

CAP. XIV.

An Act to further amend the Quebec License Law.

[Assented to 21st December, 1895.]

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

R. S., 828,
amended.
Par. added
after 15.
Certain deli-
very of liquor
to be a sale.

1. Article 828 of the Revised Statutes is amended :

(a) By adding, after paragraph 15, the following :

“15a. 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 section.

Par. added
after 25.
St. Helen's
Island and
Mount Royal
Park.

(b) By adding, after paragraph 25, the following :

“25a. For the purposes of this section, St. Helen's Island and Mount Royal Park are assimilated to organized territory and considered as forming part of the city of Montreal.”

Par. 26
amended.

(c) By inserting, after the words : “that nature,” in the fourth line of paragraph 26, the following words : “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, fireworks, rockets and others.”

Par. 28 re-
pealed.
Par. 30 re-
placed.

(d) By repealing paragraph 28.

(e) By replacing paragraph 30, as replaced by the act 57 Victoria, chapter 13, section 2, by the following :

“Bottler.”

“30. A bottler is a person who places in bottles or in 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 barrels, in quantities not less than two gallons, imperial measure, at a time.”

Par. added
after 38.

(f) By adding the following paragraph, after paragraph 38, as enacted by the act 56 Victoria, chapter 16, section 1 :

Pint flasks,
&c.

“39. For the purposes of this section, 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, although holding somewhat less than an imperial pint each, such bottles and flasks are considered as holding an imperial pint each.”

R. S., 837,
amended.

2. Article 837 of the said Revised Statutes is amended, by adding at the end thereof, the following words : “except in the case provided for by article 849a.”

3. Article 839 of the said Revised Statutes is amended : R. S., 839, amended.
 (a) By adding thereto the following words : " and no Words added.
 certificate is valid unless so confirmed."

(b) By adding the following paragraph thereto : Par. added.

"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 842, and the decision of the council is final." Granting, &c., of confirmation in discretion of council.

4. Article 842 of the said Revised Statutes, as amended R. S., 842, amended.
 by the act 57 Victoria, chapter 13, section 5, is further amended :

(a) By replacing paragraph 2 by the following : Par. 2, replaced.

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

(b) By replacing the words : " the locality," in the second line of paragraph 3, by the following : " the municipality or polling subdivision, as the case may be." Par. 3 amended.

5. The following article is added after article 842 of the said Revised Statutes : Art. added after R. S., 842.

"**842a.** If the council confirms the certificate contrary to the provisions of the law, the collector of provincial revenue may refuse to issue the license, and, if a *mandamus* is taken against him, he may, in his defence, invoke all reasons of nullity that might have been urged against the confirmation of the certificate." Collector may refuse to issue license, if certificate confirmed contrary to law.

6. Article 843 of the said Revised Statutes is amended R. S., 843, amended.
 by adding, after paragraph 7 thereof, the following :

"7a. The preceding paragraph applies to every accredited representative of any association established for the purpose of supervising the proper execution of the Quebec License Law." Application of par. 7 to certain persons.

7. Article 846 of the said Revised Statutes is repealed. R. S., 846, repealed.

8. Article 847 of the said Revised Statutes is replaced by the following : R. S., 847, replaced.

"**847.** 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 878 have been paid." Deposit of certificates with collector.

Art. added
after R. S.,
849.

9. The following article is added after article 849 of the said Revised Statutes :

Application
of provisions
to persons
changing
domicile.

“**849a.** The provisions of this law, which apply to the transfer of a license from one person to another, also apply in the case when 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., 855,
amended.

10. Article 855 of the said Revised Statutes, as amended by the acts 56 Victoria, chapter 16, section 5, paragraph 2, and 57 Victoria, chapter 13, section 9, is again amended by repealing the third clause thereof.

R. S., 856b,
repealed.

11. Article 856b of the said Revised Statutes, as enacted by the act 58 Victoria, chapter 14, section 9, is repealed.

Paragraph
added to R.
S., 857.

12. Article 857 of the said Revised Statutes, as amended by the acts 54 Victoria, chapter 13, section 8, and 56 Victoria, chapter 16, section 7, is further amended by adding thereto the following paragraph :

Licenses for
certain clubs.

