

CAP. XI.

An Act to amend the Quebec License Law.

[Assented to 24th June, 1892.]

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

R. S. Q., art.
828, 52 V.,
c. 15, s. 1, and
54 V., c. 14,
s. 1, amended.

I. Article 828 of the Revised Statutes of the Province of Quebec, as amended by the acts 52 Victoria, chapter 15, section 1, and 54 Victoria, chapter 14, section 1, is further amended as follows:

§ 13a, replaced.

Apple cider
and native
wine licen-
ses.

1st. By replacing paragraph 13a by the following paragraphs:

" 13a. A license to sell apple cider manufactured by the vendor, or native wines made from grapes grown and produced in the Province of Quebec, and manufactured by the vendor, gives the right to sell, at any one time, such cider or native wines in quantities not less than one gallon, 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 upon the premises.

Sample or
commission
license.

" 13b. A sample or commission license gives the right to sell, by sample or on commission, intoxicating liquors, whether such liquors are in the Province, or held in bond or otherwise not within the limits of this Province."

§§ 29 and 30,
replaced.
" Billiard
tables."

2nd. By replacing paragraphs 29 and 30 by the following:
" 29. 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.

" Bottler."

" 30. A "bottler" is a person who bottles fermented liquors, sells and delivers them, either on his own premises or at those of the purchaser, within the limits of the municipality in which his bottling establishment is situate, in quantities of at least a dozen bottles at a time, of not less than one pint imperial measure each."

§§ added.

3rd. By adding the following paragraphs after paragraph 34:

" Railway
trains."

" 35. The words "railway trains" in this section shall comprise all passenger and colonist trains of every description running in any part of the Province of Quebec and on any railway situate, in whole or in part, within the said Province.

License is a
privilege and
not saleable,
&c.
Exception,
&c.

" 36. A license, within the meaning of this section, is a privilege granted to the holder for the purposes specified upon such license; it is not saleable or transferable, except as provided by articles 834a, 848 and 849."

2. Article 829 of the said Revised Statutes, as amended by the act 54 Victoria, chapter 13, section 2, is further amended : R. S. Q., art. 829, 54 V., c. 13, s. 2, amended:

1st. By replacing paragraphs 2, 5 and 5b thereof by the following : §§ 2, 5 and 5b, replaced:

“ 2. Any restaurant, steamboat bar or dining-car buffet ” ; Restaurant, &c.,

“ 5. Or to sell intoxicating liquors, whether by sample, on commission, or otherwise ; ” Sell intoxicating liquors, &c.

“ 5b. To sell apple cider or native wines manufactured by the vendor ; ” Sell apple cider, &c.

2ndly. By adding, after paragraph 10 thereof, the following : § added.

“ 11. Or, if a druggist, to sell intoxicating liquors without a medical certificate or in quantities over one pint, imperial measure, at a time.” Sales of intoxicating liquors by druggist.

3. Article 830 of the said Revised Statutes is amended by replacing the words : “ seventy-five, ” in the eighth line thereof, by the words : “ one hundred and twenty-five.” R. S. Q., art. 830, amended.

4. The following article is added after article 831 of the said Revised Statutes : Art. added after R. S. Q., art. 831.

“ **831a.** The provisions of articles 830 and 831, respecting the issue of tavern licenses, do not apply to cities and incorporated towns.” Certain provisions of art. 830 and 831, not to apply to cities, &c.

5. Article 832 of the said Revised Statutes is amended : R. S. Q., art. 832, amended.

1st. By replacing the word “ judicial,” in the fourth line thereof, by the word “ revenue ” ; and Revenue district substituted.

2ndly. By adding, after the second paragraph thereof, the following : § added.

“ 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 of Quebec.” Dining car license by whom to be issued.

6. The following article is added after article 834 of the said Revised Statutes : Art. added after R. S. Q., art. 834.

“ **834a.** Subject to the provisions of this section 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 true owner of the business there carried on.” Licenses to be personal, and transferable only under this law, and to remain in force only in favor of licensee, &c.

7. The following article is added after article 839 of the said Revised Statutes : Art. added after R. S. Q., art. 839.

Certificate to be filed for certain time before consideration, in certain municipalities.

