may refuse to grant the license if he see fit.

Constitution, etc., of club to be submitted to Treasurer, &c.

5. Such licenses are required to be taken out even by clubs in which the cost of the intoxicating liquors is included in the annual subscription of the members. R. S., 857.

What clubs must have license.

SECTION XIII

RETAIL LIQUOR LICENSES

47. The conditions and formalities relative to the certificate required to obtain an inn license are in like manner applicable *mutatis mutandis* to the obtaining of licenses for the sale, by retail, of intoxicating liquors in shops, including the provisions enacted for the cities of Quebec and Montreal, except that the number of electors required upon the certificate shall be limited to three. R. S., 856.

Conditions applicable to retail liquors licenses.

SECTION XIV

WHOLESALE LIQUOR LICENSES

48. Licenses for the sale by wholesale of intoxicating liquors are granted simply upon payment to the proper collector of provincial revenue of the required duties and fees.

Condition required for wholesale liquor license.

Such license gives the holder thereof the right to employ and send commercial travellers throughout the Province to solicit and take orders in his interest, without any additional license being required therefor, provided such travellers have no fixed office or place of business in the Province other than that for which the license is issued.

Rights conferred.

SECTION XV

WHOLESALE AND RETAIL LIQUOR LICENSES

49. A license to sell intoxicating liquors by wholesale and retail shall be issued to any applicant who has complied

Conditions required for wholesale and

wholesale and retail liquor licenses. with the conditions and formalities enacted in article 47 respecting retail liquor shop licenses, and who has paid to the proper collector of provincial revenue the duties and fees fixed for wholesale liquor licenses.

SECTION XVI

SAMPLE AND COMMISSION LICENSES

Granting of sample and commission licenses. **50.** (1.) Sample and commission licenses are issued simply upon payment to the proper collector of provincial revenue of the required duties and fees. A sample and commission license gives the holder thereof the right to do business throughout the Province.

Where applicant has no fixed office, &c., who shall issue. 2. If the applicant for such license has no fixed office or place of business in this Province, the license shall be issued by the collector of provincial revenue of the district of Quebec, or by either of the collectors of the districts of Montreal East and Montreal West, at the option of the applicant.

Where applicant has such office. 3. If the applicant has a fixed office or place of business in the Province, the license shall be issued by the collector of provincial revenue of the district in which such office or place of business is situate. R. S., 855*b*.

SECTION XVII

BOTTLERS' LICENSES

Issue of bottler's licenses. **51.** Bottlers' licenses are granted simply on payment to the proper collector of provincial revenue of the required duties and fees. R. S., 857*c*.

SECTION XVIII

LICENSES FOR THE SALE OF CIDER AND NATIVE WINE

Conditions required for obtaining cider and native wine license. **52.** Licenses for the sale of cider manufactured by the vendor, and for the sale of native wine manufactured by the vendor from grapes or other fruit grown and produced in the Dominion of Canada, are granted simply upon payment to the proper collector of provincial revenue of the required duties and fees, save in the case provided for by the second clause of paragraph 20 of article 2.

Addition of imported grapes is allowed. Manufacturers of native wine are allowed to add to the native grapes twenty-five per cent. of imported grapes, raisins or currants. R. S., 857*b*.

SECTION XIX

SPECIAL LIQUOR LICENSES

53. A special license for the sale of intoxicating liquors at large gatherings, such as picnics of national or trade associations, and races, may be granted by the Provincial Treasurer to societies, clubs and corporations having control of the same, or to the person recommended by them, at such rates and conditions and for such time as may be determined by the said Provincial Treasurer. Special liquor licenses in certain cases.

No intoxicating liquors shall, however, be sold or given away by any person whomsoever, in village or rural municipalities, in the room or on the grounds where any auction sale, ploughing match, exhibition or political meeting is being held, nor during municipal or school elections, excepting beer and wines to be used at table for meals, under a penalty not exceeding fifty dollars, and, in default of payment, an imprisonment not exceeding one month. R. S., 857a. Proviso.

SECTION XX

DUTIES OF CLERKS AND SECRETARY-TREASURERS

54. The clerk or secretary-treasurer of every city, town or local municipality in this Province, and the clerk of the license commissioners in the cities of Quebec and Montreal shall, on the first day of the months of April, July, October and January in each year, transmit to the treasury department a statement under his oath of office of all certificates for obtaining inn, temperance hotel, restaurant, liquor shop and club licenses under this law, which during the three months then immediately preceding have been confirmed by the council or the commissioners, of which such clerk or secretary-treasurer is the officer; and, in default thereof, or in the event of any omission or false statement, the said clerk or secretary-treasurer shall be liable to a fine of twenty dollars and of two dollars for each day he neglects so to do. Duty of clerks, &c., to forward list of certificates confirmed. Penalty for default.

If, during such three months, no such certificates have been confirmed, such clerk or secretary-treasurer shall, under a like penalty, be obliged to make a return to that effect. If none confirmed.

This article applies also to the resolutions of municipal councils for the obtaining of licenses, granted under article 60, in municipalities where a prohibitory by-law is in force. R. S., 859a. Application of article to certain localities.

SECTION XXI

LICENSES WHERE PROHIBITORY BY-LAWS ARE IN FORCE

55. Whenever a municipal by-law shall have been passed and confirmed as by law required, prohibiting the sale of Case of prohibition of sale by municipal council.

of intoxicating liquors within the limits of the jurisdiction of any municipal council, and a copy of such by-law has been transmitted to the collector of provincial revenue entitled to the same, the collector of provincial revenue is forbidden to issue any of the licenses hereinbefore-mentioned for the sale of such liquors, excepting steamboat bar licenses, licenses of railway buffets and dining car licenses, which licenses are not affected by the present restriction.

When by-law
quashed.

Notwithstanding the quashing, by judgment of a court of justice, of such a by-law, the collector of provincial revenue shall not grant any such licenses, within two months from the rendering of such judgment, unless such judgment is final. R. S., 860.

Permission to
sell for medic-
inal pur-
poses.

56. In municipalities, in which there exists a by-law prohibiting the sale of intoxicating liquors, or where there is no person licensed to retail spirituous liquors, the sale of such liquors is permitted by the person licensed for that purpose, as provided in article 60, for medicinal purposes only or for use in divine worship, on the certificate of a physician or of a clergyman, and not otherwise. R. S., 861.

Penalties for
certain in-
fractions.

57. Any person, licensed under article 60, who sells any quantity whatsoever of intoxicating liquors, without the certificate required by articles 56 and 58, or who allows any such liquor sold by him to be drunk in his establishment or its dependencies, or who sells any such liquor outside the place and its dependencies for which the license has been obtained, shall be liable to the penalties imposed by article 137. R. S., 861*a*.

Granting of
certificate.

58. Such certificate can be given by a physician only to a patient under his immediate care, or by a clergyman only to a person whose spiritual adviser he is, *bonâ fide*, under penalty of a fine of thirty dollars for each contravention of this provision. R. S., 862.

Quantity to
be sold.

59. Not more than three half pints, imperial measure, shall, at any one time, be sold in virtue of such certificate, and no liquor, so sold, shall be allowed to be drunk on the premises, under the penalties enacted by article 137. R. S., 863.

Formalities
to obtain li-
cense author-
izing sale for
medicinal
&c., pur-
poses.

60. The sale of intoxicating liquor, in the cases mentioned in article 56, is confined to one person in each municipality; such person to be appointed for that purpose by a resolution of the municipal council, a certified copy of which must be deposited with the collector of provincial revenue of the district, who, on receipt thereof and of the

license duties as hereinafter provided, shall issue to the person named in such resolution a license to sell for medicinal purposes or for use in divine worship only. R. S., 864.

61. The license mentioned in article 60 shall not be granted to a proprietor of a temperance hotel, nor issued for a building used as a temperance hotel. R. S., 864a. Such license not to be issued to certain persons.

62. The person, so licensed, is bound to make a report, to the collector of provincial revenue, sworn to before a justice of the peace, on the first of every month, showing the names of the persons to whom he has sold liquor during the previous month, the quantity sold in each case, and upon whose certificate the sale was made, which certificate shall accompany the report. Report to be made.

The violation of any of the provisions of this article shall subject the person, so contravening, to a penalty of twenty dollars for each contravention. R. S., 865. Penalty for contravention.

63. The licenses mentioned in article 60 are further subject to such regulations as may be adopted by the Lieutenant-Governor in Council. R. S., 865a. Licenses subject to certain regulations.

SECTION XXII

FEEES AND DUTIES PAYABLE ON LICENSES ISSUED UNDER PART I OF THIS LAW

64. Preliminary to the granting of any of the licenses mentioned in this article, there shall be paid to the collector of provincial revenue by the person applying therefor, in addition to the duties comprised in the following tariff, a fee of one dollar, saving for hotel, tavern, temperance hotel, restaurant, retail liquor shop, wholesale liquor, and wholesale and retail liquor, licenses, for each of which a fee of five dollars shall be paid, of which three dollars shall belong to the Crown, and two dollars shall be retained by the collector. Fees and duties on licenses.

TARIFF OF DUTIES ON LICENSES

I. LICENSES FOR THE SALE OF INTOXICATING LIQUORS

1. On each license to keep an inn or restaurant, and for the sale therein of intoxicating liquors :

- a.* In the city of Montreal, four hundred dollars, if the annual value or rent of the premises for which the license is required, be four hundred dollars or less ;
—six hundred dollars, if the annual value or rent

be over four hundred dollars and less than eight hundred dollars ;—and eight hundred dollars, if the annual value or rent be eight hundred dollars or more ;

- b.* In the city of Quebec, two hundred and fifty dollars, if the annual value or rent be two hundred dollars or less ;—three hundred dollars, if the annual value or rent be over two hundred dollars and less than four hundred ;—five hundred dollars, if the annual value or rent be four hundred dollars and less than eight hundred dollars ;—and six hundred and fifty dollars, if the annual value or rent be eight hundred dollars or more ;
- c.* In every other city, two hundred dollars ;
- d.* In every town, one hundred and eighty dollars ;
- e.* In every village, regulated under the authority of the Municipal Code, one hundred and fifty dollars ;
- f.* In every section of organized territory, outside of a city, town or village, one hundred and twenty-five dollars ;
- g.* In every non-organized territory, ninety dollars ;
- Club. 2. On each license for the sale of intoxicating liquors in a club :
- a.* In the city of Montreal, three hundred dollars ;
- b.* In the city of Quebec, two hundred dollars ;
- c.* In every other part of the Province, one hundred dollars ;
- Railway buffet. 3. On each license for the sale of intoxicating liquors in a railway buffet :
- a.* In the city of Montreal, four hundred dollars, if the annual value or rent of the premises, for which the license is required, be less than four hundred dollars ;—six hundred dollars, if the annual value or rent be four hundred dollars and less than eight hundred dollars ;—and eight hundred dollars, if the annual value or rent be eight hundred dollars or more ;
- b.* In the city of Quebec, three hundred dollars, if the annual value or rent be less than four hundred dollars ;—and five hundred dollars, if the annual value or rent be four hundred dollars or more ;
- c.* In every other city, two hundred dollars ;
- d.* In every town, one hundred and fifty dollars ;
- e.* In every other part of the Province, one hundred and twenty dollars ;
- Dining car. 4. On each dining car license, authorizing the sale of beer and wine on railway trains, fifty dollars ;
- Beer and wine. 5. On each license to sell, exclusively, wine, ale, beer, lager beer, porter and cider, seventy-five per cent of the amount of license

license duty required to keep an inn or a restaurant, as the case may be, in the locality for which such license is applied for :

6. On each license for a steamboat bar, for the sale therein of intoxicating liquors, three hundred dollars ; Steamboat bar.
7. On each license for the sale of intoxicating liquors at the mines or in any mining district or division, such sum as the Lieutenant-Governor in Council may determine, provided that, in no case, shall such sum be less than one hundred and twenty-five dollars ; Mines.
8. On each retail liquor shop license : Retail liquor shop ;
 - a. In each of the cities of Montreal and Quebec, twenty-five dollars, and one hundred and twenty-five per centum of the annual value or rent of the premises for which the license is required ; provided that, in no case, shall the duties on such license be less than two hundred dollars or more than four hundred dollars ;
 - b. In every other city, two hundred dollars ;
 - c. In every town, one hundred and sixty dollars ;
 - d. In every other part of organized territory, one hundred and twenty-five dollars ;
 - e. In every non-organized territory, seventy dollars ;
9. On each wholesale liquor, and wholesale and retail liquor license : Wholesale and retail liquor ;
 - a. In each of the cities of Montreal and Quebec, twenty-five dollars and one hundred and twenty-five per centum of the annual value or rent of the premises for which the license is required ; provided that, in no case, shall the duties on such license be less than two hundred and eighty dollars or more than five hundred and twenty dollars ;
 - b. In every other city, two hundred and twenty-five dollars ;
 - c. In every town, two hundred dollars ;
 - d. In every other part of the province, one hundred and sixty dollars ;
10. On each license to sell intoxicating liquors, by sample or on commission : Sample or commission.
 - a. If the licensee has no fixed office or place of business in the Province, four hundred dollars ;
 - b. If the licensee has a fixed office or place of business in the Province, the rate of the duty shall be the same as enacted for wholesale liquor licenses ;
11. On each license for the sale of fermented liquors bottled by the holder of such license : Bottler.
 1. If the bottler is at the same time a brewer :
 - a. For the island of Montreal, two hundred dollars ;

- b. For the city and county of Quebec, two hundred dollars ;
- c. For any other county, one hundred and fifty dollars ;
2. If he is not a brewer :
- a. In the cities of Montreal and Quebec, one hundred and twenty-five dollars ;
- b. In any other county outside of the cities of Montreal and Quebec, ninety dollars ;
3. For each vehicle used by brewers and bottlers, ten dollars ;
12. On each license to sell liquors for medical purposes or for use in divine worship, in municipalities where a prohibitory by-law is in force :
- a. In every city, two hundred dollars ;
- b. In every town, one hundred and sixty dollars ;
- c. In every part of organized territory outside of a city or town, one hundred and twenty-five dollars ;
- d. In every non-organized territory, seventy dollars ;
13. On each license to sell apple cider or native wine manufactured by the vendor :
- a. In the city of Montreal, eighty dollars ;
- b. In the city of Quebec, sixty dollars ;
- c. In every other city, forty dollars ;
- d. In every town, twenty-five dollars ;
- e. In every village, fifteen dollars ;
- f. In any other part of the Province, ten dollars ;

Sales for medical, &c., purposes.

Apple cider or native wine.

Temperance hotel.

II. TEMPERANCE HOTEL LICENSES

14. On each license to keep a temperance hotel :
- a. In the city of Montreal, fifty dollars ;
- b. In any other organized territory, ten dollars ;
- c. In non-organized territory, five dollars. R. S., 878.

SECTION XXIII

LICENSES IN PLACES UNDER THE CANADA TEMPERANCE ACT

Licenses not to be granted in certain localities.

Exceptions.

Duties of collectors of provincial revenue.

65. No license for the sale of intoxicating liquors shall be issued or take effect within any county, city, town, village, township, or other municipality in the Province of Quebec, within which any by-law for prohibiting the sale of liquor under the Canada Temperance Act is in operation, except such licenses as are referred to in subsections 3, 4 and 8 of section 99 of the said act. R. S., 879.

66. Every collector of provincial revenue, appointed under the provisions of this law, shall, within the limits of the district

district for which he is appointed, exercise and discharge all his powers and duties for the enforcement of the provisions of the second part of the Canada Temperance Act, as well as of this law, so far as the same apply, within the limits of any county, city, town, village, township or other municipality, in which any by-law under the said Canada Temperance Act is in operation. R. S., 880.

67. A wholesale license, to be obtained under and subject to the provisions of this law, so far as the same may apply, shall be necessary in order to authorize and make lawful any sale of liquor in the quantities allowed by subsection 8 of section 99 of the Canada Temperance Act. R. S., 881.

Wholesale license required in certain cases.

68. The sale of intoxicating liquors without license, in municipalities where the Canada Temperance Act is in operation, shall be held to be a contravention of the provisions of this law. R. S., 882.

Certain sales to be offences.

69. The following duties on licenses, issued under and in pursuance of subsections 3, 4 and 8 of section 99 of the Canada Temperance Act, shall be payable to the collector of provincial revenue, previous to the granting of the different licenses, viz :

Duties on licenses under Canada Temperance Act.

1. On each druggist's or other vendor's license for the sale of liquor, for sacramental, medicinal and mechanical purposes :

Druggist's, &c., licenses.

- a. In cities, two hundred dollars ;
- b. In towns, one hundred and sixty dollars ;
- c. In all other municipalities, one hundred and twenty-five dollars ;
- d. In unorganized territory, fifty dollars ;

2. On each wholesale license :

- a. In cities, two hundred and twenty-five dollars ;
 - b. In towns, two hundred dollars ;
 - c. In all other parts of the Province, one hundred and sixty dollars. R. S., 883.
- Wholesale license.

70. All sums received for duties on such druggists' or other vendors' licenses and on wholesale licenses issued in municipalities in which the Canada Temperance Act is in operation, shall be paid by the collector of provincial revenue to the Provincial Treasurer and shall form part of the consolidated revenue fund. R. S., 884.

Application of sums received for certain licenses.

SECTION XXIV

PROVISIONS RESPECTING VALUATION

Rent, how established.