“4. 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., 857a,
replaced.

13. Article 857a of the said Revised Statutes, as enacted by the act 52 Victoria, chapter 15, section 7, and amended by the acts 55-56 Victoria, chapter 13, section 1, and 57 Victoria, chapter 13, section 10, is replaced by the following :

Licenses for
sales of liquor
at picnics, &c.

“**857a.** 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.

Exception.

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 the table for meals, under a penalty not exceeding fifty dollars, and, in default of payment, an imprisonment not exceeding one month.”

R. S., 857c,
amended.

14. Article 857c of the said Revised Statutes, as enacted by the act 57 Victoria, chapter 13, section 11, is amended by repealing the second clause thereof.

15. The following article is added after article 864 of the said Revised Statutes :

Art. added after R. S., 864.

“ **864a.** The license mentioned in article 864 shall not be granted to a proprietor of a temperance hotel, nor issued for a building used as a temperance hotel.”

Certain license not to be granted to certain persons or for certain places. R. S., 878, amended.

16. Article 878 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 13, section 12, is amended, by replacing the first clause thereof by the following :

“ **878.** 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 licenses for a hotel, tavern, temperance hotel, restaurant, wholesale and retail liquor shop, for each of which a fee of five dollars shall be paid :”

Fees to be paid to collectors.

17. The following article is added after the said article 878 :

Art. added after R. S., 878.

“ **878a.** Whenever a license for the sale of intoxicating liquors is taken out after the twenty-fifth of June in any year, the cost of such license, as established by article 878, is increased by the sum of twenty-five dollars, unless it is established, for the cities of Quebec and Montreal, by a certificate of the license commissioners, and, for any other part of the Province, by a certificate of the council of the municipality for which the license is applied for, that the applicant for such license has not sold intoxicating liquors, nor kept open any establishment for such purpose, since the first of May of the current license year ; and, if the applicant has newly arrived in the municipality for which the license is applied for, he shall produce a certificate from the municipal authorities of the municipality in which he resided since the said first of May, establishing that, in the said municipality, he has not sold intoxicating liquors, nor kept open an establishment for that purpose, from the said first of May.

Additional duty if license taken out after certain date in any year. Proviso.

The provisions of this article do not apply to licenses for railway buffets or buffet cars nor to steamboat bar licenses.”

Exception.

18. Article 886a of the said Revised Statutes, as enacted by the act 57 Victoria, chapter 13, section 13, is amended by adding thereto the following clause :

Clause added to R. S., 886a; amended.

“ 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

Penalty against assessors, &c., for certain offence.

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., 890, repealed.

19. Article 890 of the said Revised Statutes is repealed.

R. S., 898, amended.

20. Article 898 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 13, section 14, and amended by the acts 55-56 Victoria, chapter 11, section 18, and 57 Victoria, chapter 13, section 14, is further amended by repealing the second clause thereof.

Arts. added after R. S., 923*a*.

21. The following articles are added after article 923*a* of the said Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 25 :

Penalty against persons obtaining liquor contrary to law.

" **923*b***. 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 section and the provisions of article 1111, 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.

Certain persons may be refused admittance to or expelled from licensed premises.

" **923*c***. Any person licensed under this section 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 section.

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 all constables are required, on demand of such licensed person, his agent or servant, to expel or assist in expelling any such person from such premises, and may use such force as may be required for that purpose.

Penalty for harboring a constable on duty.

" **923*d***. If any person licensed to sell intoxicating liquors under this section, 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."

22. The following article is added after article 925*a* of the said Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 27 : Art. added after R. S., 925*a*.

"**925*b*.** Every person, holding a license under this section, 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 898." Conditions of license to be complied with throughout the year.

23. Article 926*a* of the said Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 29, is amended by adding thereto the following clause : R. S., 926*a*, amended.

" For an offence to be considered a third offence, within the meaning of this section, it must have been committed within twenty-four months of the first offence." What is a third offence.