"**839a.** 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."

Par. 5 of License Law repealed.

8. Paragraph 5 of the Quebec License Law, being section twelfth of chapter fifth of title fourth of the said Revised Statutes, is repealed.

R. S. Q., art. 848, and 54 V., c. 13, s. 5, amended.

9. Article 848 of the said Revised Statutes, as amended by the act 54 Victoria, chapter 13, section 5, is further amended :

Second paragraph replaced.
Transfers in exceptional cases.

1st. By replacing the second paragraph thereof by the following :

"Nevertheless, in exceptional cases, the transfer may be made upon the special authorization of the Provincial Treasurer, to whom a petition must be addressed, signed by the original holder of the license or his representatives, and by the transferee, alleging the reasons for which the transfer is applied for ; such petition shall be approved by the competent authorities before being submitted to the Treasurer ;

Fifth paragraph replaced.
When licenses may be transferred.

2ndly. By replacing the fifth paragraph thereof by the following :

"Save in the case of an abandonment of property, or of the death of the licensee, no transfer of the license shall be made until after the expiration of three months from the date upon which the license was delivered by the collector of provincial revenue."

54 V., c. 13, s. 5, repealed.

10. Section 5 of the act 54 Victoria, chapter 13, amending the said article 848, is repealed.

R. S. Q., art. 853, and 54 V., c. 13, s. 6, amended.

11. Article 853 of the said Revised Statutes, as amended by the act 54 Victoria, chapter 13, section 6, is further amended by adding thereto the words "within the limits of a city or town."

Paragraphs added after paragraph 8.

12. The following paragraphs and articles are added after paragraph 8 of section twelfth of chapter fifth of title fourth of the said Revised Statutes :

" § 8a.—*Dining Car Licenses.*

Application for dining car licenses.

"**855a.** 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.

Each such license shall authorize the said company to sell the liquors prescribed for a beer and wine license under this section, in one of the dining or buffet cars of the said company.

Privilege conferred.

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

Sales to be to bonâ fide travellers.

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.

Restriction as to sales.

§ 8b.—*Sample and Commission Licenses.*

“**855b.** Sample and commission licenses are granted simply upon payment, to the proper collector of provincial revenue, of the required duties and fees.”

Granting of sample and commission licenses.

13. Paragraph 9b of the said License Law, added by the act 54 Victoria, chapter 13, section 9, is replaced by the following :

Paragraph 9b, License Law, replaced.

§ 9b.—*Licenses for the sale of Cider and Native Wines.*

“**857b.** Licenses for the sale of cider manufactured by the vendor, and for the sale of native wines manufactured by the vendor from grapes grown and produced in the Province of Quebec, are granted upon payment, to the proper collector of provincial revenue, of the required duties and fees.”

Granting of cider and native wine licenses.

14. The following article is added after article 861 of the said Revised Statutes :

Art. added after R. S. Q., art. 861.

“**861a.** Any person, licensed under article 864, who sells any quantity whatsoever of intoxicating liquor, without the certificate required by articles 861 and 862, or who allows any liquor sold by him to be drunk in his establishment or its dependencies, shall be liable to the penalties imposed by articles 900 and 901.”

Penalties for certain infractions.

15. Article 876 of the said Revised Statutes is replaced by the following :

R. S. Q., art. 876, replaced.

“**876.** 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.”

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

R. S. Q., art.
878, and 54 V.,
c. 13, s. 12,
amended.
§ 3a added.
dining car
license.

§ 8a added.
Sample and
commission
license.

§§ 9 and 10,
replaced.

Bottlers'
license.

Duties on
vehicles.

Licenses for
sales for
medicinal,
&c., purposes
in certain
municipali-
ties.

§ 11a added.
Native wine
license.

Druggist's
license.

§ 18 amended.

§ 20 amended.

Art. 883, and
54 V., c. 13,
s. 13 replaced.

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

1st. By adding, after paragraph 3 thereof, the following :
" 3a. On each dining car license, authorizing the sale of beer and wine on railway trains, fifty dollars."

2ndly. By adding, after paragraph 8 thereof, the following :
" 8a. On each license to sell intoxicating liquors, by sample or on commission, two hundred dollars."