71. The rent or annual value, fixing the rate of licenses under the provisions of article 64, is taken from the valuation roll for municipal purposes then in force, subject to the provisions of article 75. R. S., 885.

Certificate of valuation required.

72. To every application for license, the duty whereof is regulated by the amount of the rent or annual value, there must be annexed a certificate of the valuation, contained in the valuation roll, of the house and dependencies or premises for which such license is sought, which valuation shall include, not only the rooms used for the purposes required for such license, but also all other rooms in the same house and dependencies, which are occupied by the licensee or intended so to be for any purpose whatever, delivered by the city clerk or secretary-treasurer, who is bound to deliver such certificate, whenever thereto required, under a penalty of fifty dollars for each contravention.

What the valuation shall include in certain cases.

In cases in which there is no communication from within between the parts of a building used for the purposes of the license and the parts of the same building used for other purposes, the valuation shall include only the parts of the building which are intended to be used for the purposes of the license. R. S., 886.

Penalty if certificate does not give actual rent or annual value.

73. If the certificate of the secretary-treasurer, clerk or treasurer of the municipality, annexed to the application for license, does not give the real actual rent or annual value, and has been obtained owing to incorrect information supplied to the assessors or valutors, the applicant presenting such certificate shall be liable to a penalty of not less than one hundred dollars, and not exceeding two hundred dollars, and imprisonment of three months in default of payment, and the license commissioners shall further have power, at any time, to cancel the license granted upon such application. R. S., 886*a*, *in part*.

Penalty against assessor, &c., who is a party to the understatement of rent, &c.

74. Every assessor or valuator against whom it is proved that he is cognizant that the rent or annual value is understated in such certificate, and that he is a party thereto, also incurs a penalty of not less than one hundred dollars, and not exceeding two hundred dollars, and an imprisonment of not less than three months nor more than six months, in default of payment. R. S., 886*a*, *in part*.

75. In any case in which the collector of provincial revenue is of opinion that the valuation mentioned in articles 71 and 72 is too low, he has the right to value the premises or to have them valued by a competent person; and the valuation so obtained shall be submitted to the license commissioners, who, after hearing the parties and their proof in a summary manner shall decide thereupon; such decision shall be final and shall not be susceptible of being petitioned against by *certiorari* or of appeal or otherwise; and in the event of the discovery of any fraud, the parties guilty thereof shall incur the penalties prescribed by the provisions of articles 73 and 74, and may be prosecuted thereunder.

Valuation by collector in certain cases.

SECTION XXV

POWERS OF THE LIEUTENANT-GOVERNOR AS TO THE REDUCTION OF THE DUTY ON LICENSES

76. The Lieutenant-Governor in Council may, by regulation, when and so often as he deems it expedient, reduce the rate of duty on licenses mentioned in article 64, provided that such rate be not below the rate imposed by the fifth section of the Imperial Act, fourteenth George III, chapter eighty-eight. R. S., 887.

Powers of Lieut.-Governor in Council to reduce duty on licenses.

77. The duties imposed by this law on licenses for inns, restaurants, steamboat bars, railway buffets or liquor shops, include those imposed by the said Imperial Act; but, should the said act be hereafter repealed, such repeal shall not have the effect of reducing the amount of such duties. R. S., 889.

Imperial duties are included in the duties on certain licenses.

SECTION XXVI

DUTIES OF COLLECTORS OF PROVINCIAL REVENUE AS REGARDS THE ISSUING OF LICENSES

78. Under the restrictions and exceptions hereinabove imposed, it is the duty of each collector of provincial revenue, on proof being furnished to him of the fulfilment of all the formalities, on payment being made to him of the requisite duties for the issue of the licenses hereinabove mentioned, and on application being made to him, to issue, within the limits of his jurisdiction, any of the above licenses.

Duties of officer in relation to the issue of licenses.

The same rule applies to the officer named for the issuing of tavern licenses at the mines. R. S., 892.

SECTION XXVII

PENALTIES

§ 1.—*Penalties for selling intoxicating liquors in a mining division*

Lieutenant-Governor may by proclamation declare this paragraph in force in any or in all mining divisions.

Penalties for selling without license in a mining division.

Penalty for selling or exchanging liquors, &c.

Guilt of person in employment of others illegally selling liquors.

What constitutes a sale or exchange of intoxicating liquors.

79. The Lieutenant-Governor in Council may, by proclamation issued and published for that purpose in the usual manner, when mines are in operation and when the public interest requires the same, declare that this paragraph shall apply to any or all the mining divisions of the Province or to any part thereof; and, after such proclamation, whosoever, in such mining division or part thereof, sells or barter any intoxicating liquors, within a radius of five miles from any mine that is being worked, without having first obtained a license for that purpose, from the inspector of the division, under the mining act, is liable to the following penalties, to wit: for a first offence, a fine not less than seventy and not more than one hundred dollars; for a second offence a fine of two hundred dollars, and, in either case, in default of payment, imprisonment for a period of three months, and for a third offence, imprisonment for three months without the option of a fine. R. S. 893.

80. Whosoever, in such mining division or part thereof, by himself or his clerk, servant or agent, exposes or keeps for sale, directly or indirectly, under any pretext, or by any device, sells or barter for any consideration whatsoever or gives to any other person any intoxicating liquor, or any mixed liquor part of which is intoxicating, incurs the penalties enacted by article 84. R. S., 894.

81. Whosoever, in the employment or on the premises of another, exposes or keeps for sale, or sells, or barter, or gives intoxicating liquor, in violation of articles 79 or 80, is deemed to be equally guilty with his principal and incurs the same penalties. R. S. 895.

82. In such mining division or part thereof, the delivery of intoxicating liquor of any kind, in or from any building, booth or place, other than a private dwelling house or its dependencies, or in or from any dwelling house or its dependencies, if any part thereof be used as an inn, eating house, grocery, shop, or other place of common resort,—such delivery in either case, being to any one not *bonâ fide* a resident therein,—is *primâ facie* deemed sufficient evidence of and punishable as a sale and barter of intoxicating liquor in violation of this paragraph. R. S., 896.

83. Any delivery of intoxicating liquor in or from a private dwelling house, or its dependencies, or in or from any other building or place whatever to any one, whether resident therein or not, with payment or promise of payment, either express or implied, before, on or after such delivery, is *prima facie* deemed sufficient evidence of and punishable as a sale and barter of intoxicating liquor in violation of this paragraph. R. S., 897.

§ 2.—*Penalties for illicit sale of intoxicating liquors and for certain fraudulent practices*

84. Subject to the provisions of article 79, any one who keeps, without a license to that effect still in force, an inn, restaurant, steamboat bar, railway buffet, or liquor shop for the sale, by wholesale or retail, of intoxicating liquors, or who sells, in any quantity whatsoever, even by sample or on commission, intoxicating liquors, in any part whatsoever of the Province, shall be liable for the first contravention, to a fine of not less than thirty dollars nor more than one hundred dollars in the discretion of the court, and, in default of payment of the said fine, to imprisonment in the common gaol for a period of three months; if convicted thereof a second time, such person shall be liable to a fine of not less than one hundred dollars nor more than one hundred and fifty dollars, and, in default of payment, to imprisonment for a period of three months; and for the third and every subsequent offence the offender shall be condemned to an imprisonment of not less than three nor more than six months, without the option of a fine. R. S., 898, *in part*.

Penalty for keeping tavern, &c., or selling liquor without license.

First offence.

Second offence.

Third offence, &c.

85. Any one who keeps a temperance hotel, without a license to that effect, still in force, as by law prescribed, is liable for each contravention, to a fine of not less than twenty dollars nor more than forty dollars, in the discretion of the court. R. S., 898, *in part*.

Penalty for keeping temperance hotel without license.

86. Any railway company or person in charge of a dining or buffet car on a railway train, who sells intoxicating liquors in any part whatsoever of this Province, without a license to that effect still in force, or whilst holding a dining car license, sells other intoxicating liquors than those allowed by such license, or otherwise contravenes the provisions of this law, shall be liable for each offence to a fine of one hundred dollars. R. S., 898*a*.

Penalty for selling liquors in dining or buffet car, without license, &c.

87. Every agent or commercial traveller selling intoxicating liquors in this Province in the interest of a person or firm, whose principal place of business is beyond the limits of the Province

Sample or commission license required in certain cases.

Province, is required to take out a sample or commission license, whether such agent or traveller be employed by such person or firm at a fixed salary or on commission, under a penalty of one hundred and fifty dollars or an imprisonment of three months for each contravention.

Penalty for selling under a liquor shop license less than a certain quantity.

88. Any one holding a retail liquor shop license, or a wholesale and retail liquor license, and who sells in such shop, or in any place whatsoever, within the limits of this Province, any intoxicating liquors in quantity less than one imperial pint, of one and the same kind of liquor, at one and the same time, or holding only a wholesale liquor shop license, sells in such shop, or within the above-mentioned limits, any of said liquors, in quantity less than two imperial gallons, or one dozen bottles, containing not less than one imperial pint each, of one and the same kind of liquor, at one and the same time, the whole of the said two gallons or one dozen bottles to be removed at once from the premises, shall become liable to the penalties enacted by article 137. R. S., 900, *in part*.

Penalty for selling outside licensed premises.

89. Any person holding a license under this law, who sells, in any quantity whatsoever, intoxicating liquors, outside the place and its dependencies, or, in the case of bottlers, outside of the county, for which the license has been obtained, saving always the rights conferred by articles 47, 48, 49, and 50 upon holders of wholesale or retail licenses and sample and commission licenses, in respect of commercial travellers, is liable to the penalties enacted by article 137. R. S., 900, 901, *in part*.

Saving rights of certain parties.

Penalty for not taking precautions to prevent illegal drinking of liquors.

90. Every licensee for the sale of intoxicating liquors in shops, but not for keeping a house of entertainment, who does not take the measures or precautions necessary to prevent intoxicating liquors, sold therein, from being drunk in the said shop or its dependencies, either by the purchaser, or by a person not residing with or in the employ of the vendor, shall be liable to the penalties enacted by article 137.

What to be considered want of necessary precaution.

Every such person, in whose shop or dependencies thereof intoxicating liquors are drunk either by the purchaser or by a person not residing with, or in the employ of the vendor; shall be deemed not to have taken the measures or precautions necessary to prevent such infraction.

Proof of knowledge, &c.

Proof that liquors are frequently or habitually sold in the dependencies of the shop of such person is deemed to be proof that such person has knowledge of and allows such infractions. R. S., 901, *in part*.

91. Any person holding a license under this law, who sells intoxicating liquor to any one under eighteen years of age, or in whose place of business or the dependencies thereof, intoxicating liquor is so sold by any person in his employ or acting for him, is liable to the penalties enacted by article 137. Sale to minors under eighteen prohibited.

No intoxicating liquor shall at any time be sold to any person under eighteen years of age in a club licensed under article 46. Idem in clubs.

In prosecutions for the sale of liquor to a person alleged to be under eighteen years of age, the burden of proof that such person is fully eighteen years of age shall fall upon the defendant. R. S., 901 *in part*, 921 *in part*, 921a. In prosecutions for the same *onus probandi* on defendant.

92. Any person under eighteen years of age, found in the drinking bar of any hotel or restaurant and not giving a satisfactory account of himself, shall be liable to a fine not exceeding two dollars, and, in default of payment, an imprisonment not exceeding two weeks. R. S., 921, *in part*. Penalty on minors under eighteen frequenting bars, &c.

93. Any person under eighteen years of age, who is convicted of purchasing intoxicating liquor for his own use, shall be condemned to a fine not exceeding ten dollars, and, in default of payment, to an imprisonment not exceeding one month. Penalty on minor purchasing intoxicating liquor.

94. If any person, holding a license, purchases or receives from any person, any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, furniture or provisions, either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any intoxicating liquor or the price thereof, or receives from any person any goods in pawn, any judge of the sessions, recorder or police magistrate, or any two justices of the peace, on sufficient proof of the facts being made on oath before him or them, may issue his or their warrant for the restitution of all such property, and for the payment of costs; and, in default thereof, the warrant shall contain directions for levying by sale of the offender's goods to the value of such property so pawned, sold, or bartered, and costs, and the offender shall also be liable to a penalty not exceeding twenty dollars. R. S., 901a. Penalty for purchasing, &c., wearing apparel, &c., for liquors, &c.

95. The purchaser of intoxicating liquors in a licensed shop is forbidden to drink, or cause any one to drink, or to allow the said liquors to be drunk, in the shop where the same have been purchased or in the dependencies thereof, under a fine of not less than five dollars and not more than twenty dollars for each contravention. R. S., 902. Penalty for illegal drinking of liquors sold.

Penalty if intoxicating liquors are drunk in temperance hotels.

96. Every person licensed to keep a temperance hotel, who allows, or who does not take the measures or precautions necessary to prevent intoxicating liquors being drunk in his house or dependencies, incurs a fine of twenty dollars for each contravention. R. S., 903.

Penalty if steamboat bar open while vessel in port or at a wharf.

97. Every proprietor or master of a steamboat or vessel holding a license under this law, who allows his steamboat bar to remain open, or who sells or allows intoxicating liquors to be sold on board, during the time that such steamboat or vessel is staying in a port, or at a wharf, or at any place of disembarkation, is liable to a fine of one hundred dollars for each contravention. R. S., 904.

Penalty for exposing sign, &c., to induce belief of being licensed.

98. Any person, not being the holder of any one of the licenses herein above-mentioned, who exhibits, causes to be exhibited or allows the exhibition, in or on any part of his house or its dependencies, or his vehicles, of any sign, inscription, painting, or any other sign whatsoever, of a nature to induce the public or travellers to believe that the sale of intoxicating liquors is authorized therein in any quantity, and that he is the holder of a license to that effect, shall be liable to a fine of thirty dollars for each contravention.

Penalty for inducing to believe that different license is held.

The same penalty is incurred by any licensee, who, by any of the means mentioned in this article, seeks to induce the public or travellers to believe that he holds a different license from that which has been granted to him. R. S., 905.

Penalty for keeping liquors without license.

99. Any one, not being a licensee as hereinabove mentioned, who keeps or allows to be kept in his house or dependencies, in storage or otherwise, for the purpose of making a sale thereof, any intoxicating liquors, shall be liable to the penalties enacted in article 84.

Presumption in such case.

The finding of such liquors upon such premises shall be a presumption that such liquors are there kept for the purpose of sale, and proof of anterior facts may be adduced at the trial in support of such presumption. R. S., 906.

Penalty on certain traders keeping liquor in their places of business.

100. No person carrying on any business whatsoever, and not licensed for the sale of intoxicating liquors, shall keep in his place of business or in the dependencies thereof, any quantity whatsoever of intoxicating liquors, under a penalty of the confiscation of said liquors, in addition to the penalties enacted by article 84.

Presumption in such case.

The finding of such liquors upon such premises shall be a presumption that such liquors are there kept for the purpose of sale; and the revenue police constables or any officers employed by the Government are authorized to

seize such intoxicating liquors without having a warrant. R. S., 907.

101. The judgment inflicting such penalty shall order the confiscation of the said liquors and vessels. Confiscation of liquors and vessels.

The collector of provincial revenue shall have the liquors and vessels, so confiscated, sold by private sale or by auction, according to the instructions which are given him by the Provincial Treasurer; and the collector of provincial revenue shall retain one-third of the price realized and remit the remaining two-thirds to the Provincial Treasurer. R. S., 908. Sale thereof by collector of provincial revenue.

102. Any person not licensed under this law for the sale of intoxicating liquors, who, at any time during which he does not hold a license therefor, keeps a bar open to the public for the sale of such liquors, or exposes the same for sale in a shop or place of business, is liable to the penalties enacted by article 84; and the keeping of any such bar or intoxicating liquors so exposed shall be *prima facie* evidence that the liquors thus kept or exposed are so kept for purposes of sale, without it being necessary to prove any sale thereof. R. S., 908a. Penalty for keeping bar open when not licensed.

103. The court, before which the complaint is heard, may, upon satisfactory proof to that effect, revoke the license of the keeper of any hotel, inn or restaurant, who permits any one to become intoxicated therein, or who allows any disorder whatsoever to occur therein, without prejudice to the other penalties imposed by law. R. S., 909. License may be revoked.

104. Articles 84, 99 and 100 shall not prevent any brewer, distiller or other person, duly licensed by the Government of Canada for the manufacture of intoxicating liquors, from keeping or selling any liquor manufactured by him in any building wherein such manufacture is carried on, provided such building forms no part of and does not communicate by any entrance with any shop or premises wherein any intoxicating liquor is sold by retail, or wherein is kept any broken package of such liquor; but every such brewer, distiller or other person shall first obtain a wholesale liquor license, or a bottler's license, as the case may be, to sell under this law the liquors so manufactured by him. R. S., 909a. Interpretation to be given to articles 84, 99, and 100 as to brewers, distillers, &c.

105. The said articles 84, 99 and 100 shall not prevent any chemist or druggist, duly registered as such under and by virtue of the Quebec Pharmacy Act, from selling intoxicating liquors for strictly medicinal, sacramental or mechanical purposes, under certificate from a registered medical Idem, as to chemists and druggists, &c.

practitioner, if for medicinal purposes, or a clergyman, if for sacramental purposes, or from the purchaser and a justice of the peace, if for mechanical purposes, and then only in quantities not exceeding one pint, imperial measure, at a time ; but every such chemist or druggist who wishes to sell intoxicating liquors without such certificate, or to sell such liquors in quantities exceeding an imperial pint, must be the holder of a retail liquor shop license, or a wholesale liquor license, or a wholesale and retail liquor license, under the penalties prescribed by article 84.