24. Article 928 of the said Revised Statutes, as amended by the act 56 Victoria, chapter 16, section 14, is further amended by adding, after the first clause, the following : R. S., 928, amended.

" The license commissioners in the cities of Quebec and Montreal, and the municipal council in all other parts of the province." Certain powers of license commissioners.

25. Article 994 of the said Revised Statutes, as replaced by the act 58 Victoria, chapter 14, section 14, is amended by adding after the words : " has been committed," in the sixth line, the words : " or before any magistrate having jurisdiction in the district under this section " . R. S., 994, amended.

26. The following articles are added after article 996 of the said Revised Statutes : Arts. added after R. S., 996.

" **996*a*.** No prosecution shall be instituted by a collector of provincial revenue against a pedlar, unless when required so to do by the council of the municipality within the limits whereof was committed the offence which is the basis of the prosecution. When pedlars are to be prosecuted.

" **996*b*.** Whenever a prosecution is instituted against a pedlar 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." If prosecution instituted at request of municipality who pays part of costs and to whom is paid half of fine.

Art. added
after R. S.,
1003a.

27. The following article is added after article 1003a of the said Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 38 :

Billiard tables
not to be play-
ed upon on
Sunday, &c.

“**1003b.** 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 shall, during such time, keep the room, in which such tables are, closed, under penalty of a fine of seventy-five dollars for the first offence and of one hundred and fifty dollars for every subsequent offence.”

Fine.

R. S., 1027,
amended.

28. Article 1027 of the said Revised Statutes is amended by adding after the words : “ provincial revenue,” in the first line, the words : “ notwithstanding the provisions of article 1026.”

R. S., 1031,
replaced.

29. Article 1031 of the said Revised Statutes is replaced by the following :

Suits to be
brought be-
fore what
courts.

“ **1031.** 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 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.”

R. S., 1032,
amended.

30. Article 1032 of the said Revised Statutes is amended by striking out the words : “ and Superior Court,” in the first line thereof.

R. S., 1033,
amended.

31. Article 1033 of the said Revised Statutes is amended by striking out the words : “ Superior Court or ”, in the first and second lines thereof.

R. S., 1035,
amended.

32. Article 1035 of the said Revised Statutes is amended by striking out the words : “ and the Superior Court,” in the second line thereof.

R. S., 1042,
amended.

33. Article 1042 of the said Revised Statutes is amended by striking out the words : “ Superior Court and ”, in the first and second lines thereof.

R. S., 1044,
amended.

34. Article 1044 of the said Revised Statutes is amended by striking out the words : “ Superior Court or,” in the second line thereof.

R. S., 1047,
amended.

35. Article 1047 of the said Revised Statutes is amended by adding thereto the following clause :

Protection of
informers.

“ 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 is asked to do so, he is not obliged to answer."

36. Article 1066 of the said Revised Statutes is amended by striking out the words: "the Superior Court or in", in the second and third lines thereof. R. S., 1066, amended.

37. Article 1067 of the said Revised Statutes is replaced by the following: R. S., 1067, replaced.

"**1067.** 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." Notice to defendant not necessary.

38. Article 1081 of the said Revised Statutes, as amended by the act 57 Victoria, chapter 13, section 27, is amended by striking out the words: "and the prothonotary of the Superior Court," in the second and third lines thereof. R. S., 1081, amended.

39. Article 1082 of the said Revised Statutes, as replaced by the act 52 Victoria, chapter 15, section 13, and amended by the act 54 Victoria, chapter 13, section 47, is replaced as follows: R. S., 1082, replaced.

"**1082.** Unless otherwise provided, every prosecution under this law shall be instituted within four months of the contravention, except in the revenue district of Saguenay, in the limits whereof any prosecution under this law may be instituted within twelve months of the offence." Limitation of prosecutions.

40. The following article is added after article 1092 of the said Revised Statutes: Art. added after R. S., 1092.

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

41. This act shall not affect any suit before the Superior Court in which judgment has already been rendered, which judgment may be enforced as if this act had not been passed, nor any suit now pending before the said court, which may be continued to judgment and the judgment therein enforced as if this act had not been passed. Certain suits, &c., not affected.

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