

CAP. XIII.

An Act to further amend the Quebec License Law.

[Assented to 8th January, 1894.]

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

R. S., art. 828,
§4, amended.

1. Paragraph 4 of article 828 of the Revised Statutes is amended by adding thereto the following :

“Bar.”

“The word : “bar” shall mean the place, behind the counter, in which the said liquors are kept for sale.”

R. S., art. 828,
§ 30, replaced.

2. Paragraph 30 of article 828 of the said Statutes, as replaced by the acts 54 Victoria, chapter 13, section 1, and 55-56 Victoria, chapter 11, section 1, is again replaced by the following :

“Bottler.”

“30. A “bottler” is a person who bottles the fermented liquors known as beer, ale, porter and stout, and sells and delivers them, either on his own premises or at those of the purchaser, within the limits of any municipality for which he holds a license, in quantities of at least a dozen bottles at a time, of not less than one pint imperial measure each.”

R. S., art. 836,
amended.

3. Article 836 of the said Statutes, as amended by the act 54 Victoria, chapter 13, section 3, is further amended by adding thereto the following : “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 tavern, 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.”

Articles add-
ed after R. S.,
art. 836.

4. The following articles are added after article 836 of the said Statutes :

Exemption
from produ-
cing certi-
ficate of elec-
tors in certain
cases.

“836a. Any licensee in the city of Montreal or Quebec, if he be of good repute, if he 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 infringements thereof, and produces an affidavit to that effect in the form of the following schedule, 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 835 :

SCHEDULE.

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 premises, and have not been convicted of
any infringements thereof, and I have signed.

Sworn before me, at _____
this _____ day of _____ 189 _____

"**836b.** In the city of Montreal, all certificates and applications for annual licenses shall be filed in the office of the competent authority on or before the twentieth day of the month of January in each year." When application for licenses to be produced in Montreal.

5. Article 842 of the said Statutes is amended by adding thereto the following: R. S., art. 842, amended.

"4. Or that he has been convicted of smuggling intoxicating liquors." Smuggling.

6. Paragraph 8 of article 843 of the said Statutes is amended by adding thereto the following: R. S., art. 843, § 8, amended.

"It shall be lawful for the said competent authorities 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." Evidence on oath.

7. The following article is added after article 843 of the said Statutes: Art. added after R. S., art. 843.

"**843a.** In the city of Montreal, for the year beginning on the first day of May, 1894, the number of hotel and restaurant licenses shall be limited to a maximum of four hundred and forty, and for the year beginning on the first day of May, 1895, to a maximum of four hundred; and that number shall not be exceeded in any year thereafter." Number of hotel and restaurant licenses in Montreal limited.

8. Article 854 of the said Statutes is amended by adding thereto the following: R. S., art. 854, amended.

"No restaurant license shall, however, be granted elsewhere than in cities or towns." Restaurant licenses only in cities and towns.

R. S., art. 855,
amended.

9. Article 855 of the said Statutes, as amended by the act 56 Victoria, chapter 16, section 5, is further amended by adding thereto the following :

Amount of
security for
temperance
hotels.

“ But the amount of security required from each bondsman shall not exceed fifty dollars.”

R. S., art. 857a,
amended.

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

No intoxicating
liquors to
be sold, &c.,
at auction
sales, &c., in
village and
rural muni-
cipalities.

“ No intoxicating liquors shall, however, be sold or given away by any person whomsoever, in village or rural municipalities, at any auction sale, ploughing match, exhibition or political meeting, 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 an imprisonment not exceeding one month in default of payment.”

Art. added
after R. S.,
art. 857b.

11. The following paragraph is added after article 857b of the said Statutes :

“ 9c.—*Bottlers' licenses.*”

Issue of
bottlers'
licenses.

“ 857c. Bottlers' licenses are granted simply on payment, to the proper collector of provincial revenue, of the required duties and fees.

Additional
licenses.

The holder of such license may take out one or more additional licenses for municipalities in the district for which he holds his license ; but no such additional license shall be issued to him for a municipality of a higher grade than that for which he holds his license.”

R. S., art. 878,
§ 9, replaced.

12. Paragraph 9 of article 878 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 13, section 12, and amended by the act 55-56 Victoria, chapter 11, section 16, is again replaced by the following :

Tariff for
bottlers'
licenses.

“ 9. On each principal license for the sale of fermented liquors bottled by the holder of such license :

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 municipality, 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 municipality, ninety dollars ;

And for each vehicle used by brewers and bottlers, ten dollar

13. The following article is added after article 886 of the said Statutes :

886a. If the certificate of the secretary-treasurer, clerk or treasurer of the municipality, so 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 valuator, 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 an 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.”