Proviso.

Duties of chemist, &c., not licensed, as to sales of liquor.

Every chemist or druggist, who is not the holder of a license under this law for the sale of intoxicating liquor, shall keep a register of his sales of such liquor in the form to be determined by the Lieutenant-Governor in Council, in which register he shall enter in separate columns, besides such other information as the Lieutenant-Governor in Council may see fit to require, the date of each sale, the nature and quantity of the liquor sold, the name of the purchaser and that of the signer of the certificate under which the sale was made.

Certificates, &c., to be kept and numbered, &c.

He shall also preserve the certificates and number them, and the register shall contain a separate column in which the numbers of the certificates shall be entered. Whenever required to do so by the collector of provincial revenue or any person authorized by him, every such chemist or druggist shall exhibit to him such register and certificates and afford to him an examination of the same.

Penalties.

In default of complying with any of the requirements of this article, every such chemist or druggist shall incur the penalties prescribed by article 84. R. S., 909b.

Bedrooms and beds required in country parts.

106. Each inn and temperance 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 travellers. R. S., 910.

Stabling for horses, &c.

Provisions, &c.

107. The master of such inn or temperance 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. R. S., 911.

Kitchen and suitable table in city or town.

108. Every inn or temperance hotel, 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 at least five bedrooms in addition to the lodging apartments of the family. R. S., 912.

109. Every restaurant must be suitably furnished to provide meals for at least ten persons at a time. R. S., 913. Restaurant to be furnished to provide meals.

110. The master of every such inn, temperance hotel or restaurant shall, at all times, on demand of the collector of provincial revenue or his deputy, exhibit his license, which he shall keep constantly exposed to the view of the public, in the bar of his establishment or in some other place approved of by the collector of provincial revenue. R. S., 914. License exposed and exhibited.

111. He shall cause to be painted in legible characters, at least three inches high and broad in proportion, immediately above the outside of the door of his house, his name in full, with the words, where it is an inn or restaurant: "Licensed to retail spirituous liquors," or, "Licensed to retail intoxicating liquors," or "Licensed wine and beer house," and, where it is a temperance hotel, "Licensed to keep a temperance hotel," under the penalties mentioned in article 137. R. S., 915. Inscription above the door.

112. If such establishment be situated in the country parts, the master thereof must moreover expose and keep exposed, during the whole period of his license, a similar inscription or sign, composed of letters, not less than four inches high, and wide in proportion, on his house or on the top of a post, or several posts, of sufficient height, close to his house, to indicate it to travellers, under the penalties mentioned in article 137. R. S., 916. Signs in country parts.

113. Every bottler shall cause to be painted in legible letters, of at least two inches in height and a proportionate width, on both sides of his vehicle his name at full length, adding thereto the word "licensed," under a penalty of twenty dollars for each contravention. R. S., 917. Duties of bottlers with respect to their vehicles.

114. Every inn, temperance hotel, restaurant, tavern at the mines, steamboat bar and railway buffet, shall be kept peaceably, and order shall be maintained therein. R. S., 918. Good order required.

115. No gambling is allowed therein, under the penalties mentioned in article 137 against the keeper or master of each such inn, temperance hotel, restaurant, tavern at the mines, steamboat bar and railway buffet, for each contravention. R. S., 919. Gambling prohibited.

116. Not more than one drinking bar shall be kept therein, under the penalties mentioned in article 137. R. S., 920. No more than one drinking bar.

Sale to
drunken per-
sons, &c., for-
bidden.

117. Intoxicating liquors shall not at any time be knowingly sold therein to drunken persons, nor, after the hour of eight in the evening, to soldiers, sailors, apprentices or servants, known as such by the master of the house. R. S. 921, *in part*.

Duties of gro-
cers as to ac-
counts for li-
quors sold.

118. Every grocer, in the account which he delivers to his customers for sales made by him, shall enter his sales of intoxicating liquor separately from his other sales.

Penalties
against clubs
for certain
offences.

119. Every club licensed under article 46 for the sale of intoxicating liquors, in which such liquor is sold in contravention of the constitution, rules and regulations of such club which were submitted to the Provincial Treasurer previous to the granting of such license, is liable to the penalties prescribed by article 137. R. S., 921*aa*.

Who may be
prosecuted
for offences in
clubs.

120. Prosecutions for the illicit sale of intoxicating liquors in clubs licensed under article 46 may be taken either against the manager of the club or the actual vendor of the liquor, or against the club as a body corporate; in the latter case the judgment shall, in default of payment of the penalty, be executed as provided by article 207. R. S., 921*b*.

Sale of liquors
prohibited on
certain days
and during
certain hours.

121. Subject to the provisions of article 1111 of the Revised Statutes, intoxicating liquors shall not be sold in any inn or restaurant at any place in the Province, or in any tavern at the mines, on any day of the week from midnight until five o'clock in the morning, or during the whole of any Sunday, unless on a special demand for medicinal purposes, signed by a medical practitioner or by a justice of the peace, and produced by the purchaser.

Liquors not
to be drunk
on premises.
Bars to be
closed.

The liquors, so sold on special demand, shall not be drunk on the premises.

During the time when the sale of liquors is prohibited, all the bars shall be kept closed. R. S., 922.

Sale in liquor
shops prohib-
ited on cer-
tain days and
during cer-
tain hours.

122. Intoxicating liquor shall not be sold in any liquor shop, whether wholesale or retail, or in the dependencies thereof, nor by any bottler, at any place in the Province, on any day of the week from midnight until four o'clock in the morning, or during the whole of any Sunday, unless on a special demand for medicinal purposes, signed by a medical practitioner or by a justice of the peace, and produced by the purchaser. R. S., 922*a in part*.

Liquor shops,
&c., to be
closed.

123. During the time sales are prohibited under article 122, all such liquor shops and bottlers' establishments shall be kept closed. R. S., 922*a in part*.

124. Subject to the provisions of article 1111 of the Revised Statutes, and article 122 of this law, during the time when, under any law of this Province, the sale of intoxicating liquors is prohibited, no such liquors can be delivered to any person even gratuitously in any place of business or dependencies thereof of such licensed persons. R. S., 923.

Delivery of liquor prohibited during time of sale is prohibited

125. In prosecutions for keeping open, selling or giving during prohibited hours, any intoxicating liquor, in virtue of any law whatsoever of this Province, the court has a right to convict if one or other of these offences is proved, provided they relate to the same circumstances. R. S., 923a.

Power of court in certain prosecutions.

126. Every person, who obtains intoxicating liquor in contravention of the provisions of the law, either by purchasing the same from the premises of an unlicensed person, or by obtaining them, even gratuitously, from the premises of a licensed person, but outside the hours and conditions required by this law and the provisions of article 1111 of the Revised Statutes, is liable to a fine of not less than five dollars nor more than twenty-five dollars, and, in default of payment, to imprisonment of not less than two weeks nor more than one month. R. S., 923b.

Penalty against purchasers of intoxicants.

127. No penalty enacted by this law against persons obtaining liquor either from holders of licenses thereunder or from unlicensed persons, shall be incurred by revenue officers or other persons employed by the Government for the enforcing of the said law, nor to those acting under the instructions of the said officers or persons, provided the said officers or persons be acting in their official capacity.

Revenue officers do not incur such penalty.

128. Any person licensed under this law may refuse to admit to the premises for which his license is granted any person who is intoxicated, and may refuse to admit to, and may turn out of such premises any person who is violent, quarrelsome or disorderly, and any person whose presence in his premises would subject such licensed person to a penalty under this law.

Licensee may refuse admission to certain persons, &c.

Any such person, who, upon being requested, in pursuance of this article, by such licensed person or his agent or servant, or any constable, to quit such premises, refuses or fails so to do, shall be liable to a penalty not exceeding twenty dollars, and in default of payment, to an imprisonment not exceeding one month, or, in the discretion of the court, such offender may be simply condemned to such imprisonment, without the option of a fine; and all constables are required, on demand of such licensed person, his agent or servant, to expel or assist in expelling any such

Penalty if person refuse to leave premises, &c.

person from such premises, and may use such force as may be required for that purpose. R. S., 923c.

Penalty against licensee harboring constables on duty.

129. If any person licensed to sell intoxicating liquors under this law, knowingly harbors, or knowingly suffers to remain in his premises, any constable during any part of the time such constable is on duty, unless for the purpose of keeping or restoring order, or in the execution of his duty, or supplies any liquor or refreshments whatever, by way of gift or sale, to any constable on duty, unless by authority of some superior officer of such constable, or bribes or attempts to bribe any constable, or gives or lends to, or procures for any constable, any money or other articles of value, he shall be liable to a penalty not exceeding fifty dollars, and, in default of payment, imprisonment not exceeding one month. R. S., 923d.

One condemnation only for one offence.

130. No offender against the provisions of articles 121, 122, 123 and 124, or against those of section fourteen of chapter five of title four of the Revised Statutes respecting the closing of taverns, shall be liable to more than one condemnation for one and the same offence. R. S., 924.

Where no trade in groceries, &c., can be carried on.

131. Whilst the license is in force, with the exception of licenses for liquor shops, no trade in groceries, provisions, sweetmeats or fruits, can be carried on in the licensed premises, either directly or indirectly, for the benefit of the licensee. R. S., 925 *in part*.

Inns, &c., not to refuse travellers.

132. No licensee for an inn or temperance hotel can refuse to receive and harbor travellers without just cause. R. S., 925 *in part*.

Restaurant not to receive travellers.

133. No licensee for keeping a restaurant can receive or harbor travellers. R. S., 925 *in part*.

Penalties on holders of beer and wine licenses for illegal sales.

134. Whosoever, being the holder of a beer and wine license, or a cider license, or a license for the sale of native wine, shall sell other liquor than that authorized by such license, or in any other manner contravene the provisions of this law or the conditions under which such license was granted, shall be liable to a fine of fifty dollars for each offence or imprisonment for three months in default of payment.

Cancellation of license.

In addition to the fine, the license of such offender shall be cancelled and shall not be renewable during that year. R. S., 925a.

135. Every person, holding a license under this law, who does not, throughout the whole year for which he holds such license, comply with the conditions under which such license was granted, is liable, for each contravention, to the penalties provided in article 137. R. S., 925*b*.

Penalty for not complying continuously with conditions of license.

136. Any person, whether he be or be not licensed to sell intoxicating liquors, who sells such liquors, representing them as not being intoxicating, or who sells or exposes for sale intoxicating liquors in bottles or other vessels labelled or marked as containing non-intoxicating liquors, shall incur the penalties prescribed in articles 84 or 137, as the case may be. R. S., 925*c*.

Penalty for selling intoxicants as non-intoxicating, &c.

137. Every infraction of the first part of this law by any person holding a license thereunder for the sale of intoxicating liquors, in respect of which infraction no other penalty is enacted therein, is punishable, for a first offence, by a fine of not less than thirty nor more than seventy-five dollars, and, in default of payment, by an imprisonment of three months; for a second offence, by a fine of not less than seventy-five nor more than one hundred and twenty dollars, and, in default of payment, by an imprisonment of three months; and for a third offence, by a fine of not less than one hundred and twenty nor more than two hundred dollars, and, in default of payment, by an imprisonment of three months; and upon conviction for such third offence, the license may be annulled, and during that year no similar license shall be granted to the offender.

Penalties against licensees for infractions of license law, not otherwise provided.

If, on a prosecution for a second offence, the first conviction is not proved, the court may nevertheless condemn the defendant if the proof is sufficient, and impose the penalty fixed for a first offence.

On prosecution for second offence if first not proved, conviction for first. Penalties for third and subsequent offences.

In like manner, on a prosecution for a third offence or any other subsequent offence, the court may impose the penalty fixed by law for a second or a first offence, as the case may be, instead of annulling the license, if the prosecution does not prove the first or the second or the two preceding convictions, although not prayed for. R. S., 926.

138. For an offence to be considered a second or third offence, within the meaning of article 137, it is not necessary that such offence be of the same kind as those previously proved. R. S., 926*a*., *in part*

What shall constitute a second and third offence.

139. For an offence to be considered a third offence, within the meaning of article 137, it must have been committed within eighteen months of the first offence. R. S., 926*a*., *in part*.

What shall constitute a third offence.

Power of
magistrate to
punish for
second or
third offence
in certain
cases.

140. The magistrate before whom a prosecution for an infringement of this law has been instituted, may ascertain, before judgment, whether the offence is a second or third offence, although the same be not alleged in the complaint; and, if it be established that it is a second or a third offence, he shall order the complaint to be amended accordingly, and render judgment as for such second or third offence, as the case may be. R. S., 926e.

Revocation of
license may
be pronounced
in certain
cases.

141. If a licensee to sell intoxicating liquors or to keep a temperance hotel be condemned for a contravention of this law, the court pronouncing the judgment may annul his license; if such licensee be convicted of keeping a disorderly house or of any other indictable offence mentioned in any statute, or if he be sentenced to imprisonment in the common gaol with hard labor or in the penitentiary, he shall incur the loss of his license, and no similar license shall be again granted him during the three years next after the judgment of the court. R. S., 927, 936.

Notification
to licensee in
such case.

142. When the collector of provincial revenue has been informed by the court or by the clerk of the court of the annulment of any license, he shall notify the licensee of such annulment and, thereupon, such license becomes null and void. R. S., 937.

If licensee
continue to
sell.

143. If any licensee, who has received regular notice of the annulment of his license, continue to keep the house or shop authorized by such license, and to sell intoxicating liquors therein, he becomes liable to the fines and penalties imposed by this law on persons who keep such houses, or sell such liquors, without license. R. S., 938.

Penalty for
delivering or
obtaining col-
orably certifi-
cate for sale
of liquors un-
der Temper-
ance Acts, &c.

144. In any case in which, under the provisions of this law, of the Canada Temperance Act, or of the Temperance Act of 1864, the certificate of a clergyman, a medical practitioner or a justice of the peace is required for the sale of intoxicating liquor, without which certificate the liquor could not be lawfully obtained, any person convicted of having colorably delivered such a certificate, or of having obtained one under false pretences, shall be liable to a fine of not less than five dollars nor more than fifty dollars, in the discretion of the court. R. S., 926b.

Penalty
against per-
sons violating
this law for
compromis-
ing, &c., of-
fence.

145. Any person who, having violated any of the provisions of this law, compromises, compounds or settles the offence, or attempts to compromise, compound or settle the offence, with any person or persons, with the view of preventing any complaint being made in respect thereof, or,

if a complaint has been made, with the view of getting rid of or of stopping such complaint or having the same dismissed for want of prosecution or otherwise, shall be guilty of an offence under this law, and shall be liable to a fine of one hundred dollars or imprisonment for a period not exceeding three months, in the discretion of the court. R. S., 926c.

146. Every person, who is concerned in, or is a party to the compromise, composition or settlement mentioned in article 145, shall be liable to a fine of fifty dollars, or to imprisonment in the common gaol for not more than three months, in the discretion of the court. R. S., 926d.

Penalty against other persons concerned in such compromise.

147. The husband, wife, father, mother, brother, sister, curator, tutor or employer of any person who has the habit of drinking intoxicating liquor to excess ;

Notice not to deliver any liquor to a certain person.

The license commissioners in the cities of Quebec and Montreal, and, in all other parts of the Province, the municipal councils or the mayor, a *curé*, pastor, or justice of the peace ;

The manager or person in charge of any asylum, hospital, or other charitable institution, in which such person resides or is detained ;

The curator of any interdicted person ;

The father, mother, brother or sister of the husband or wife of such interdicted person ; or

The tutor or curator of any child of such interdicted person ;

May give notice in writing, signed by him or her, to any person licensed to sell intoxicating liquors, or who habitually sells such liquors, not to sell or deliver the same to the person having such habit or to such interdicted person.

Such notice shall be signed in duplicate ; one of the duplicates shall be served upon the party by any bailiff of the Superior Court for the district, and such bailiff shall make return of such service under his oath of office. R. S., 928.

148. If, in the course of one year from the date of such notification, the person thus notified, either personally, or by his clerk, servant or agent, sell or deliver such liquors otherwise than on a special demand, for medicinal purposes, signed by a medical practitioner, to the person having such habit, or to such interdicted person, the person who had given the notice may, by an action for personal damages, —if the same be instituted within six months of the commission of the offence,—recover from the person so notified the sum of not less than ten dollars or more than five hundred

Penalty for contravention of such notice.

dollars, as it shall be adjudged by the court or jury, as damages. R. S., 929.

Married woman may institute action.

149. Every married woman may, notwithstanding article 176 of the Civil Code, institute such an action in her own name without the authorization of her husband.

All damages recovered by her are, in such cases, for her sole use. R. S., 931.

Right of action belonging to representatives. Identity of the person required to be known.

150. In the case of the death of either of the parties to the suit, provided that the identity of the person, to whom the liquor is sold, be known to the seller at the time of such sale or delivery, the action and the right of action, given by articles 147, 148 and 149, subsist in favor of or against their legal representatives respectively. R. S., 932.

Suicide or death of a drunken person.

151. The master of an inn, restaurant or any other house, where intoxicating liquors are sold, and every person employed by him in the establishment, are severally liable to an action of damages towards the representatives of a person, who shall have become intoxicated there by means of liquors delivered to him by the said master or employee, and who, by reason of his drunkenness, shall have committed suicide, or died from some accident occasioned by such intoxication. R. S., 933.

