

Steamboat, barge or vessel owners.

When, from the nature of the business carried on, there is any doubt as to whether it is by retail or wholesale, then the person carrying on such business shall pay a wholesale license."

Article added
after R. S.,
art. 826c.

2. The following article is added after the said article 826c :

Remission of
duties in cer-
tain cases.

" **826cc.** Small shop-keepers, who keep for retail, on their premises, small quantities of goods and wares, not exceeding at one time throughout the year a value of five hundred dollars, on making a statutory declaration to that effect, and depositing the same with the collector of provincial revenue for the district in which said premises are situated, may be exempted from the payment of the tax by the Provincial Treasurer; but a list of the names of the persons so exempted shall be laid before the Legislature within fifteen days after the opening of the session."

Coming into
force.

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

C A P. X V I.

An Act to further amend the Quebec License Law.

[Assented to 27th February, 1893.]

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

Par. added
to R. S., art.
828.

1. The following paragraphs are added after paragraph 36 of article 828 of the Revised Statutes, added by the act 55-56 Victoria, chapter 11, section 1 :

" Keeper."

" 37. The word " keeper," when used in this section, shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others.

Effect of auc-
tioneer's
license.

" 38. 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., art. 831,
amended.

2. Article 831 of the said Revised Statutes is amended by inserting, after the word : " article," in the third line,

the words: "and which are the only liquor licenses that can be issued in mining divisions, saving the provisions of article 831a,".

3. The first paragraph of article 832 of the said Statutes, as amended by the act 55-56 Victoria, chapter 11, section 5, is replaced by the following : R. S., art. 832, and 55-56 V., c. 11, s. 5, amended.

"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 upon those licenses by law." Issue of licenses.

4. The last clause of article 848 of the said Statutes is amended by adding thereto the following : R. S., art. 848, amended.

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

5. Article 855 of the said Statutes is amended :

1. By striking out the words : "and temperance hotel," in the first line ; R. S., art. 855, amended.

2. By adding thereto the following clause :

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

6. The following paragraph is added after article 856 of the said Statutes : Par. added after R. S., art. 856.

"1a.—*Druggists' licenses.*

"853a. The conditions and formalities relative to the certificates and security required to obtain a retail liquor shop license, are in like manner applicable *mutatis mutandis* to the obtaining of the druggists' licenses mentioned in article 909b." Formalities for obtaining druggists' licenses.

7. Article 857 of the said Statutes is amended :

1. By inserting in the first paragraph after the word : "Quebec," in the second line thereof, the words : "if such clubs are incorporated under article 5487 or by special charter." R. S., art. 807, amended.

2. By striking out all the words after the word : "liquors," in the fifth line of the second paragraph thereof, and

replacing them by the words: "in all unincorporated clubs in cities and towns, and in the banlieue of Quebec, and in all clubs whatsoever in other municipalities"

R. S., art. 857b, 54 V., c. 13, s. 9, and 55-56 V., c. 11, s. 13, amended. **8.** Article 857b of the said Statutes, enacted by the act 54 Victoria chapter 13, section 9, and replaced by the act 55-56 Victoria, chapter 11, section 13, is amended by adding thereto the following:

Ingredients of native wines. "Manufacturers of native wines are allowed to add to the native grapes twenty-five per cent of imported grapes, raisins or currants."

Article added after R. S., art. 859. **9.** The following article is added after article 859 of the said Statutes:

Duties of city clerks, &c., to furnish certain statements of certificates confirmed. **"859a.** 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 section, 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.

Application to certain municipalities. This article applies also to the resolutions of municipal councils for the obtaining of vendors' licenses, granted in municipalities where a prohibitory by-law is in force."

Art. added after R. S., art. 901. **10.** The following article is added after article 901 of the said Statutes.

Penalty for purchasing, &c., wearing apparel, &c., for liquor, &c. **"901a.** 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 on oath being made before him or them of the facts, 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.

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

“ **925*c*.** Any person licensed to sell intoxicating liquors, who sells such liquors to any person, representing them as not being intoxicating, shall incur the penalties prescribed in article 926.” Penalty for selling intoxicants as not intoxicating.

12. Article 926 of the said Statutes, as replaced by the act 54 Victoria, chapter 13, section 28, and amended by the act 55-56 Victoria, chapter 11, section 24, is further amended by inserting before the words : “ shall be punishable,” in the third line thereof, the words : “ in this section.” R. S., art. 926, 54 V., c. 11, s. 28, and 55-56 V., c. 11, s. 24, amended.

13. Article 927*a* of the said Statutes, as enacted by the act 54 Victoria, chapter 13, section 30, is amended by striking out the words : “ of all establishments in which liquors are sold,” in the fifth and sixth lines, and replacing them by the words : “ 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,”. R. S., art. 927*a*, and 54 V., c. 13, s. 30, amended.

14. Article 928 of the said Statutes is amended by adding thereto the following : R. S., art. 928, amended.

“ 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.” Form and service of notice.

15. Article 945 of the said Statutes, as replaced by the act 54 Victoria, chapter 13, section 32, is amended by inserting after the word : “ signature”, in the second line of the second paragraph thereof, the words : “ or in any other way advertized as an auctioneer,”. R. S., art. 945, and 54 V., c. 13, s. 32, amended.

16. Article 993 of the said Statutes, as replaced by the act 54 Victoria, chapter 13, section 37, is amended by inserting after the words : “ article 870,” in the fifth line thereof, the words : “ or selling such goods, wares or merchandize upon the street,”. R. S., art. 993, and 54 V., c. 13, s. 37, amended.

R. S., art.
994, amended.

17. Article 994 of the said Statutes is amended by inserting after the word : " revenue " in the first line, the words :
" or person authorized by him, every ".

Art. added
after R. S.,
art. 1038.

18. The following article is added after article 1038 of the said Statutes :

Presumption
that collector
is duly ap-
pointed and
in office.

" **1038a.** In all proceedings under this section, 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 proceedings on the part of a collector of provincial revenue, denies the truth of such declaration, it is incumbent on such defendant or party to prove the falsity of the declaration.

Onus of
proof if con-
tested.

Id., as to
limits of his
district.

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., art.
1050, amend-
ed.

19. Article 1050 of the said Statutes is amended by striking out the words : " on or about the time mentioned," in the fourth line thereof, and replacing them by the words :
" within the delay allowed by law for prosecutions."

Art. added
after R. S.,
art. 1051.

20. The following article is added after article 1051 of the said Statutes :

Cost of analy-
sis of liquor
to be part of
costs of suit.

" **1051a.** Whenever the court is of opinion that the analysis of a liquor, reputed intoxicating, is necessary for the purposes of this section, the cost thereof will be included among the taxed costs of the action, but only to an amount not exceeding twenty dollars."

R. S., art.
1058, amend-
ed.

21. Article 1058 of the said Statutes, is amended by replacing the words : " one hundred dollars," in the fifth line, by the words : " double the amount imposed for the previous contravention."

Coming into
force.

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