

CAP. XIX

An Act to amend the Quebec License Law

[Assented to 10th March, 1899]

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

R. S., 828 §
13a, amend-
ed.

1. Paragraph 13a of article 828 of the Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 1, paragraph 3, replaced by the act 55-56 Victoria, chapter 11, section 1, and amended by the act 58 Victoria, chapter 14, section 1, is further amended by replacing the words "Province of Quebec," in the third line, by the words "Dominion of Canada."

R. S., 828 §
31a, replaced.

2. Paragraph 31a of article 828 of the Revised Statutes, as enacted by the act 58 Victoria, chapter 14, section 3, is replaced by the following :

Members of
clubs.

"31a. To be a *bona-fide* member of a club, within the meaning of this section, a person must have 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 must have paid the entrance fee and all other fees fixed by the rules of the club."

R. S., 843,
amended.

3. The first clause of article 843 of the Revised Statutes, is amended by adding thereto the following :

Temporary
appoint-
ments.

"It shall however be lawful for the Lieutenant-Governor in council, in the case of the absence, sickness or other inability to act of all or any of the said judges of the sessions or recorders, to appoint a competent person or persons to temporarily perform such duties."

R. S., 843 § 5,
amended.

4. Paragraph 5 of article 843 of the Revised Statutes, as replaced by the act 61 Victoria, chapter 14, section 2, is amended by replacing the words : "but not before," in the third line by the words : "and not later than".

R. S., 857b,
amended.

5. Article 857b of the Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 9, replaced by the act 55-56 Victoria, chapter 11, section 13, and amended by the acts 56 Victoria, chapter 16, section 8, and 58 Victoria, chapter 14, section 10, is further amended by replacing the words : "Province of Quebec". in the fourth line, by the words "Dominion of Canada".

R. S., 859a,
amended.

6. Article 859a of the Revised Statutes, as enacted by the act 56 Victoria, chapter 16, section 9, is amended by

adding to the first paragraph thereof, the following words :
 “If, during such three months, no such certificates have been confirmed, they shall, under a like penalty, be obliged to make a return to that effect.”

7. Article 876 of the Revised Statutes, as replaced by R. S., 876, the act 55-56 Victoria, chapter 11, section 15, is amended ^{amended.} by adding thereto the following clause :

“Before the renewal in any year of a powder-magazine license, issued in accordance with the preceding article, 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, and the renewal of the license shall be in the discretion of the Provincial Treasurer.” ^{Inspection of magazine, &c.}

8. The first clause of article 878 of the Revised Statutes, R. S., 878, as replaced by the act 59 Victoria, chapter 14, section 16, is ^{amended.} amended by adding thereto the following words : “of which three dollars shall belong to the Crown, and two dollars shall be retained by the collector.”

9. Subsection 2 of paragraph 9 of article 878 of the Revised Statutes, as replaced by the act 57 Victoria, chapter 13, section 12, is amended by adding, after clause *b* thereof, the following :

“(c.) For three municipalities, other than the cities of Montreal and Quebec, to be named in the license, one hundred and fifty dollars ; and for each municipality beyond three, forty dollars.” ^{License for three municipalities.}

10. Paragraph 11*a* of article 878 of the Revised Statutes, R. S., 878 § 11*a*, as enacted by the act 55-56 Victoria, chapter 11, section 16, is ^{11*a*, replaced} replaced by the following :

“11*a*. On each license to sell native wine manufactured by the vendor : ^{Licenses for native wines}

- (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 incorporated town, twenty-five dollars ;
- (e.) In every village, fifteen dollars ;
- (f.) In any other part of the Province, ten dollars.”

11. Paragraphs 20, 21 and 22 of article 878 of the Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 12, and amended by the act 55-56 Victoria, chapter 11, section 16, are replaced by the following : ^{R. S., 878 §§ 20, 21 and 22, replaced.}

“20. On each license for a billiard-table, bagatelle, pigeon-hole, or mississippi-board twenty-five dollars.” ^{Billiard-table, &c., licenses.}

R. S., 878*a*,
amended.

12. Article 878*a* of the Revised Statutes, as enacted by the act 59 Victoria, chapter 14, section 17, is amended by adding thereto the following clause:

Explanatory.

“The present article does not relieve the applicant for a license from the obligation of taking out such license before opening his place of business, but simply enacts a supplementary duty upon licenses issued after the 25th of June in any year, independently of the legal penalties to which such applicant is liable during the interval which may elapse between the date of the opening of his place of business and the taking out of his license.”