Right of action for damages; delay; action may be joint and several.

152. Such right of action, which lasts but for three months from the date of death, may be joint and several, or distinct and separate, against each of the individuals so responsible; and the representatives of the person deceased may recover a sum of not less than one hundred dollars, and not exceeding one thousand dollars, under such action for damages, if any sum be adjudged to them by the court or jury. R. S., 934.

Assault or damage by a drunken person.

153. If a person in a state of intoxication commit an assault or damage any property, the person who shall have delivered the liquor causing such intoxication, in contravention of this or any other law, is subject, as regards the person injured, to the civil action of damages jointly and severally with the person who committed the assault or damaged the property. R. S., 935.

Penalties incurred in addition to civil action.

154. Besides the civil actions mentioned in articles 148 to 153, inclusively, every person contravening any of the provisions of article 147, is liable to the penalties imposed by article 137. R. S., 929a.

155. Every person, whether a minor or of the age of majority, who purchases, from any person licensed under this law or unlicensed, intoxicating liquors for a person reputed to be an habitual drunkard, is liable for each such offence to a penalty not exceeding fifty dollars and an imprisonment not exceeding three months in default of payment. R. S., 930.

Persons purchasing liquor for an habitual drunkard liable to certain fine.

156. Every payment in money, or in objects having a pecuniary value, for intoxicating liquors furnished in contravention of this law, is held to have been made without consideration and against law. R. S., 939.

Payment in money, &c., held to be illegal.

157. The amount of such payment may be recovered from the receiver thereof by the party who made such payment, or by his wife without the authorization of her husband, and by his father or his tutor, if he be a minor; and all contracts and obligations whatever, in whole or in part, made and entered into, for and by reason of such furnishing of such liquors in violation of the law, are null, saving the rights of third parties. R. S., 940.

Re-payment of the amount thereof.

158. No action can be maintained for or by reason of the sale of liquors furnished in contravention of this law. This article does not affect the provisions of article 1481 of the Civil Code. R. S., 941.

No action for price of illegal sale. Proviso.

159. Every collector of provincial revenue, and every policeman, constable or other person thereto authorized in writing by a collector of provincial revenue or his deputy, a justice of the peace, a judge of the sessions of the peace, a police magistrate or recorder, may enter any unlicensed place frequented by the public, when there is reason to suspect that intoxicating liquors are therein exposed for sale, and search therefor, and open, with every necessary assistance, and even forcibly upon refusal so to do, all cupboards and receptacles in which he thinks such liquors are concealed.

Power of collector of revenue, policeman, &c., to search for liquors.

If such are discovered, he shall take and carry away such intoxicating liquors and the vessels containing the same, and shall place them in the care and possession of the collector of provincial revenue for the district, to await the judgment of the court respecting them. R. S., 942.

Seizure of liquor and vessels found.

160. Any member of the revenue police in uniform shall have the right to enter at all times the establishment of any person licensed under this law.

Revenue police, &c., may enter licensed houses.

Such person shall be liable to a penalty of thirty dollars for refusing to allow such officer to enter. R. S., 942a.

Penalty for refusal to permit entrance.

SECTION XXVIII

PROVISIONS RESPECTING CERTAIN RIGHTS OF MUNICIPALITIES

§ 1.—*Municipal by-laws for closing places where intoxicating liquor is sold*

Municipal councils authorized to pass by laws to close liquor shops, &c., on certain days and hours.

161. It shall be lawful for municipal councils of cities, towns, villages and all other local municipal authorities to enact by-laws for the closing, at the hour of seven in the evening on Saturdays, and at ten in the evening on the other days of the week, and the keeping closed for the remainder of those days, of all bars in establishments in which intoxicating liquors are sold, and also to enact that no intoxicating liquor shall be sold in any licensed premises in the municipality during the hours when the bars are closed, and by such by-laws to impose a penalty not to exceed fifty dollars for each offence and imprisonment in default of payment not to exceed three months. R. S., 927*a*.

§ 2.—*Restriction as to amount to be levied by municipalities upon licensees under this law*

Limit of amount to be levied by municipal authorities upon licensees under this law.

162. It shall not be lawful for any municipal council of a city, town, village or other local municipal authority to levy, by by-law, resolution or otherwise, any license, tax, impost, or duty, exceeding in any one year two hundred dollars in cities and towns and fifty dollars in all other municipalities, upon any holder of a license under this law, except upon peddlers, either for the confirmation of a certificate to obtain a license or otherwise for the occupations for which they hold such licenses. R. S., 927*b*.

SECTION XXIX

PROSECUTIONS

§ 1.—*General Provisions and Procedure*

Duty of collector to prosecute.

163. It is the duty of the collector of provincial revenue, notwithstanding the provisions of article 165, to institute prosecutions wherever he has reason to believe that a contravention of the law has been committed and that such prosecutions can be maintained. R. S., 1027.

May require deposit as security for costs.

164. Whenever the collector of provincial revenue is called upon to institute a prosecution, he may, if he have reason to believe that the prosecution cannot be maintained,

exact from the person asking for the institution of such prosecution the deposit of a reasonable amount to cover costs. R. S., 1028, *in part*.

165. It is the duty of the collector of provincial revenue to prosecute contraventions of this law whenever he is requested so to do by a municipal corporation, and such corporation has assumed the responsibility for the costs to be incurred. Duty to prosecute at request of municipal corporation.

In any municipality where a prohibitory by-law is in force or where the council thereof prohibits the confirmation of certificates to obtain licenses for the sale of intoxicating liquors, it shall be the duty of the council of such municipality to prosecute all offences against this law, in which case the municipality shall be responsible for all costs, and shall receive the whole fines collected for contraventions thereof. Duty of certain municipalities to prosecute.

In case, however, such council refuse or neglect to prosecute for infractions of the law, when notified thereof, it shall be lawful for the collector of provincial revenue to prosecute the offenders, at the cost of the municipality. R. S., 1026, *in part*. Collector may prosecute in default of council.

166. The fines and penalties, imposed by this law 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. R. S., 1029. Before what courts fines, &c., are recoverable, &c.

167. Every prosecution shall be brought in the judicial district where the contravention has been committed, or in that where the contravening person resides. Judicial district in which prosecution is taken.

If the contravention has been committed on board a steamboat or other vessel, the prosecution may be instituted in any judicial district whatsoever of the Province. If offence on board of a steamer.

If the contravention have taken place on the borders of two adjacent districts where it is difficult to determine in which of said districts the offence was committed, the prosecution may be instituted in either of said districts. R. S., 1030. If offence on borders of two districts.

168. For all matters pertaining to this law, the county of Berthier shall form part of the district of Richelieu for judicial purposes, and the county of Verchères shall form part of the district of Montreal for the said purposes. R. S., 1030a. Berthier part of Richelieu district; Verchères to form part of Montreal district.

169. 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 Before what court suits are to be brought.

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 recorder's court or the recorder, 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 section 842, subsections 3, 4, 5 and 6, of the Criminal Code, 1892. R. S., 1031.

Service.

170. In the Circuit Court, the service of the summons and of the other proceedings in these prosecutions and actions is made in the manner provided for suits between lessors and lessees. R. S., 1032.

By whom made; copy to be left, by whom signed.

171. 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 advocate of the prosecutor, with the defendant personally, or a grown or reasonable person of his family at his domicile or place of business. R. S., 1033.

Under what oath.

172. The 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.

Service of proceedings before Circuit Court.

Before the Circuit Court, the services of proceedings and convictions are made in the same manner as the service of the summons. R. S., 1034.

Proceedings before C. C. summary; arts. 1150 to 1162 C. C. P. to apply.

173. In all prosecutions under the authority of this law before the Circuit Court, the procedure shall be summary and be the same as that prescribed for suits between lessors or lessees in articles 1150 to 1162 of the Code of Civil Procedure. R. S., 1035.

Law applicable.

174. Saving the cases wherein it is otherwise prescribed in this law, in all prosecutions instituted before two justices of the peace, a judge of the sessions of the peace, a recorder's court, a recorder, police or district magistrate or other officer having the powers of two justices of the peace, the provisions of Part LVIII of the Criminal Code, 1892, as amended from time to time, and the provisions of articles 2713 to 2720 of the Revised Statutes apply.

Evidence.

It is, however, not necessary to have the evidence taken down in writing or in shorthand. R. S., 1036.

In whose name prosecution shall be brought.

175. Actions or prosecutions for a contravention of this law are brought in the name of the collector of provincial

revenue for the district in which the offence has been committed, or in the name of the corporation or council of the city, town, or other local municipality, where such offence has been committed. R. S., 1037.

176. In every prosecution for a contravention of this law brought in the name of a collector of provincial revenue, the complaint shall be signed by the proper collector of provincial revenue or his deputy. By whom complaint signed in such case.

177. Such prosecutions, instituted by a municipal corporation and the judgment rendered on such prosecution become of no effect, if a prosecution be brought by the collector of provincial revenue to prevent collusion between the parties to the action, and cannot be pleaded thereto, unless the amount sued for by such corporation, has been paid as required by law, or the defendant has undergone the imprisonment to which he has been condemned in default of payment. R. S., 1038. In what case suit instituted by corporation may become of no effect.

178. In all proceedings under this law, the simple declaration of a collector of provincial revenue that he is such, is sufficient proof of his nomination and appointment and of his being in office at the date of such declaration; and, if a defendant or any party, objecting to any proceeding on the part of a collector of provincial revenue, deny the truth of such declaration, it is incumbent on such defendant or party to prove the falsity of the declaration. Presumption that collector is duly appointed and in office. Onus of proof if contested.

The same also applies to the declaration of the collector of provincial revenue as to the extent and limits of his revenue district. R. S., 1038a. Idem as to limits of his district.

179. It is not necessary to allege, in a prosecution instituted under the authority of this law, in the declaration, information, complaint or summons, negative facts or any facts which devolve upon the defendant to prove. R. S., 1039. Allegations not required.

180. In any prosecution under this law, the actual offender, as well as the owner, lessee or occupant of the premises, and, in the case of houses of prostitution, any inmate of the same, shall be personally liable to the penalties and punishments which may be imposed for the infraction or violation thereof, notwithstanding that the contravention be committed by some other person who cannot be proved to have so acted under or by direction of such owner, lessee, or occupant; and proof of such contravention being committed by any person in the employ of such owner, lessee or occupant, or who is suffered to remain in or upon the premises of Who are punishable in prosecutions under this law.

such owner, lessee or occupant, shall be conclusive evidence that such contravention took place with the authority and by the direction of such owner, lessee, or occupant. At the prosecutor's option, the actual offender may be prosecuted, jointly with or separately from such owner, lessee or occupant, but both of them shall not be convicted for the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor. R. S., 1039a.

What requisite to prove sale of intoxicating liquor.

181. In proving the sale or delivery, gratuitous or otherwise, or the consumption of intoxicating liquors in violation of this law, it shall not be necessary to prove that any money actually passed or any such liquor was actually consumed, if the magistrate or court hearing the case be satisfied that a transaction in the nature of a sale actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of such liquor on premises under license or in respect to which a license is required under this law, by some person other than the occupant of said premises, shall be evidence that such liquor was sold to the person consuming or being about to consume, or carrying away, or being about to carry away the same, against the holder of the license or the occupant of the said premises.

Option of collector in certain prosecutions.

182. In any prosecution instituted by any collector of provincial revenue, under the authority of this law against an unlicensed person, it is optional with the collector to prosecute for a sale of liquor without license or for the specific offence which such person has committed and for which he would have been amenable even if he had a license. R. S., 1039b.

Cumulation of several offences.

183. Several cases of contravention, committed by the same person, may be cumulated in one and the same declaration, information, complaint or summons, provided that such declaration, information, complaint or summons contain specifically a statement of the time and place of each contravention; and in such case, the forms indicated by this law shall be modified *mutatis mutandis*; but no further additional fees shall be allowed to the advocates, than if there had been only one offence. R. S., 1040.

Amendment allowed without costs.

184. Before every court, except the Circuit Court where the ordinary rules of procedure in reference to amendments 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.

Upon such amendment, the defendant may obtain a further delay in which to make his defence and proof. R. S., 1042.

185. If, in any prosecution instituted under this law, any stay of proceedings or postponement of the trial or hearing is 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. R. S., 1042a.

Upon what conditions proceedings in cases under the law may be stayed.

186. Any husband, living and residing with his wife, when any contravention of this law is committed by her, whether she is a public trader or not, may be prosecuted and convicted, in the same manner, as if he himself had contravened this law. R. S., 1043.

Husband severally responsible for contravention committed by wife.

187. In every prosecution under this law before any court, other than the Circuit Court, in which court the rules of procedure applicable to suits between lessors and lessees as to the taking of evidence prevail, the court may summon before it any person represented to it as a material witness therein ; and, if such person refuse or neglect 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 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 refuse to be sworn, or to affirm, or to answer any questions touching the case, he may be committed to the common gaol, there to remain, until he consents to be sworn or to affirm and to answer. R. S., 1044.

Witness summoned.

Arrest for refusal.

Imprisonment.

188. If any person, summoned as a witness to give evidence before a court touching any of the matters relative to this law, neglect or refuse to appear at the time and place appointed for that purpose, without reasonable excuse and, in respect of the reasonableness of which excuse, the court seized with the prosecution shall decide, or, appearing, refuses to give evidence upon oath, he shall incur, for such neglect or refusal, a penalty of not less than five nor more than forty dollars, and, in default of payment, imprisonment of not less than ten nor more than thirty days, the whole in the discretion of the court, even though the prosecution may

Penalty for refusal to appear or to give evidence.

have terminated, without his having appeared or given evidence. R. S., 1045.

Depositions taken in writing.

189. 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. R. S., 1046.

Adjournment.

Witness bound to answer.

190. Every person, other than the defendant, summoned or examined as a witness in any prosecution brought under this law, 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 law ; but such evidence shall not be used against him in any prosecution.

Proviso.

Exception.

However, the collector of provincial revenue shall not, when called as a witness, be required to divulge the name of the informer in the prosecution, and, if he be asked to do so, he is not obliged to answer. R. S., 1047.

Defendant is a competent witness.

191. In prosecutions instituted under this law, the defendant is a competent witness.

Proof may be general as to description of liquor, &c.

192. In prosecutions for the sale, without license, of intoxicating liquors, it shall not be necessary that any evidence be given as to the precise description of the liquor sold, nor shall it be necessary to state the quantity of liquor sold, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale of more or less than such quantity. R. S., 1049.

Proof as to time.

193. Rigorous precision as to the mention of time in the complaint is not necessary in the proof to justify a conviction ; it is sufficient to prove that such contravention was committed within the delay allowed by law for prosecutions. R. S., 1050, *in part*.

Application of provisions.

194. The provisions of article 193 apply to all prosecutions, including those instituted for the sale of intoxicating liquors on Sunday. R. S., 1050, *in part*.

Proof as to name of defendant.

195. In any prosecution against a person not licensed under the provisions of this law, rigorous precision as to the name of the defendant is not necessary in the proof to justify

a conviction; the personal identification of the defendant by the collector of provincial revenue or any of his officers, under oath as a witness, is sufficient, and no error in the name of the defendant shall invalidate the conviction or commitment.

Identifica-
tion.

196. The production of the license constitutes sufficient evidence of the payment of the duty thereon, unless the party prosecuting proves that the duty has not been paid, in which case the license, without such payment, is deemed to be invalid. R. S., 1051.

Duty shall be
presumed
paid; excep-
tions.

197. Whenever the court is of opinion that the analysis of a liquor reputed intoxicating is necessary for the purposes of this law, the costs thereof shall be included among the taxed costs of the action, but only to an amount not exceeding twenty dollars. R. S., 1051a.

Costs of anal-
ysis of liquor
to be part of
costs of suit.

§ 2.—Judgments

198. When a prosecution, instituted under the authority of this law 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 of the peace. R. S., 1055.

Hearing by
two justices
of the peace,
judgment pro-
nounced by
one alone.

199. 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 contravention. R. S., 1056.

If they fail to
agree.

200. In default of payment of any fine imposed, or of any sum claimed under this law, the contravening person condemned to pay the same shall be imprisoned and detained in the common gaol during a period of three months, unless another period of detention be prescribed. R. S., 1057.

Imprison-
ment of con-
travening per-
son, in default
of payment.

201. The penalty for a repetition of the contravention, against any one who shall have incurred a subsequent condemnation for a contravention of the same nature and kind, under the authority of this law, except in cases

In case of re-
petition of
contraven-
tion.

otherwise provided for, is a fine of double the amount imposed for the previous contravention and imprisonment for six months, in default of payment. R. S., 1058.

Provisions which shall be contained in the judgment.

202. In the cases mentioned in articles 200 and 201 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. R. S., 1059.

§ 3.—Costs

Fees of clerks, advocates, &c., before the Circuit Court.

203. In all prosecutions or actions brought before the Circuit Court, the fees of the clerk of such court, of the advocate and of the bailiff, shall be the same as those which are now allowed in the tariff of fees for the class of actions of twenty-five to forty dollars.

Fees, &c., in other prosecutions.