3rdly. By replacing paragraphs 9 and 10 thereof by the following :

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

a. If the bottler is at the same time a brewer :

1. In the cities of Montreal and Quebec, two hundred dollars ;

2. In any other municipality, one hundred and fifty dollars.

b. If he is not a brewer :

1. In the cities of Montreal and Quebec, one hundred and twenty-five dollars ;

2. In any other municipality, ninety dollars ;

And for each vehicle used by brewers and bottlers, a duty of ten dollars.

" 10. On each license to sell liquors for medicinal 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 incorporated 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 unorganized territory, seventy dollars."

4thly. By adding, after paragraph 11 thereof, the following :
" 11a. On each license to sell native wine manufactured by the vendor, ten dollars.

" 11b. On each druggist's license :

a. In the cities of Montreal and Quebec, one hundred and fifty dollars ;

b. In any other part of the Province, one hundred dollars."

5thly. By replacing the word " twenty," in the second line of paragraph 18 thereof, by the words " one hundred."

6thly. By replacing the words " organized territory," in the tenth line of paragraph 20 thereof, by the words " the Province."

17. Article 883 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 13, section 13, is again replaced by the following :

" 883. The following duties on licenses, issued under Duties on
and in pursuance of sub-sections 3, 4 and 8 of section 99 of licenses under
the Canada Temperance Act, shall be payable to the col- Canada Tem-
lector of provincial revenue, previous to the granting of perance Act.
the different licenses, viz :

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

- 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."

Wholesale
license.

18. Article 898 of the said Revised Statutes, as replaced R. S. Q., art.
by the act 54 Victoria, chapter 13, section 14, is amended 898, and 54 V.,
by inserting, between the word: " whatsoever " and the c. 13, s. 14,
words: " intoxicating liquors," in the fifth line thereof amended.
the words: " even by sample or on commission," and by
striking out the words: " municipally organized " in the
sixth line thereof.

19. The following article is added after the said article Art. added
898: after R. S. Q.,
art. 898.

" 898a. Any railway company or person in charge of a Penalty for
dining or buffet car on a railway train, selling intoxicating selling liquors
liquors in any part whatsoever of this Province, without a on dining or
license to that effect still in force, or, whilst holding a buffet car
ing car license, sells other intoxicating liquors than those without
allowed by such license, or otherwise contravenes the pro- license, &c.
visions of this section, shall be liable for each offence to a
fine of one hundred dollars."

20. Article 900 of the said Revised Statutes, as replaced R. S. Q., art.
by the act 54 Victoria, chapter 13, section 15, is amended 900, and 54
by inserting, between the words: " the same time " and the V., c. 13, s.
word " shall," in the tenth line thereof, the words: " the 15, amended.
whole of the said two gallons or one dozen bottles to be
removed at once from the premises."

21. The following articles are added after article 909 of Art. added
the said Revised Statutes : after R. S. Q.,
art. 909.

" 909a. Articles 898, 906 and 907 shall not pre- Interpretation
vent any brewer, distiller, or other person duly licensed to be given
to articles 898,

906 and 907,
R. S. Q., as to
brewers,
distillers, &c.

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 shop license, or a bottler's license, as the case may be, to sell under this section the liquors so manufactured by him.

Idem, as to
chemists and
druggists,
&c.

909b. The said articles 898, 906 and 907 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 purposes, under certificate from a registered medical practitioner, and then only in quantities not exceeding one pint, imperial measure, at any one time; but every such chemist or druggist who wishes, in the regular and ordinary course of his business, to sell intoxicating liquors in quantities exceeding one pint, imperial measure, at a time, or to sell such liquors in quantities less than one imperial pint without the certificate of a registered medical practitioner, must first obtain a druggist's license under this section."

Proviso.

R. S. Q., art.
922a, and
54 V., c. 13,
s. 24, amend-
ed.

22. Article 922a of the said Revised Statutes, added by the act 54 Victoria, chapter 13, section 24, is amended by inserting, between the word: "thereof" and the words: "at any place" in the third line thereof, the words: "nor by any bottler;" and by inserting after the words: "liquor shops," in the tenth line thereof, the words "and bottlers' establishments."