Art. added after R. S., art. 886.

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

Cancellation of license.

14. Article 898 of the said Statutes, as replaced by the act 54 Victoria, chapter 13, section 14, and amended by the act 55-56 Victoria, chapter 11, section 18, is further amended by adding, after the first clause, the following :

R. S., art. 898, amended.

“ Every person, holding a license for a restaurant or hotel, who does not, at all times throughout the whole year for which he holds such license, comply with the conditions under which such license was granted, shall be liable to a similar penalty.”

Penalty on persons holding hotel, &c., license not complying with conditions.

15. Article 903 of the said Statutes is replaced by the following :

R. S., art. 903, replaced.

903. 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.”

Penalty if intoxicating liquors are drunk in temperance hotels.

16. Article 912 of the said Statutes, as amended by the act 54 Victoria, chapter 13, section 21, is further amended :

R. S., art. 912, amended.

1. By adding, after the word : “ room,” in the fourth line, the words : “ sufficiently large to seat such ten persons.”

2. By replacing the word : “ two,” in the fifth line, by the word : “ five.”

17. Article 921 of the said Statutes, as replaced by the act 52 Victoria, chapter 15, section 8, is amended by adding thereto the following :

R. S., art. 921, amended.

“ Any minor found therein, 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.”

Penalty on minor frequenting taverns, &c.

18. Article 926 of the said Statutes, as replaced by the act 54 Victoria, chapter 13, section 28, and amended by the

R. S., art. 926, amended.

acts 55-56 Victoria, chapter 11, section 24, and 56 Victoria, chapter 16, section 12, is again amended by striking out the second paragraph thereof.

Art. added
after R. S.,
art. 926*d*.

19. The following article is added after article 926*d* of the said Revised Statutes :

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

“**926e.** It shall be lawful for the magistrate, before whom a prosecution for an infringement of the Quebec License Law has been heard, to order, before judgment, an inquiry to be held as to whether the offence is a third offence or not, although the same is not alleged in the complaint ; and, if it be established that it is a third offence, to render judgment as for such third offence.”

R. S., art. 936,
amended.

20. Article 936 of the said Statutes is amended by adding thereto the following : “ and, in the case of a third condemnation for a contravention of this section, must revoke such certificate.”

R. S., art. 993,
amended.

21. Article 993 of the said Statutes, as replaced by the act 54 Victoria, chapter 13, section 37, and amended by the act 56 Victoria, chapter 16, section 16, is further amended by adding thereto the following :

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

“ 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.”

Art. added
after R. S.,
art. 1039*a*.

22. The following article is added after article 1039*a* of the said Statutes :

Option of col-
lector in cer-
tain prosecu-
tions.

“ **1039b.** In any prosecution instituted by any collector of provincial revenue, under the authority of this section, 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., art.
1050, amend-
ed.

23. Article 1050 of the said Statutes, as amended by the act 56 Victoria, chapter 16, section 19, is further amended by adding thereto the following :

Application
of provisions.

“ The preceding provisions apply to all prosecutions, including those instituted for the sale of intoxicating liquors on Sunday.”

24. Paragraph 4 of article 1060 of the said Statutes is repealed. R. S., art. 1060, § 4, repealed.

25. The following article is added after article 1062a of the said Statutes : Art. added after R. S., art. 1062a.

1062b. In any prosecution under this section, 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 short-hand or otherwise, shall be included in the taxed costs of the suit ". Certain expenses to be included in taxed costs.

26. Article 1080 of the said Statutes is amended : R.S., art.1080, amended.

1. By adding after the word : "Council," in the third line, the words : "upon the recommendation of the convicting magistrate " ; Recommendation of convicting magistrate.

2. By adding thereto the following paragraph :

"Every petition for the remission of any fine incurred under this section must be addressed to the Lieutenant-Governor in Council ; and no such petition shall be considered, unless public notice thereof shall have been previously given by the petitioner in two newspapers, one English and one French, published in the district in which the fine was imposed, if such newspapers are published in such district, and in one newspaper in both languages in districts in which a newspaper in one language only is published, and, if no newspaper is published in any district, then such notice shall be published as the Lieutenant-Governor in Council may direct. Paragraph added :
Petition to Lieutenant-Governor and publication of notice required.

The said notice shall state, in addition to the name and address of the petitioner, the names of all those who have signed the petition in his favor, or any letters supporting the same. Contents of notice.

A copy of each newspaper containing such notice, shall be forwarded to the Lieutenant-Governor in Council with the petition." Copies of newspapers to be sent to Lieutenant-Governor.

27. Article 1081 of the said Statutes is amended by adding at the end thereof the words : "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., art.1081, amended.
Return required even if there are no prosecutions.