In all other prosecutions or actions the following fees shall be allowed :

a. To the clerks :

For original summons.....	\$ 0 20
“ each copy of do.....	0 10
“ original subpœna.....	0 20
“ each copy of do.....	0 10
“ original warrant.....	0 30
“ each copy of do.....	0 10
“ original bail-bond.....	0 30
“ each copy of do.....	0 10
“ warrant of seizure and sale.....	0 30
“ “ commitment.....	0 30
“ each witness sworn.....	0 10
“ drawing up every deposition....	0 30
“ minute of proceedings in each case.....	0 50
“ conviction.....	0 30
“ copy of conviction.....	0 20
“ bill of costs.....	0 20
“ certificate of taxation.....	0 10

b. To the bailiff, peace officer or constable :

For the service of any summons, warrant, subpœna, or order, and return	\$0 20
“ each mile travelled to serve the same (no allowance for mileage in returning).....	0 20

For every arrest, exclusive of mileage	1 00
“ seizure and sale under warrant, including publication, but ex- clusive of mileage.....	1 50
“ seizure only, not followed by sale	0 75

c. To the advocate :

When no witnesses are examined...	\$5 00
“ witnesses are examined.....	8 00

d. To the witness :

One dollar per day, and ten cents for each mile travelled by him to attend court, when he resides more than five miles from the place where the court is held. R. S., 1060.

204. No costs shall be adjudged against the collector of provincial revenue in any action or prosecution instituted under this law ; 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 indemnity to which he may deem such person equitably entitled. R. S., 1062.

No costs shall be adjudged against the collector of provincial revenue. In what case the Treasurer may pay costs.

205. In any prosecution under this law, the Temperance Act of 1864, or the second part of the Canada Temperance Act, if the collector of provincial revenue attends the court as prosecutor or witness, and travels to attend such court a distance of more than three miles from his place of residence, it shall be lawful for the justice or justices trying the case to tax against the defendant, in cases of conviction, as costs in the cause to cover railway fare or hire of conveyance of the collector of provincial revenue or any person deputed by him, in attending the said prosecution, as follows :

Collector of provincial revenue entitled to be taxed and paid as witness in prosecutions, &c.

1. In case he travels by railway or stage, the fare actually required to be paid by him ;
2. If by a hired conveyance, the sums actually required to be paid for a horse conveyance and tolls ;
3. If in his own conveyance, ten cents per mile one way.

And to cover all other expenses, an additional sum of one dollar per day shall be allowed.

In case of adjournment at the instance of the defendant, similar additional allowances to be made, when the collector of provincial revenue is actually in attendance.

The mileage and other expenses shall be verified by the oath of the collector of provincial revenue. R. S., 1062a.

Certain expenses to be included in taxed costs.

206. In any prosecution under this law, the Canada Temperance Act of 1864, or the second part of the Canada Temperance Act, the cost of taking down the evidence in writing, whether by shorthand or otherwise, shall be included in the taxed costs of the suit. R. S., 1062b.

§ 4.—*Execution of Judgments.*

Right of prosecutor to make option.

207. 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 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.

Seizure and imprisonment.

In the latter case, the amount of such fine and costs is levied by a warrant of seizure and sale of the moveables and effects of the defendant; and, in default of moveables and effects, or, in case they be 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 to the time of the conviction and subsequent costs. R. S., 1064, *in part*.

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

208. Except in the case of full payment as aforesaid, no defendant imprisoned in virtue of any provisions of this law 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 partial payment affect or modify the terms of the judgment pronounced against him, in so far as imprisonment is concerned. R. S., 1064, *in part*.

Penalty for procuring avoidance of arrest.

209. Any one knowing or having reason to believe that a commitment has been issued against any person under this law, who prevents the arrest of the defendant, or by any act or advice or in any other manner whatsoever, procures for the defendant the means of or facilitates his avoiding arrest, is liable to a fine of forty dollars. R. S., 1065.

210. The execution of a judgment rendered in the Circuit Court may take place on the expiration of two days from the date of such judgment. R. S., 1066. Delay for execution of judgment.

211. In the case where coercive imprisonment is had recourse to in the said Circuit Court, it is granted 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. Coercive imprisonment.

It is not necessary that the defendant should be notified of the presentation of such petition. R. S., 1067. Notice not required.

212. Each term of imprisonment under this law is reckoned from the date of incarceration. R. S., 1068. Term of imprisonment.

213. If the conviction be for having sold or allowed to be sold intoxicating liquors on board any steamboat or vessel, without the requisite license, the fine and costs may be equally levied by seizure and sale of the tackle and furniture of the steamboat or vessel, on board which such liquors have been sold. R. S., 1069. Seizure of the tackle and furniture of vessel.

214. The court may, in its discretion, in the case of a first offence committed by the holder of a license under this law, if the fine and costs be not immediately paid, fix an ulterior day for payment, and order that the defendant be placed in custody unless he binds himself with sureties, in an amount not less than the amount of the fine and costs, to the satisfaction of the said court, which is hereby authorized to take the security under the form of an obligation or otherwise, as it may deem fit, to appear on the day fixed; and if, on the day appointed, the fine and costs be not paid, the complainant may make his option, and the defendant shall be dealt with in accordance with article 207. R. S., 1071. Delay. Arrest and security.

215. Whenever a married woman shall have been convicted in an action instituted under the authority of this law, the complainant may exercise the option whether to proceed by seizure and sale either against the goods of the married woman, or of her husband; and, moreover, in case the good of one of them should be found insufficient, then against the goods of the other, provided they habitually live together. R. S., 1072. Rights of complainant if the defendant be a married woman.

If defendant be member of a copartnership. **216.** On the condemnation of one member of a copartnership under the authority of this law, 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 copartnership found on the premises where the contravention has been committed. R. S., 1073.

§ 5.—*Recourse by Certiorari or Prohibition*

In what cases evocation by *certiorari* is permitted. **217.** (1.) Unless within eight days after the conviction, judgment or order in any action or prosecution instituted under this law, 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.

Effect of demand without certain formalities.

Decision of the court or judge.

Reasons insufficient to have the conviction set aside.

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 of 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 law, within the jurisdiction of the justice of the peace, recorder, police magistrate, or district magistrate, who made or signed the same, and provided it further appears 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 law, such conviction shall not be quashed. In case the original record is before the court or judge, it shall be remitted to the court below.

No appeal.

3. There is no appeal from such conviction, judgment or order to any court of sessions of the peace or Queen's Bench.

Certiorari not to stay proceedings, unless certain deposit is made.

4. The *certiorari* shall not stay the execution of the sentence of imprisonment against any persons convicted for the third time of the offence of selling liquor without a license, unless a deposit of two hundred dollars is, without delay, made with the collector of provincial revenue, after the con-

viction ; and such deposit shall belong to the Crown if the conviction is not set aside.

5. Any person, applying for a writ of prohibition in reference to anything done or sought to be done under this law, 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 be dismissed. Deposit on 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 with such application must be deposited the full amount of the fine and costs, in addition to the sum above-mentioned ; and the proceedings thereupon shall be summary and proceed from day to day. R. S., 1074. When application for *certiorari*, &c., may be made, deposit and proceedings thereon.

§ 6.—Fines

218. When a prosecution is instituted by the collector of provincial revenue and in his name, the fine recovered shall be applied in the following manner, viz : Application of fines in suits instituted by collector :

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

(a.) If the fine do not exceed sixty dollars : one quarter to the collector of provincial revenue ; one quarter to the informer, if there be one, and the remainder to the consolidated revenue fund of the Province ; And fine does not exceed sixty dollars ;

(b.) If the fine exceed sixty dollars, but does not exceed eighty dollars : one quarter to the collector of provincial revenue ; fifteen dollars to the informer, if there be one, and the remainder to the consolidated revenue fund of the Province ; Exceeds sixty, but not eighty dollars.

(c.) If the fine exceed eighty dollars : to the collector of provincial revenue, twenty dollars ; to the informer, if there be one, fifteen dollars, and the balance to the consolidated revenue fund of the Province. Exceeds eighty dollars ;

2. If the fine and costs be not paid in full, the amount levied is applied, in the first instance, to the payment of costs, and the balance is divided between the collector of provincial revenue, the informer, if there be one, and the consolidated revenue fund of the Province, in the proportions mentioned in the preceding paragraph of this article. R. S., 1076. If the fine be not paid in full.

219. The fine and costs or the amount levied are payable into the hands of the collector of provincial revenue for the

levy moneys and apportion them. district, who shall without delay apply, divide and apportion the amount recovered, in the manner prescribed by article 218. R. S., 1078.

If the prosecutor be a municipality: **220.** (1.) When the prosecution is instituted by a municipal corporation, the fine levied is applied in the following manner :

If full amount recovered ; (a) If the full amount of the fine and costs be levied, 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 ;

If recovered in part. (b) If the total amount of the fine and costs be not levied, the amount recovered is applied, in the first instance, to the payment of costs, and the balance is divided in the manner and proportions indicated in the preceding paragraph.

Application of art. 219. 2. The provisions of article 219 apply to the present article as well as to article 218. R. S., 1079.

If prosecutor be the collector, in default of corporation, where prohibitory by-law in force : **221.** When prosecutions are instituted by a collector of provincial revenue in consequence of the refusal or neglect of the council of a municipality in which a prohibitory by-law is in force to prosecute as provided by the third clause of article 165, the fines collected in such cases shall be distributed in the following manner :

If fine do not exceed sixty dollars ; (a) If the fine do not exceed sixty dollars : one quarter to the municipality ; one quarter to the collector of provincial revenue ; one quarter to the informer, if there be one, and the remainder to the consolidated revenue fund of the Province ;

Exceed sixty, but not eighty dollars ; (b) If the fine exceed sixty dollars, but does not exceed eighty dollars : one quarter to the municipality ; one quarter to the collector of provincial revenue ; fifteen dollars to the informer, if there be one, and the remainder to the consolidated revenue fund of the Province ;

Exceed eighty. (c) If the fine exceed eighty dollars : to the collector of provincial revenue and to the municipality twenty dollars each ; to the informer, if there be one, fifteen dollars, and the balance to the consolidated revenue fund of the Province. R. S., 1026, *in part*.

No remission of penalty and suspension of proceedings allowed. **222.** No remission shall be granted of any penalty imposed by virtue of this law, nor shall any suspension be allowed, either before or after judgment, of proceedings instituted

tuted under the same, save such delays as the court may see fit to grant in the interest of the parties concerned.

The power to remit certain penalties, conferred upon the Lieutenant-Governor in Council by article 825 of the Revised Statutes, does not apply to penalties imposed under this law. R. S., 1080, 1080a.

Power of Lieut.-Gov. under R. S., 852 to remit does not apply.

§ 7.—*Additional provisions respecting prosecutions*

223. Unless otherwise provided, every prosecution under this law shall be instituted within two months of the contravention if committed in either of the cities of Montreal or Quebec; within twelve months, if in the revenue district of Saguenay, and within four months of the contravention in every other part of the Province. R. S., 1082.

Limitation of prosecutions.

224. No action shall be maintained against a collector of provincial revenue by reason of his official acts, unless it shall have been instituted within six months from the date of the act which gave rise to it. R. S., 1083.

Limitation of actions against collector of provincial revenue.

225. 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.

Defence of collector of provincial revenue.

On dismissal or discontinuance of the complaint or action, the defendant is entitled to a condemnation for costs in his favor against the adverse party. R. S., 1084.

Right to costs.

226. If the judgment be rendered in favor of the plaintiff, and if the court certify that the defendant has reasonable grounds to justify his proceedings, such plaintiff has no right to costs, and shall only recover nominal damages. R. S., 1085.

Nominal damages against collector of provincial revenue.

227. Every clerk of the peace, of justices of the peace, of the recorder, and of the district or police magistrate, 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 is provided by this law for the recovery of penalties), transmit to the Provincial Treasurer a statement of all prosecutions instituted under this law, which have been brought before them and adjudicated upon during the six months

Statement of suits, &c., shall be transmitted to the Treasurer, and what to contain.

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 fine or other condemnation in each case.

Return if no
suits taken.

And, if during such six months, no such prosecutions have been instituted, they shall, under a like penalty, be obliged to make a return to that effect. R. S., 1081.

PART II

OTHER LICENSES

SECTION I

GENERAL PROVISIONS

228. Unless otherwise hereinafter enacted, the provisions contained in Part First of this law respecting licenses and the granting of the same, and prosecutions for contraventions, apply *mutatis mutandis* to the licenses hereinafter mentioned and the prosecuting of all contraventions of the second part of this law, as also the provisions respecting the duties, rights and privileges of collectors of provincial revenue, and those relating to costs of prosecutions, judgments and the execution thereof, procedure, the application of duties and fines, and the general administration of this law. Provisions applicable.

229. It is forbidden to all persons, corporations or clubs, under pain of the fines and penalties hereinafter promulgated : It is forbidden :

1. To keep within the limits of this Province a powder magazine or to sell powder or to keep it for sale ; To keep powder magazine ;

2. To keep for gain any billiard table, or to keep a billiard table in the premises occupied by a club or association of any kind ; Billiard table for gain ;

3. To carry on the trade of auctioneer, pawnbroker, peddler or ferryman between the banks of the River St. Lawrence at certain points hereinafter indicated ; To carry on trade of auctioneer ;

4. To give any equestrian representation or exhibition of wild animals, known and designated as circus and menagerie ; To give equestrian representation ;

Without having previously obtained from the Government, in the manner and form, and after payment of the duties and fees hereinafter mentioned, a license, then in full force, for each of said objects. R. S., 829, *in part.* Without license.

SECTION II

AUCTIONEERS

230. Auctioneers' licenses are issued by the proper collector of provincial revenue, upon payment of the required duties and fees, and the furnishing of the security mentioned in articles 231 and 232.

An auctioneer's license gives the right to sell intoxicating liquors by auction when they form part of the stock of a deceased person or of one who, whether for reasons of insolvency or otherwise, is selling off his stock, goods or effects. R. S., 828.

231. Previous to the issue of any auctioneer's license, every individual desirous of obtaining one must become personally bound towards the Provincial Treasurer, with two sufficient sureties taken before the collector of provincial revenue, or before some person by him thereto authorized, in an amount of which the maximum is two thousand dollars and the minimum five hundred dollars for each, in the discretion of such collector, to 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 upon him by this law. R. S., 863.

232. Such security bond shall be in duplicate, whereof one duplicate shall be transmitted to the Treasurer and the other shall be retained in the archives of the revenue office.

Each surety shall justify on oath his sufficiency before the officer receiving such bond.

The applicant shall pay to the collector of provincial revenue, for the bond executed by his sureties, the sum of four dollars, of which three dollars shall be remitted to the Provincial Treasurer and one shall be retained by the collector of provincial revenue as a fee. R. S., 867.

233. The following property and effects need not be sold by a licensed auctioneer, and sales thereof by auction are exempt from the duty mentioned in section 235, to wit :

The moveable and immoveable property of the Crown,—those sold by authority of justice,—those sold through confiscation,—those of a deceased person,—those belonging to any dissolution of community, or to any church, or which are sold at any bazaar held for religious or charitable purposes, or sold for religious purposes, or which are sold in

payment of municipal taxes under the Municipal Code or any other law regulating municipalities;

Moveable and immoveable property, grain and cattle, sold for non-commercial purposes by the inhabitants of the rural districts removing from the locality, and the property of minors sold by forced or voluntary licitation;

Farm animals exhibited by agricultural societies at an exhibition and sold during the time of such exhibition. R. S., 943.

234. The following property and effects sold by auction and outcry in this Province, and adjudged to the highest and last bidder therefor, must be sold by a licensed auctioneer, to wit:

Certain property must be sold by licensed auctioneer.

All moveable and immoveable property, effects, goods, and stocks in trade, as well as the assets of a person who has made an assignment under the law respecting the abandonment of property.

The curator to the property of any person who has made an abandonment of his property under the law may, however, himself sell such property at auction, by taking an auctioneer's license. R. S., 943*a*.

235. Sales by auction of immoveable property, and sales by auction of household furniture and effects in use, including therein pictures, paintings and books, under article 234, shall be subject to a duty of one per cent. on the amount thereof, which duty shall be paid by the auctioneer to the 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. R. S., 943*b*.

Duty of one per cent. on certain sales by auction.

236. Moveable property, wares, merchandise, stocks in trade and assets of persons who have made an abandonment of property or to whose estate a curator has been appointed, are, when sold by auction, also chargeable with the duty of one per cent. mentioned in article 235. R. S., 944.

Certain property when sold by auction also chargeable with duty.

237. Whosoever, not being an auctioneer duly licensed as required by this law (such license being at the time in force), sells, by auction and by outcry, in this Province, any property, moveable or immoveable, effects, merchandise and stocks in trade, subject to auction duty, excepting such moveable property, effects, merchandize and insolvent's stock, mentioned in article 236, and whosoever causes such sale, whether he be proprietor or not

Penalty for selling by auction without license.

of the property so sold, in violation of the terms of this law, incurs a penalty, for each contravention thereof, at the maximum, of the sum of one hundred and fifty dollars, and, at the minimum, of seventy-five dollars, in the discretion of the court pronouncing the same. R. S., 945, *in part*.

Penalty for
advertizing
auction sale
when not
licensed.

238. Any person who shall advertize any property for sale by him at auction over his signature, or in any other way advertize as an auctioneer, or who shall allow his name to be used in any newspaper, hand-bill, poster, or other mode of advertizing property for sale, without first having procured a license as an auctioneer, shall incur a penalty of seventy-five dollars for each such offence, which may be recovered by the collector of provincial revenue of the district, in the same manner as provided for other offences against this law; two-thirds of said penalty shall be paid into the consolidated revenue fund of the Province and the remainder to the collector of provincial revenue. R. S., 945, *in part*.

Penalty on
assistant, &c.,
not licensed.