Art. added to
R. S., after
908.

13. The following article is added after article 908 of the Revised Statutes :

Further re-
course for
penalty
against un-
licensed ven-
dors of intox-
icating liq-
uors.

“**908*a*.** Independently of any other recourse provided for by this section against unlicensed vendors of intoxicating liquors, any person not licensed under this section for the sale of such 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 a fine of twenty-five dollars for each day during which he keeps such bar or exposes such liquors, and, in default of the payment of such penalty, shall be liable to an imprisonment for a period of two months ; 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.”

Art. added to
R. S., after
921*a*.

14. The following article is added after article 921*a* of the Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 23 :

Infringe-
ments of con-
stitution &c.,
by clubs.

“**921*aa*.** Every club licensed under article 857 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 penalty prescribed by article 926.”

R. S., 925*a*,
amended.

15. Article 925*a* of the Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 27, and amended by the act 55-56 Victoria, chapter 11, section 23, is further amended by adding, after the word “law” in the fourth line, the words “or the conditions under which such license was granted”.

R. S., 936,
amended.

16. Article 936 of the Revised Statutes is amended by replacing the word “felony,” in the third line, by the words “any indictable offence”.

17. Article 942 of the Revised Statutes is amended by R. S., 942, inserting, after the words "collector of Provincial revenue," amended. in the second line thereof, the words "or his deputy".

18. The following article is added after article 945 of the Revised Statutes : Art. added to R. S., after 945.

"945a. The penalty imposed by the first paragraph of the preceding article 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, provided for by paragraph 14 of article 878 of these Revised Statutes." Penalty on assistant auctioneers, &c.

19. The following article is added after article 1030 of the Revised Statutes : Art. added to R. S., after 1030.

"1030a. For all matters pertaining to this section, 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." Annexation of counties to districts for purposes of License Law.

20. Article 1035 of the Revised Statutes, as amended by the act 59 Victoria, chapter 14, section 32, is further amended by replacing the words and figures "articles 887 to 889" in the fourth line, by the words and figures "articles 1150 to 1162." R. S., 1035, amended.

21. The following article is added after article 1042 of the Revised Statutes : Art. added to R. S., after 1042.

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

22. Article 1074 of the Revised Statutes, as amended by the act 53 Victoria, chapter 17, section 1, is further amended as follows : R. S., 1074, amended.

(a.) By replacing the word "thirty" in the fourth line of paragraph 5, by the word "fifty";

(b.) By replacing the second clause of said paragraph 5 by the following :

"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." Delays within which *certiorari*, &c., to be applied for, and sum to be paid in there-with.

Art. added to R. S., after 1080. **23.** The following article is added after article 1080 of the Revised Statutes:

Application of Art. 1080. **"1080a.** The provisions of the foregoing article apply only in the case of a first contravention of the requirements of this section.

No remission for second offences, &c. No fine imposed upon the same person for any subsequent contravention, of whatsoever nature, of the provisions of the said section, shall be remitted or refunded.

What portion of fine may be remitted. The first time a person is convicted of any contravention of this section, the whole of the Crown share of the fine to which such person is condemned may be remitted or refunded for reasons judged valid by the Lieutenant-Governor in Council; but in no case shall the costs of the prosecution or any other portion of the fine be remitted.

R. S., 825, not apply to penalties under License Law. 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 section."

Coming into force. **24.** This act shall come into force on the day of its sanction.

C A P. X X

An Act to amend the law respecting public lands.

[Assented to 25th February, 1898.]

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

R. S., 1276, amended. **1.** Article 1276 of the Revised Statutes is amended by adding thereto the following clause:

Effect of registration of the transfer. "The registration of a transfer in virtue of this article shall not have the effect of exempting the transferee from fulfilling all conditions of sale to which the original acquirer was bound."

Application of preceding section. **2.** The preceding section shall apply to the registration of transfers under article 1276 of the Revised Statutes effected before the coming into force of this act, but shall not affect pending cases.

R. S., 1286, replaced. **3.** Article 1286 of the Revised Statutes is replaced by the following:

Notice of cancelling of sale. **"1286.** No cancellation of any sale or of any grant, location or permit of occupation of public lands shall, however, be made before a notice is given once in the *Quebec Official*