239. The penalty imposed by article 237 is equally incurred by any one who sells by auction and by outcry, as the assistant, agent, servant or partner of a licensed auctioneer, without being the holder of an assistant auctioneer's license under article 342. R. S., 945*a*.

Auction
duties to be
paid on such
sales.

Penalty for
not paying
auction duty.

240. Such person, selling without license, shall pay the duties on such sale, in the same manner, as if the sale had been under a license.

In addition to the penalty aforesaid, whosoever, without such license, makes a sale so prohibited, and who, within the thirty days following such sale, neglects to pay to the collector of provincial revenue or to his agent the amount of the duty on such sale, incurs a fine of thirty dollars for each day of such neglect. R. S., 946.

Recovery of
such duty,
&c.

Imprison-
ment.

241. The amount of such duty and of such penalty may be recovered by the collector of provincial revenue, by the same prosecution, and, in default of payment of the amount in principal and costs, the contravening person is liable to an imprisonment of not more than three months and not less than one month, in the discretion of the court rendering the judgment. R. S., 947.

Book for auc-
tions requir-
ed.

242. Every auctioneer shall, under a penalty of twenty dollars, keep in a book preserved for that purpose, a detailed statement, in the form prescribed by the Provin-

cial Treasurer, of all sales made by him, and give to the said Treasurer all information by him required from time to time. R. S., 948.

243. The collector of provincial revenue, his deputy, and every person authorized to that effect by the Provincial Treasurer, shall have, at all times, access to such book, for its examination ; and every auctioneer, refusing to allow such examination, incurs a penalty of fifty dollars for each contravention. R. S., 949.

Access to the book.

244. Within the first ten days of each of the months of February, May, August and November of each year, every licensed auctioneer shall pay to the collector of provincial revenue or to his deputy the amount of duties levied on the sales by him made, and not paid over.

When auc-¹ auctioneer to pay duties received.

He shall also furnish to the collector of provincial revenue, or his deputy, a full return, with a report in detail, signed by himself or his assistant, chief clerk, agent or partner, stating the quantity of all moveable and immoveable property, effects, merchandize and stocks in trade, subject to duty, which he has sold during the period not comprised in his last return, stating the amount of the sales of each day and the total amount of the sales made for each person, firm or estate.

Statement and report required.

If no sales have been made by such licensed auctioneer during said period, the same shall be mentioned in his return.

If no sales made.

Such return shall, in both cases, be attested under the oath or affirmation of the person making the same. R. S., 950.

Return to be on oath.

245. The collector of provincial revenue, or his deputy, may receive such oath or affirmation, and may put to the person making the same all such questions as he may think fit, to which questions the deponent or affirmant shall make answer, under the sanction of the same oath or affirmation. R. S., 951.

Who receives oath.

Questions may be put by collector.

246. Every auctioneer and every person who sells by auction goods charged with the duty of one per cent., but which goods may be sold by a person other than an auctioneer, who neglects to pay the amount of the duties thereon, and to make the return mentioned in article 244, in the required form, incurs a penalty of thirty dollars for each day he neglects so to do. R. S., 952.

Penalty for not paying over auction duty, and making proper returns.

247. 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.

License re-
voked.

The person, so in default, if he be a licensed auctioneer, becomes liable to have his license declared forfeited, and such license, from the day a notice to that effect is inserted by the collector of provincial revenue in the *Quebec Official Gazette*, is revoked, null and void, and no new license can be granted to such defaulter until payment be made of the amount due in principal and costs. R. S., 953.

Prima facie
proof against
auctioneer in
prosecutions,
&c.

248. In any action or prosecution against a defendant accused of having carried on, without the license required therefor by this law, the business of an auctioneer, the following is reputed *prima facie* evidence of the auction sale :

1. The fact of having placed publicly, to be bid upon, any article, merchandize, or property, moveable or immovable, before an assemblage of persons in order to induce them, or any number of them, to purchase the same ;

2. The publishing, in any newspaper or hand-bill, of a notice of an auction sale by defendant ;

3. The exhibiting to view, 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. R. S., 1052.

SECTION III

PAWNBROKERS

Interpreta-
tion of :
Pawning ;

249. (1.) Pawning, for the purposes of this law, is the loan for a profit, either impliedly or expressly stipulated, in favor of him who lends a sum of money or anything convertible into money, or having a pecuniary value, in taking a pledge to secure the restitution of the sum of money or thing loaned, with or without the profit aforesaid.

Pawnbroker ;
Pawner.

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

What consti-
tutes pawn-
broking.

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

Proof requir-
ed.

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

Sufficiency of
certain proof.

5. 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 charged with the cause, establish the habit of making such loans, or the intention of carrying on the business aforesaid, constitutes, for the purpose of this law, sufficient proof that the lender follows the business of pawnbroking. R. S., 828.

250. The issue of a pawnbroker's license by a collector of provincial revenue requires no other formality than the payment of the duty ; and persons carrying on the business of pawnbroking in copartnership, in one and the same house, shop or place of business, require but one license. R. S., 868.

Formalities relative to pawnbroker's licenses.

251. Whosoever carries on the business of pawnbroking, or whosoever lends on pawn, without having a license to that effect still in force, incurs a penalty of three hundred dollars. R. S., 954.

Penalty for carrying on business of pawnbroker without license.

252. No person shall keep more than one house, shop or place of business, for taking goods in pawn on money loans under a single license, under a penalty of fifty dollars for each week during which he contravenes this article. R. S., 955.

Only one house under single license.

253. Every pawnbroker shall expose, on the outside of the door of his house, shop or place of business, a sign bearing his name, with the word "pawubroker," written or printed thereon in large letters.

Sign required.

He shall also cause to be painted or printed in plain letters, and placed in a prominent part of his shop, a graduated scale of the rates the law allows him to charge on loans, and of the remuneration he is entitled to exact in certain cases on the memoranda or notes he is obliged to keep in the manner provided in the following articles, as well as mentioning those he is obliged to keep gratuitously, under a penalty in each of these cases of forty dollars for each week of his default so to do. (1) R. S., 956.

Scale of rates on loans and remuneration to be made conspicuous.

254. Before making a loan, he shall enter in a book, kept for that purpose, a description of the articles received in pawn, mention the sum loaned, the date of the month and year of the loan, the name of the pawner, the street he lives in, and the number of his dwelling, if it be numbered. R. S., 957.

Entries previous to loan.

255. The entry must specify whether the pawner be a proprietor, tenant or sub-tenant, or if he be merely a boarder in the house, using the letter (P) if he be a proprietor, (T) if he be a tenant, (S) if he be a sub-tenant, (B) if he be a boarder. The name of the proprietor of the house, as given by the pawner if he be not the proprietor, shall also be entered. R. S., 958.

Particulars to be given in entries.

(1) For the rates to be taken by pawnbrokers See R. S. C., c. 128.

- 256.** Every article on which a loan is effected shall be entered in a book kept monthly for that purpose, and shall be carefully kept.
- Monthly entry of articles in book.
- 257.** When taking articles in pawn, the pawnbroker shall give to the pawner a memorandum or note, containing the description of the articles pawned, the name, place of residence of the pawner, the number of his house, and the indication of his quality, whether proprietor, tenant, subtenant or boarder, using the letters hereinabove indicated in article 255. On the back thereof the name and residence of the pawner shall be mentioned. R. S., 959.
- Number of articles.
- Entry and note thereof.
- Particulars to be given in note.
- 258.** The pawner shall take up such memorandum and, if he fail to do so, the pawnbroker is forbidden to keep the article in pawn. R. S., 961.
- Its reception required.
- 259.** If the sum loaned be less than one dollar, the memorandum is given gratuitously; if it be for more than one and less than two dollars, the pawnbroker may exact one cent for giving the same; two cents, if it be two dollars or above that amount, but does not reach the sum of five dollars; four cents, if the sum loaned be five dollars or more, but does not reach twenty-five dollars; and seven cents, if the sum loaned be twenty-five dollars or more. R. S., 962.
- Remuneration allowed for note.
- 260.** No pawnbroker shall receive any money or valuable consideration whatever, for the keeping or storage of articles placed in pawn. R. S., 963.
- Nothing to be paid for storage.
- 261.** No pawnbroker is obliged to return the articles placed in pawn, unless the pawner remit to him the memorandum, except in the case mentioned in article 268. R. S., 964.
- Note required for recovery of articles.
- 262.** A duplicate of the memorandum shall be attached to the articles placed in pawn, and, when the said articles are returned, the pawnbroker shall write, on each duplicate, the rate of profit made upon such articles, and keep one of these duplicates during one year. R. S., 965.
- Duplicate of note to be attached to articles, entry required: its keeping.
- 263.** If, in the course of one year from the date of the pawning, the pawner offer to the pawnbroker the amount
- Conditions for recovering articles.

in principal of the loan, with the legal profits accrued, and deliver up, at the same time, the memorandum above-referred to, and the pawnbroker refuses without reasonable cause to return the articles by him detained, the pawner may declare the fact, under oath, before two justices of the peace of the district where the contravention has been committed, who shall summon before them the pawnbroker and the pawner, and examine them with their witnesses, if any they offer. R. S., 966.

In case of refusal.

Summoning and examining parties.

264. If the tender of the memorandum, of the principal amount of the loan and the profit, within the above-mentioned delay of one year, be proved under oath, the justices of the peace shall order the immediate restitution of the articles placed in pawn, the pawnbroker to receive such memorandum, principal and profits. R. S., 967.

Restitution ordered.

265. If, notwithstanding such order so given to him and the offers to him made, the pawnbroker persist in his refusal to deliver the articles, or to pay the value thereof, according as the justices of the peace shall have adjudicated, they shall cause him to be imprisoned in the common gaol of the district in which the offence was committed, and he is there detained, until restitution of the articles pawned or until full payment of their value to the pawner. R. S., 968.

Imprisonment.

266. Any person who presents the memorandum to the pawnbroker, and offers him the payment of the loan, and the profits, is, in so far as regards the pawnbroker, held to be the proprietor of the articles placed in pawn. R. S., 969.

Bearer of note held to be the proprietor.

267. The pawnbroker, on receipt of payment and of the memorandum, shall hand over to him the articles pawned, and he is then relieved from all responsibility, unless he shall have been previously notified in writing by the real proprietor, forbidding him to deliver the said articles to any other than himself. R. S., 970.

Notice forbidding to deliver articles.

268. In the case of such a notice being received by the pawnbroker, and likewise where the memorandum has been lost, destroyed or stolen from the pawner, or fraudulently obtained from him, (the articles remaining in the hands of the pawnbroker), the pawnbroker shall give to the person, who pretends to be the proprietor, a copy of the memorandum, with a form of an affidavit of the circumstances, which are stated to him; which affidavit shall be sworn to by the pretended proprietor before a justice of the peace.

When copy of note with affidavit shall be delivered.

Notice. On verbal notice given, in the presence of a witness, by the pretended proprietor to the pawnbroker and to the pawner, of the time and place when and where they should attend before the justice of the peace, provided that one day elapses between the day of notice and that of attendance, the justice of the peace, at the time and place indicated, hears the parties and their witnesses under oath, and examines the documents produced, and awards the articles claimed to him who establishes his right of ownership. R. S., 971.

Judgment, &c., its effect. **269.** The judgment shall be in writing and shall be delivered by the justice of the peace to him who shall be declared to be the owner, who, upon delivering it in the presence of a witness to the pawnbroker, acquires the right to redeem the articles.

Default on part of pawner. If the pawner make default, the statement under oath of the pretended proprietor of such article establishes his right of proprietorship. R. S., 972.

In what case, affidavit sufficient. **270.** If, for some one of the reasons above-mentioned, the pawner cannot produce the memorandum, and no other person claims the articles pawned, his affidavit given, as hereinbefore provided, constitutes sufficient proof of his right of ownership.

Duty of pawnbroker. In either case, the pawnbroker must return the articles on receiving what is due to him thereon, and, on his refusal to return them, he is subject to the penalties mentioned in article 289.

No costs. All these proceedings are without costs. R. S., 973.

Pawnbroker's fee on copy and affidavit. **271.** If the loan do not exceed one dollar, the pawnbroker has a right to receive two cents for the copy and affidavit; four cents, if the loan be more than one dollar and do not exceed five dollars; and, if the loan exceed five dollars, the pawnbroker shall receive five cents. R. S., 974.

Auction sale of articles pawned. **272.** The pawnbroker shall sell, by public auction, all articles pawned, but not redeemed within one year from but exclusive of the day of pawning, without the formality of a judgment to that effect, notwithstanding article 1971 of the Civil Code. R. S., 975.

Catalogue of goods to be sold by pawnbroker and what to contain. **273.** Before such public sale, a catalogue containing a list of the goods to be sold shall be published and be on view at the pawnbroker's place of business, containing the name and place of abode of the pawnbroker, a description of the goods separately, the month the goods were received in pawn, and the number of the pledge; and an

advertisement, giving notice of the intended sale and containing the name and abode of the pawnbroker, the month the goods were received in pawn and the lowest and highest numbers of the pledges, shall be inserted in two newspapers, one French and one English, at least three days previous to such sale ; and, in the interval between the advertisement and the sale, the articles shall be exposed to view and open to public inspection. R. S., 976.

Publication of notice of sale, and what to contain.

Articles to be exposed to view in the meantime.

274. So long as such sale has not taken place, the pawnbroker may redeem the articles pawned, on paying to the pawnbroker what is due on them, and the pawnbroker's share of the expenses incurred by the publication mentioned in article 273, which share shall be the proportion which the sum loaned on the articles redeemed bears to the total sum loaned on the articles mentioned in such publication. R. S., 977.

Rights of the pawnbroker.

275. If the articles be not separately described in the catalogue, the pawnbroker shall pay to the owner thereof a sum of not more than forty dollars, and not less than eight dollars, to be recovered in the same manner as penalties under this law. R. S. 978.

Penalty against the pawnbroker.

276. Every pawnbroker shall enter in a book, kept for the purpose, an exact account of the sales by auction of pawned articles, indicating therein the date when the articles were pawned, the name of the pawnbroker, the date of the sale, the name and residence of the auctioneer, and the amount of such sale. R. S., 979.

Book of sales.

277. If the amount of the sale exceed the loan, in principal and profits, the surplus shall be paid, after deducting the expenses of the catalogue and the auction fees incurred, to the person in whose name the articles were pawned, in the proportion of the amount of the sale to the total amount of the articles comprised in the catalogue, provided a demand for such surplus be made within three years from the sale. R. S., 980.

Surplus to be returned to proprietor.

Proviso.

278. The pawnbroker, or the person in whose name the articles were pawned, has a right to inspect the entry made of such sale, within the aforesaid delay of three years. R. S., 981.

Pawnbroker has the right to inspect the book.

279. If the pawnbroker made no such entry in such book, if he refuse an inspection of such entry to the pawnbroker or his representatives, if the articles have been sold for a greater sum than is entered in such book, if he did not sell

Penalty against pawnbroker in cases of contravention.

the articles in conformity with the foregoing provisions, if he refuse to pay the surplus of the sale, if the articles have been sold before the time limited, if they be not forthcoming or have become depreciated in value while so pawned,—in each such case, the pawnbroker incurs a penalty of forty dollars, and shall pay to the pawner, as damages, treble the amount loaned, to be recovered before two justices of the peace of the district, reserving to the pawner his ordinary recourse for an excess of damages, if such there be. R. S., 982.

280. No pawnbroker shall, except at public auction, purchase, either directly or indirectly, any articles pawned with him. R. S., 983.

Pawnbroker may purchase at auction.

281. No pawnbroker shall receive articles in pawn from a person appearing to be under fifteen years of age, or appearing to be under the influence of intoxicating liquor; or buy or take in pawn the memorandum or note aforesaid of any other pawnbroker; or receive in pawn on any Sunday or holiday, or on any other day before eight o'clock in the morning or after eight o'clock in the evening, except Saturday evening and the evenings preceding Good Friday and Christmas, when he may keep his shop open until ten o'clock at night. R. S., 984.

Cannot receive articles from certain person or pawnbroker, nor on certain days or hours.

282. The justices of the peace, if they consider it necessary, may compel the pawnbroker to produce his pawn-book, memoranda, vouchers and all documents pertaining thereto in his possession; and he shall produce these vouchers and documents in the state they were in when the pawn was received by him. If he neglect or refuse to appear and produce these documents, he becomes liable to the penalties hereinafter imposed, unless he show sufficient cause to the contrary. R. S., 985.

Production of books, &c., of pawnbroker may be required.

Penalty.

283. On demand of the collector of provincial revenue, every pawnbroker shall exhibit to him all his books and the entries therein, and afford to him an examination of the same; such officer may, during business hours, visit and examine the shop of such pawnbroker. R. S., 986.

Power of the collector to require exhibition of books, &c.

284. If any person pawn the property of another, without the authority so to do of the owner, any two justices of the peace may grant a warrant to cause the arrest of the offender, and, on conviction, he incurs the penalty hereinafter mentioned and forfeits the value of the property pawned, which is paid to the owner thereof, and may be recovered at the same time and in the same manner as the penalty. R. S., 987.

Property of another pawned. Arrest.

285. 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 these goods or materials are in course of preparation but before completion and being exposed for sale, or any goods, materials, linens or apparel, which have been entrusted 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 forthwith restore the goods to the owner. R. S., 988.

Pawning certain manufactured or other goods.

286. In all the cases mentioned in article 285, if the owner establish by the oath or affirmation of a witness, before a justice of the peace of the district wherein the offence has been committed, that there is reason to believe that any person has taken to pawn any such goods, such justice of the peace may issue a warrant for searching, within the hours of business, the books, house, shop or any other place occupied by the person suspected; and, if such person refuse to exhibit to the officer charged with such warrant, and authorized to search his pledge-book, the goods pawned, or to allow admittance to such house, shop or other place, such officer may forcibly enter such house, shop or other place and dependencies and make such search where he thinks fit for the goods in question, taking care to do no wilful damage. R. S., 989.

Search warrant.

287. If the pawned goods, or any part of them, be found, and the owner thereof establish by proof, 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 so 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 and other place shall incur the penalty mentioned hereinafter. R. S., 990.

If the goods be found.

288. The provisions of this law, regarding pawnbrokers and pawners, extend to their representatives; but the latter shall not be liable to any penalty, unless incurred through their own acts. R. S., 991.

Provisions apply to representatives.

289. Every contravention of the above articles, relative to pawnbrokers, wherein a penalty is not thereby specially imposed, is punishable by a fine of not less than ten dollars, or more than fifty dollars, in the discretion of the court. R. S., 992.

Penalty for certain contraventions.

No fee for warrant with respect to goods pawned.

290. No fee shall be paid for any summons or warrant issued by a justice of the peace, in conformity with this law, when the same has reference to goods pawned. R. S., 1061.

SECTION IV

PEDDLERS

Interpretation of peddler.

291. The word "peddler" comprises not only travelling salesmen who go from town to town, but also those who peddle within the limits of one and the same city, town, village or parish. R. S., 828.

Peddler's license.

292. Every peddler is obliged to take out a license from the proper collector of provincial revenue, without the observance of any other formality than the payment of the duty ; but the necessity of obtaining such license has not the effect of preventing a licensed peddler from employing 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. R. S., 869.

Cases in which a license is not required.

293. No enactment of this law obliges a peddler to take out a license, nor does it apply to persons employed by a temperance society, or by a benevolent or religious society in this Province, for the purpose of peddling and selling temperance tracts and other moral and religious publications under the direction of such society.

2. No person is obliged to take out a license to peddle and sell :

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 victuals, excepting tea and coffee ;

Goods, wares and merchandize, 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, other than drugs, medicines and patent remedies.

3. The following persons are not obliged to take a peddler's license :

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 ;

Hucksters, or persons having stalls or stands on markets, in cities or towns, for the sale of fish, fruit, victuals,

or goods, wares and merchandize, in such stalls or stands, on their complying with the police regulations of the locality. R. S., 870.

294. Every hawker, peddler, petty chapman or trading person or persons going from town to town or from house to house in this Province, to sell or expose for sale any goods, wares or merchandize, with the exception of those exempt by article 293, or selling such goods, wares or merchandize upon the street, without being the holder of a peddler's license, as hereinabove described, is liable to a fine of not less than five nor more than forty dollars for each article which he exposes for sale, sells, barterers or delivers, under any title whatsoever.

Penalty on hawker, &c., for selling without license.

The judgment inflicting such fine may also order the confiscation of the goods and wares of such hawker or peddler and his horse and waggon; and, if such confiscation be ordered, the collector of provincial revenue shall have the articles so confiscated sold by private sale or by auction according to the instructions given him by the Provincial Treasurer, to whom he shall remit the moneys realized. R. S., 993.

Confiscation of hawkers' goods, &c., and sale thereof.

295. Every collector of provincial revenue or person authorized by him, every mayor, secretary, secretary-treasurer or clerk of any municipality, every constable or officer of the peace, may arrest and detain every peddler trafficking without a license as aforesaid, and bring him before any justice of the peace of the place where such contravention has been committed, or before any magistrate having jurisdiction in the district under this law, for the purpose of immediately prosecuting him therefor; but he shall not be detained, without warrant of arrest, for any longer space of time than forty-eight hours; or such collector or person may, at his option, seize the goods and wares 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 of the court, be sold as provided in article 294. R. S., 994.

Summary arrest.

Duration of arrest.

296. Every licensed peddler, who refuses to exhibit his license to such collector of provincial revenue, or person authorized by him, or to such mayor, secretary, secretary-treasurer, clerk, constable or peace officer, or to any person to whom he offers goods for sale, upon his request, and after the lapse of a reasonable delay, may, in the same manner, be arrested and brought before any such justice of the peace and be detained until he has exhibited his license; provided

Arrest for refusal to exhibit license.

Duration of arrest. that, in either case, he be not detained without warrant of arrest for more than forty-eight hours.

Penalty. Such peddler is liable to a penalty of five dollars for each refusal to exhibit his license.

Confiscation of goods, &c. The judgment inflicting such fine may also order the confiscation of the goods and wares of such peddler, and the sale shall be governed by the provisions of the second clause of article 294. R. S., 995.

Penalty for leasing, &c., license. **297.** Every peddler who leases or lends his license, or traffics with a license granted to another person or with a license in which his own name is not inserted as the name of the person to whom such license has been granted, incurs a fine of forty dollars for each contravention. R. S., 996.

If prosecution instituted at request of municipal council. **298.** Whenever a prosecution is instituted against a peddler at the request of a municipal council, one half of the plaintiff's costs is payable by the municipality and one half of the fine imposed, in the event of a condemnation, belongs to the municipality. R. S., 996b.

Deposit may be required by collector upon taking prosecution. **299.** Notwithstanding the provisions of article 164, the collector of provincial revenue, in all cases of prosecution of peddlers for selling or exposing their wares for sale without license, may exact the deposit of a reasonable amount to cover costs. R. S., 1028, *in part*.

SECTION V

FERRIES

Place where ferry license is required. **300.** No license is required to carry on the business of ferryman between the banks of the river St. Lawrence, except between the city of Montreal and the town of Longueuil, between the said city and Laprairie, and between Lachine and Caughnawaga, at the places and limits indicated in the license by the collector of provincial revenue. R. S., 871.

Vessels excepted. **301.** No provision of this law applies to the proprietors or masters of any vessel, plying between two ports of this province, or regularly entered or cleared by the officers of Her Majesty's customs at any such ports, or in any way affects 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. R. S., 872.

Privileges protected.

302. No license for a ferry can be granted for a period exceeding twelve months, unless it be by public competition, and to persons who give the security required by the Lieutenant-Governor in Council, after notice inserted at least four times in the course of four weeks in the *Quebec Official Gazette* and in one or more newspapers published in the district in which such ferry is situate, and, if there be no newspapers published in the district, then in the nearest adjoining district in which a newspaper is published; and no ferry is leased and no license is granted in that respect for a period exceeding ten years. R. S., 873.

303. The Lieutenant-Governor in Council may make and revoke, as required, the regulations he deems proper for the following purposes :

1. To establish the extent and the limits of ferries ;
2. To define the modes and conditions of the issuing of licenses, the time for which they are issued, and the duty or sum payable for such licenses ;
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, at which 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 contravention of such regulations.

Such regulations have, during the time they are in force, the same effect as if they formed part of this law. R. S., 997.

304. The Provincial Secretary shall cause to be published all regulations established, as aforesaid, in the French and English languages, in the *Quebec Official Gazette*, at least three times during the three months which follow their date, and every number of the Gazette containing a copy of such regulations or any of them, is proof of their existence. R. S., 998.

305. The proprietor, master or person in charge of any vessel employed for the transport of persons or goods over a ferry as above-stated, is considered to have acted as ferryman, within the meaning of this law, and is liable to all the fines imposed under its authority, if he infringe the same by acting in such manner. R. S., 999.

SECTION VI

BILLIARD TABLES

Interpreta-
tion of bil-
liard tables.

306. The words "billiard tables," in addition to their proper meaning, mean also boards used for the games of pigeon-hole, mississippi, pool, bagatelle or other games. R. S., 828.

Fee on issue
of billiard
table license.

307. To obtain a license to keep a billiard table, the applicant shall pay to the proper collector of provincial revenue, a fee of five dollars, of which three dollars shall be remitted to the Provincial Treasurer, and two shall be retained by the collector. R. S., 874, *in part*, 878, *in part*.

Penalty for
keeping with
out license.

308. Any one who keeps for gain a billiard table, without having a license in force to that effect, renders himself liable to a fine of fifty dollars for each table so kept by him. R. S., 1000.

Interpreta-
tion of gain.

309. All sums of money or value paid, furnished or promised, directly or indirectly, by those who play upon such billiard tables to the keeper of the same, his employees or representatives, for so playing on the same, is considered gain within the meaning of this law. R. S., 1001.

Number of
license re-
quired to be
on each table
and license to
be exposed.

310. Every person, holding a license for a billiard table, shall cause to be painted or engraved, upon such table, in visible and legible characters, the number of the license by virtue of which he is authorized to keep such table; and he shall also cause the said license to be exposed, in a prominent and visible manner, in the apartment in which such billiard table is placed. R. S., 1002.

Penalties for
infractions of
art. 310, &c.

311. Every such person incurs a fine of fifty dollars for each week during which he contravenes the provisions of article 310; all persons likewise, who intentionally remove, deface or conceal any number so painted or engraved, incur a like fine of fifty dollars for each contravention. R. S., 1003.

Penalty for
allowing ap-
prentices to
play on tables.

312. No person, holding a license for a billiard table, and who is also licensed to sell intoxicating liquors, shall knowingly allow any apprentice, school boy or servant to play thereon under a penalty of a fine of seventy-five dollars for the first offence, and one hundred and fifty dollars for each subsequent offence.

Penalty for
allowing
gaming.

A like penalty shall be incurred by any person holding a billiard table license who allows any one to play thereon for money or for any stake whatsoever. R. S., 1003a.

313. No hotel or restaurant proprietor, having in his establishment any billiard tables, shall permit play thereon during any part of the whole of Sunday, and he shall during such time keep the room, in which such tables are, closed, under a penalty of a fine of thirty dollars for the first offence and one hundred dollars for every subsequent offence. R. S., 1003*b*.

Penalty for allowing play on Sunday, &c.

314. The proof that a person exhibits, or exposes to view, or permits that there should be exposed to view, in, or near a house or its dependencies, belonging to, or occupied by him, any sign, painting, writing, or printed matter, indicating or tending to indicate that a billiard table is kept in such house, or its dependencies, is *prima facie* evidence that such person keeps a billiard table for gain. R. S., 1053.

Prima facie proof against keeper of billiard table.

315. Proof that a billiard table is kept in an inn, temperance hotel, railway buffet or restaurant establishes that such table is thus kept for gain. R. S. 1054.

Proof that table is kept for gain.

316. If the conviction be for having kept a billard table without a license, or for any contravention of articles 308, 310 and 311, the fine and costs may be levied by the seizure and sale of any billiard table in possession of the defendant at the time of the rendering of the judgment, whether the defendant be or be not the proprietor thereof. R. S., 1070.

Seizure of billiard tables, even when not belonging to defendant.

SECTION VII

POWDER MAGAZINES AND THE SALE OF POWDER

317. 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 others. R. S., 828, *in part*.

Interpretation of : Powder ;

318. The words "powder magazine" mean every building used for the storage or keeping of any quantity of powder, exceeding in weight twenty-five pounds. R. S., 1005.

Powder magazine.

319. Every person keeping a magazine for the storage of powder, or who sells and holds for sale any quantity of powder, must obtain from the collector of provincial revenue a license to that effect. R. S., 875.

License required for storing and selling powder.

How and where powder magazines are to be built. License not to be granted unless magazine built in conformity with certain orders.

Inspection before renewal of license.

At whose expense.

320. Powder magazines shall be constructed in the manner and at the places determined upon for each such magazine by the Lieutenant-Governor in council, with the consent of the corporation or council of the municipality within the limits of which such magazine is situate; and no license shall be granted for keeping a powder magazine unless such magazine be constructed in conformity with an order of the Lieutenant-Governor in council.

Before the renewal in any year of a powder magazine license, issued in accordance with article 319, the magazine for which such license is sought shall be inspected by an inspector appointed by the Government, the cost of such inspection to be paid by the owner of such magazine. The renewal of the license shall be in the discretion of the Provincial Treasurer. R. S., 876.

Penalty for keeping powder magazine without license.

321. Any person who keeps or makes use of a powder magazine for the storage of powder, without a license, shall be liable to a penal prosecution under which he may be condemned to a fine of five hundred dollars, for all contraventions of this article committed up to the time of the institution of such prosecution, if it be the first, and, in case of a repetition of the offence, he may be again prosecuted and condemned to pay a like fine of five hundred dollars for all contraventions committed in the interval between the first prosecution and the second, and so on from one prosecution to another. R. S., 1004.

Penalty on keeping more than certain quantity of powder for private use.

322. No person shall keep for his own use, and not for sale or storage, in any building other than a 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 all inflammatory agents, such as a lamp, candle, light, gas, stove-pipe, hearth or fire, (and the above enumeration shall not be limitative), 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 than thirty nor more than one hundred dollars for each offence, in the discretion of the court. R. S., 1006.

Her Majesty's magazines not affected.

323. No provision of this law applies to the powder magazines of Her Majesty, nor does it affect the transportation, by the troops of Her Majesty on military service, of the munitions of war, going into or coming from powder magazines of Her Majesty. R. S., 1007.

Penalty for keeping for sale or selling powder without license.

324. Every person, who sells or keeps for sale, whether by wholesale or retail, any quantity of powder, without having obtained a license to that effect, shall render himself

liable to a fine, in the discretion of the court, of not less than twenty nor more than one hundred dollars for each sale, and to a similar penalty for keeping powder for sale. R. S., 1008.

325. Every person keeping powder for sale shall constantly keep, conspicuously designated, the part or parts of the building where the powder is lodged, and keep placed, above the entry of such building, a sign bearing these words: "Licensed to sell powder," under a penalty of a fine of five dollars for each week during which he contravenes this article. R. S., 1009.

Sign required
of persons sel-
ling powder.

326. The Lieutenant-Governor in Council may, from time to time, make the necessary regulations, conformably to the provisions of this law, for the reception, transportation, storage and delivery of powder. R. S., 1010.

Regulations
for transport,
storage and
delivery.

327. No quantity of powder shall be stored, kept, removed, received or delivered, except in conformity with the provisions of this law, and the regulations made or which shall be made by virtue of article 326. R. S., 1011.

General pro-
hibition.

328. Such regulations may impose penalties for every infraction or for all infractions of the provisions of this law relative to powder, for which no penalty has been imposed. R. S., 1012.

Penalty.

329. Every proprietor or lessee of any powder magazine is personally liable for all the penalties imposed for the contravention of any regulations made by virtue of this law, respecting the removal of powder coming from or going to such powder magazines. R. S., 1013.

Responsibili-
ty of proprie-
tor or tenant.

330. The Lieutenant-Governor in Council may, through the intermediary of any functionary or of such person as he may name for that purpose, acquire from the Government of the Dominion of Canada or from any person whomsoever, or he may cause to be built, one or several powder magazines within the limits of this Province. R. S., 1014.

Provincial
powder mag-
azine.

331. The Lieutenant-Governor in Council may also appoint or employ the functionaries or persons he deems necessary for the care, maintenance and the general service of every powder magazine, with such remuneration as he considers reasonable. R. S., 1015.

Guardians of
such powder
magazine.

332. Such powder magazines may be kept and guarded, for the benefit of the Province, by the functionaries or per-

Guard, &c.,
or lease of
such mag-
azine.

sons mentioned in article 331, or may be leased to private persons or to companies, on the conditions and in the manner determined upon by the Lieutenant-Governor in Council, in both cases, in conformity with the provisions of this law. R. S., 1016.

Rates.

333. The rates which may be demanded and received for the storage of powder in such magazines, are fixed by the Lieutenant-Governor in Council. R. S., 1017.

Subsidies authorized for assisting in the construction of certain powder magazines.

334. The Lieutenant-Governor in Council may, on such terms and conditions as he deems fit, authorize the Provincial Treasurer to pay a subsidy to one or more persons, to assist in the construction of any powder magazine, near to, but outside the radius of five miles of the cities of Quebec and Montreal, erected under the provisions of this section, provided that such subsidy shall not exceed the amount of one-third of the price of the powder magazine, and that the plans, specifications, demand of tenders and the contract for such building, shall have been previously approved of by the Commissioner of Public Works. R. S., 1018.

Storage of more than certain quantity near certain public works or in country parts.

335. The Lieutenant-Governor in Council may, from time to time, but on the conditions and under the regulations he deems fit, permit the storage of powder in quantities exceeding one hundred pounds in the vicinity of public works, railways, canals, or other similar works of a public nature, or, in the country parts generally, and exempt such storage, in the case of each of such works, from the operations of the provisions or of any one of the provisions of this law. R. S., 1019.

Gunpowder, &c., may be stored near quarries.

336. The Lieutenant-Governor in Council may, on such conditions and under such regulations as he deems fit, permit the storage of gunpowder and other explosives in the vicinity of any quarry, although the same may be in proximity to cities or towns. R. S., 1020.

Proviso as to Municipal Code.

337. All provisions of the Municipal Code, whereby any municipalities are empowered to regulate the storage of gunpowder or any other matter, shall apply only in so far as such storage or such other matter is not, or shall not, at any time hereafter, be regulated by this law or by any regulations made in virtue thereof. R. S., 1091.

SECTION VIII

CIRCUSES AND MENAGERIES

338. Any person opening a circus or exhibiting a menagerie shall first obtain a license therefor from the collector of provincial revenue. a License required for keeping circus, &c.

Such license shall specify the number of days for which the duties have been paid, and ceases with the last of such days.

One license suffices for the opening and exhibition, at the same place, of a circus and of a menagerie, if they form the same troop.

All the provisions of this law which relate to circuses apply equally to organizations known as Wild West Shows and the like. R. S., 877.

339. No person, not holding a license to that effect, shall open or exhibit a circus, menagerie or side-show, under a penalty of a fine of two hundred dollars for each performance, representation or exhibition. Penalty for exhibiting circus, &c., without license. R. S., 1021.

340. Every person, opening or exhibiting a circus or menagerie, shall show his license to the collector of provincial revenue, or to one of his deputies, or to any person authorized to that effect by the collector of provincial revenue, on a simple demand, verbal or written, on his part, — and, in default of so doing, such person is held to have no license, and is punishable accordingly. Penalty for refusing to exhibit license. R. S., 1022.

341. 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 or menagerie, for the opening or exhibition of which no license shall have 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 the sale. Recovery of penalty. R. S., 1023.

SECTION IX

FEES AND DUTIES PAYABLE ON LICENSES

Fee on licenses. **342.** In addition to a fee of one dollar on the granting of each license, except in the case of billiard tables, in which the fee is regulated by the provisions of article 307, the duties comprised in the following tariff shall be payable by the applicant therefor to the proper collector of provincial revenue, preliminary to the granting thereof. R. S., 878.

Tariff for licenses.

TARIFF OF DUTIES ON LICENSES

I.—AUCTIONEERS' LICENSES

- Auctioneers. 1. On each auctioneer's license :
- a. In each of the cities of Montreal and Quebec, one hundred and thirty dollars ;
 - b. In any other city, one hundred dollars ;
 - c. In every town, seventy dollars ;
 - d. In every village or parish, thirty dollars ;
- Auctioneers' assistants. 2. On all separate 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 Montreal and Quebec, fifty dollars ;
 - b. In any other city and town, forty dollars ;
 - c. In any other municipality, twenty dollars ;
- Additional district. 3. On each license for an additional revenue district where there is no auctioneer, twenty dollars ;
- Additional municipality. 4. On each license for an additional municipality where there is no auctioneer, ten dollars.

II.—PAWNBROKERS' LICENSES

- On each pawnbroker's license : Pawnbrokers.
- 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.

III.—PEDDLERS' LICENSES

- On each license for a peddler, fifty dollars Peddlers.

IV.—FERRY LICENSES

- For each license for a ferry, such sum as may be fixed by the Lieutenant-Governor in Council under articles 302 and 303. Ferries.

V.—BILLIARD TABLE LICENSES

- On each license for a billiard-table, bagatelle, pigeon-hole, or mississippi-board, twenty-five dollars. Billiard tables.

VI.—POWDER MAGAZINE LICENSES AND LICENSES FOR SALE OF POWDER

1. For each license to keep or use a powder magazine, one hundred and fifty dollars ; Powder magazine, &c.
2. For each license for the sale of powder or to keep it on sale : Sale of powder.
 - a. In the cities of Montreal and Quebec :
 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 canisters of one pound each, sold at any one time, is deemed to be sold wholesale, and a less quantity is deemed to be a sale by retail. "Wholesale"
"Retail"
sales.

VII.—CIRCUS AND MENAGERIE LICENSES

Circus, &c.

For each license to open and exhibit a circus or equestrian representation, menagerie or caravan of wild animals :

- a. In the cities of Montreal and Quebec, and within a radius of three miles of each of these cities, three hundred dollars for each day of the representation or exhibition of the same ;—and for every side-show, thirty dollars for each day ;
- b. In other parts of the Province, one hundred and fifty dollars for each day ;—and for every side-show, fifteen dollars for each day. R. S., 878, *in part.*

PART III

SPECIAL PROVISIONS

RELATING TO THE DUTIES AND PRIVILEGES OF COLLECTORS
OF PROVINCIAL REVENUE, AND TO THE ADMIN-
ISTRATION OF THIS LAW

343. Each collector of provincial revenue, personally or by his deputy or any other person by him appointed to that effect, shall, within the limits of his district, make a careful search for infringements of this law, and, for that purpose, he shall visit at least once a year :

1. Every powder magazine and every place where powder is kept for sale or on storage ;

2. Every shop or place of business of a pawnbroker and auctioneer ;

3. Every saloon or public or private place, where any billiard table, pigeon-hole board, mississippi board, or bagatelle board, is kept or supposed to be kept for gain ;

4. Every steamboat or vessel on board of which are sold intoxicating liquors ;

5. Every inn, restaurant, temperance hotel, railway buffet and liquor shop. R. S., 1024.

344. Every master of a house, steamboat or vessel, of which the visit and inspection are hereinabove authorized, refusing admission to such collector of provincial revenue, his deputy, or other person authorized by him or a justice of the peace anywhere, and any other person hindering the visit and inspection in question, or molesting a policeman in the execution of his duty relative to these objects, becomes liable to a fine, not exceeding fifty dollars and not less than eight dollars, for each contravention ; and the provisions contained in the first part of this law respecting the prosecution of infractions thereof apply to this article. R. S., 1025.

Collector of Provincial revenue, &c., to search for infringements and annually visit of certain places.

Penalty on refusing to admit collector, &c.

Law applicable.

Duties levied to be paid to Provincial Treasurer and how disposed of.

345. All duties levied under this law shall be paid by the collector of provincial revenue and all other functionaries charged with their collection, under the same law, to the Provincial Treasurer, and shall form part of the consolidated revenue fund;—any proportion thereof may be applied, from time to time, by the Lieutenant-Governor in Council, to the payment, under the direction of the Provincial Treasurer, of all expenses incurred for the carrying out of this law and the costs incurred in actions instituted for contraventions of the same. R. S., 1075.

Responsibility of collector, &c., towards the Treasurer.

346. Every collector of provincial revenue, and every other functionary receiving public money, is accountable for, and shall pay and account for to the Provincial Treasurer, into whose hands he shall pay, at the periods and in the manner ordered by the latter, all sums of money which he shall have levied arising from the duties imposed by this law, as well as for all other sums of money, which the law obliges him to pay to the said Treasurer, and which belong to the provincial revenue and form part thereof. R. S., 1087.

Particular statement to be transmitted by collector.

347. In rendering his accounts to the Provincial Treasurer, the collector of provincial revenue shall transmit, in addition to the information which he is required to give, a statement showing the sums received by him for duties on auction sales, and the number of licenses he has issued. R. S., 1088.

Appointment of deputies by collectors.

348. With the consent and approval of the Provincial Treasurer, each collector of provincial revenue may appoint one or more deputies for the performance of his duties under this law or any other law; and such deputies, as well as the collector of provincial revenue, shall take and subscribe the oath required by article 748 of the Revised Statutes in the manner therein prescribed. R. S., 1089.

Oath of office of collectors and deputies.

Salary to collector, &c, in lieu of emoluments.

349. Notwithstanding the provisions of article 746 of the Revised Statutes and of articles 64, 101, 218, 219, 221, 238 and 342 of this law, it is lawful for the Lieutenant-Governor in Council to replace, by a salary to be fixed by him for such time and in respect of such collectors of revenue as he sees fit, the emoluments mentioned in the said articles. R. S., 1089a.

Travelling expenses.

350. An extra sum of one hundred dollars, annually, may be granted by the Lieutenant-Governor in Council to any collector of provincial revenue, for travelling expenses, in addition to his ordinary salary. R. S., 1090.

351. The Provincial Treasurer, whenever he shall deem it conducive to the better administration and carrying out of the revenue laws, may, from time to time, at the public expense, cause to be prepared, printed and distributed, in the English and French languages, or in either, and in such numbers and manner as he may see fit, pamphlets containing the present law and such acts or portions of acts, regulations of the Lieutenant-Governor in Council, and instructions from the Treasury Department, as he may deem desirable. Pamphlet containing revenue law.

Such pamphlets shall be deemed to be printed for convenience only, and nothing contained therein shall prevail against the regularly promulgated versions of the law or the meaning or construction thereof. R. S., 1092.

352. Any sum that may become due to the Crown, in virtue of this law, shall constitute a privileged debt, ranking concurrently with any other privilege of the Crown immediately after law costs. Privilege of Crown. R. S., 1092*a*.

353. The forms contained in the schedule annexed to this law, which schedule is part of the same, or other forms to the like effect, shall be sufficient for the purposes for which they are intended. Forms. R. S., 1093.

TRANSITORY PROVISIONS

354. This act is substituted for the twelfth section of chapter fifth of the fourth title of the Revised Statutes, which section is repealed, as are all provisions which amend the same. Act repeals and is substituted for R. S., 827 to 1093, &c.

355. Licenses issued under the repealed law shall continue to exist for the time for which they have been granted. Existing licenses.

356. All orders in council and regulations made and passed under the repealed provisions shall, in so far as they are not inconsistent with this law, remain in force until they are repealed, modified or replaced under this law. Existing orders in council, &c.

357. The officers and other employees, in office at the time of the coming into force of this law, shall continue to perform the duties of their office without new appointment, until replaced under the provisions of this law. Present officers and employees.

358. The above repeal shall not have the effect of remitting the penalties incurred in virtue of the repealed provisions, but such penalties shall be imposed and the convictions enforced under the provisions of the repealed law, as if this law had not been passed. Penalties.

Judgments
and pending
cases.

359. Judgments rendered under the repealed law shall be enforced, and prosecutions pending at the time of the coming into force of this law shall be continued to judgment and execution, under the said repealed law, as if this law had not been passed.

Coming into
force.

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

SCHEDULE

FORM A

FORM OF CERTIFICATE FOR OBTAINING A LICENSE TO KEEP AN
INN OR RESTAURANT

Province of Quebec, }
District of . }

We, the undersigned municipal electors of the _____ of
_____, in the county of _____, do hereby certify that
_____, of _____, in the county of _____,
in the district of _____, who is desirous of obtaining
a license to keep _____ at _____,
is personally known to each of us; that he is honest, sober
and of good repute, and is a fit and proper person for keep-
ing a house of public entertainment; that we have visited
(or are acquainted with) the house and premises situate at
_____, for which the license is required, and that he
has, in and on the same, bedding for travellers, stabling, and
the other articles required by law.

We further certify that a house of public entertainment is
required at the place where the said house is situated.

Given under our hands, at _____, this _____ day of _____,
in the year one thousand nine hundred _____.

{ Municipal Electors of _____ .

FORM B

FORM OF AFFIDAVIT TO BE MADE BY A PERSON DESIROUS OF
OBTAINING A LICENSE TO KEEP A HOUSE OF PUBLIC
ENTERTAINMENT

Province of Quebec, }
District of . }

I, _____, of _____, in the county of _____, in the
district of _____, who am desirous of obtaining a license
to keep _____ situated at _____, being duly sworn, do
make oath and say, that I am, in all respects, duly qualified
according to law to keep a house or place of public enter-
tainment.

Sworn before me, at _____, } (Signature)
this _____ day of _____ one }
thousand nine hundred _____ }

J. P. for the district of _____

FORM C

FORM OF CONFIRMATION OF CERTIFICATE UNDER ARTICLE 17

The foregoing certificate having been this day submitted
to the municipal council of (or corporation of)
and the said council (or corporation) being duly assembled
and having deliberated thereon, confirms the same in favor
of _____ therein mentioned.

Signed at _____, this _____ day of _____, one thousand
nine hundred _____

P. Q., *Mayor.*

R. S., *Secretary.*

FORM D

FORM OF AFFIDAVIT TO BE MADE BY A PERSON DESIROUS OF
OBTAINING A LICENSE WITHOUT BEING OBLIGED TO
PRODUCE A CERTIFICATE OF ELECTORS

Province of Quebec, }
City of . }

I, _____ of the city of _____
in the district of _____ who am
desirous of obtaining a license to keep _____
, situated at _____
in the said city, being duly sworn, do make oath and say
that I am, in all respects, duly qualified according to law to
keep such _____, and, further, that I have
held a license to keep such _____ for the past
twelve months ; have complied with all the conditions of
the Quebec License Law, applicable to such licensed prem-
ises, and have not been convicted of any infringements
thereof, and I have signed.

Sworn before me, at _____ } (Signature.)
this _____ day of _____ 19 . }

FORM E

FORM OF CONFIRMATION OF CERTIFICATE UNDER ARTICLE 25

The foregoing certificate having been this day submitted
to us, conformably to the Quebec License Law, we do hereby
confirm the same.

(Date.)

(Signatures,)

FORM F

FORM OF 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 Lady the Queen, prosecutes, (*name of defendant*) of the city, (*town, township or parish*) in the district of

For that whereas the (*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 the force of the said statute the said hath become liable to pay the sum of dollars.

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

FORM G

FORM OF 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 Her 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 my (*or our, as the case may be,*) hand and seal, this . day of . in the year of Our Lord, one thousand nine hundred . , at . , in the district of .

J. P.

FORM OF CERTIFICATE OF SERVICE OF SUMMONS

I, the undersigned, . do hereby certify, upon 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 . .

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 . .

FORM H

FORM OF CONVICTION

Province of Quebec, }
 District of , }

Be it remembered that on the day of , in the year one thousand nine hundred , at *(name of place where convicted,)* in the said district, *(name of defendant,)* is convicted before the undersigned Her 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 the offence succinctly 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. *(Seal or Seals,)*

FORM I

FORM OF WARRANT OF DISTRESS

Province of Quebec,)
 District of .)

(*Name of justice*) Esquire, one of Her 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, hath been convicted before (*two*) of Her 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 laid out 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 dollars cents ; And, if within the space of four days next after such distress by you made, the said last mentioned sum of dollars cents, 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 dollars cents, 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 in the year one thousand nine hundred

(*Signature*)

(*J. P.*) (*Seal*)

FORM J

FORM OF WARRANT OF COMMITMENT IN DEFAULT OF DISTRESS

Province of Quebec, }
 District of . }

Esquire, of the
 : of
 the district of for

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 , of the
 of , in the district of
 has been convicted on the day of
 in the year of our Lord 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,
 in default of immediate payment of such fine and costs, that
 the same be levied by 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,
 that the said be imprisoned, 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 conveying 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 or any of the bailiffs, constables or other
 peace officers of the district of , commanding
 them or any of them to levy the said fine and costs by seiz-
 ure 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 insufficient 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 convey 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 the space of months from the date of h arrival as a prisoner thereat, unless the said fine and costs and all 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 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 the of , in the said district, this day of , in the year of Our Lord one thousand nine hundred

(Signature)

(Title of Magistrate)

FORM K.

FORM OF 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 Goal in the said dis-
 trict of :

Whereas (*name of defendant*.) of the
 of has been convicted on
 the day of
 in the year of Our Lord one thousand nine hundred
 before (*name and title of magistrate*
who rendered judgment) Esquire, for
 the district of , of having (*recite offence*),
 contrary to the provision of the statute in such case made
 and provided, and, for such offence, hath 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 dollars
 and cents 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
 months, 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 safely convey 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
 months from the day of h arrival as a prisoner
 thereat, unless the said fine and costs and all costs of the ar-
 rest, 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 _____, the
 of _____, in the said district, this
 day of _____ in the year of Our Lord
 one thousand nine hundred _____

(Signature)

(Title of Magistrate)

FORM L.

FORM OF CONVICTION ORDERING IMPRISONMENT

Province of Quebec, }
 District of _____ }

Be it remembered, that on the _____ day of
 _____, in the year of Our Lord one thousand
 nine hundred _____, 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
 (recite offence)
 contrary to the provisions of the statute, in such case made
 and provided;

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

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

I do therefore order and adjudge that, in default of immediate payment of the said several sums, the said _____ be committed to the common gaol at the said _____ of _____, for a period of _____ months, unless the said several sums of money, and costs and charges of arrest, of commitment, and of the conveying the said _____ to the said common gaol, shall 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*)

FORM M.

FORM OF WARRANT OF SEIZURE AND SALE

Province of Quebec, }
 District of _____ . }

_____ of the
 _____ of
 _____ Esquire,
 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 _____ hath been convicted on the _____ day of _____, in the year _____ of our Lord 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 hath 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 _____
dollars and _____
cents, for his costs in that be-
half; and, in default of immediate payment of such fine and
costs, that 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 a period of _____ months, unless
the said fine and costs, and costs and charges of such seizure
and sale, and of 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 _____
dollars and _____
cents

And if, within the space of four days next after such seiz-
ure so made by you, the said last mentioned sum of _____
dollars and _____ cents, together with the
reasonable charges of taking and keeping the said move-
ables 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 _____ dollars and _____
cents unto 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, in case the same should be insufficient, that you
certify the same unto me, to the end that such further pro-
ceedings may be had thereon as to law and justice doth
appertain.

And you are to certify unto me with the return of this warrant what you shall 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 _____ in the year of Our Lord one thousand nine hundred _____

(Signature)

(Title of Magistrate)

FORM N.

FORM OF CONVICTION ORDERING SEIZURE

Province of Quebec, }
District of _____ }

Be it remembered that on the _____ day _____, in the year of Our Lord 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 (*title of magistrate*) for the district of _____ for that he _____ the said (*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 _____, in the district aforesaid, collector of provincial revenue for the revenue district of _____, the prosecutor, the sum of _____ dollars, as a fine, to be applied according to law, and also to pay to the said _____ the sum of _____ dollars and _____ cents for his costs in this behalf.

And whereas the said prosecutor hath 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 a period of months 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, shall 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*)

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