R. S. Q., art.
925a, and
54 V., c. 13,
s. 27, amend-
ed.

23. Article 925a of the said Revised Statutes, added by the act 54 Victoria, chapter 13, section 27, is amended by inserting after the words: "beer and wine license," in the first and second lines thereof, the words: "or a cider license, or a license for the sale of native wines."

R. S. Q., art.
926, and 54 V.,
c. 13, s. 28,
amended.

24. Article 926 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 13, section 28, is amended by inserting between the words: "intoxicating liquors" and the words: "shall be," in the third line thereof, the words: "in respect of which infraction no other penalty is prescribed."

Art. added
after R. S. Q.,
art. 926a.

25. The following articles are added after article 926a of the said Revised Statutes:

" 926b. In any case in which, under the provisions of this section, 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.

Penalty for delivering or obtaining colorably certificate for sale of liquors under Temperance Acts.

" 926c. Any person who, having violated any of the provisions of this section, 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 such complaint, or of stopping or having the same dismissed, for want of prosecution or otherwise, shall be guilty of an offence under this section, 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.

Penalty against persons violating this section, for compromising &c., offence.

" 926d. Every person, who is concerned in, or is a party to, the compromise, composition or settlement mentioned in the next preceding article, 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."

Penalty against persons concerned therein.

25. Article 927b of the said Revised Statutes, added by the act 54 Victoria, chapter 13, section 30, is amended by striking out the words : " fifty dollars in any year," in the fourth line thereof, and replacing them by the words : " in any one year, two hundred dollars in cities and towns, and fifty dollars in all other municipalities."

R. S. Q., art. 927b, and 54 V., c. 13, s. 30, amended.

27. The following article is added after article 929 of the said Revised Statutes :

Art. added after R. S. Q., art. 929.

" 929a. Besides the civil action mentioned in the next preceding article, every person, contravening any of the provisions of article 928, is liable to the penalties imposed by article 926."

Penalties incurred in addition to civil action.

28. Article 944 of the said Revised Statutes is replaced by the following :

R. S. Q., art. 944, replaced.

" 944. 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

Certain property, when sold by auction, also

chargeable
with duty of
one per cent.

appointed, are, when sold by auction, also chargeable with the duty of one per cent mentioned in the next preceding article."

R. S. Q., art.
976, and 54 V.,
c. 13, s. 36,
replaced.

29. Article 976 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 13, section 36, is again replaced by the following :

Catalogue of
goods to be
sold by pawn-
brokers to be
made, and
what to con-
tain.

Publication of
notice of sale
and what to
contain.

Articles to be
exposed to
view in the
meantime.

" 976. 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. Q., art.
1026, and
54 V., c. 13, s.
42, amended.

30. The fourth paragraph of article 1026 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 13, section 42, is again replaced by the following :

Distribution
of fines col-
lected :

" All fines collected in such cases, at the suit of the collector of provincial revenue, shall be distributed in the following manner :

If not over
sixty dollars ;

1. If the fine does 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 ;

If over sixty
dollars ;

2. If the fine exceeds 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.

If over eighty
dollars.

If the fine exceeds eighty dollars, there is paid 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 is paid in to the consolidated revenue fund of the Province."

Art. added
after R. S. Q.,
art. 1039.

31. The following article is added after article 1039 of the said Revised Statutes :

Who are
punishable in
prosecutions
under this
section.

" 1039a. In any prosecution under this section, the actual offender, as well as the owner, lessee or occupant of the licensed premises, shall be personally liable to the penalties

and punishments which may be imposed for the infraction or violation thereof, and, 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."

32. Article 1041 of the said Revised Statutes is repealed. R. S. Q., art. 1041 repealed.

33. The following article is added after article 1049 of the said Revised Statutes : Art. added after R. S. Q., art. 1049.

" **1049a.** Any person who, in any prosecution under this section, tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding thereunder, or by the offer of money or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself or to swear falsely, shall, in addition to any other recourse against him, be liable to a penalty of not less than twenty dollars nor more than one hundred dollars, or to imprisonment in the common gaol for a period not exceeding three months, in the discretion of the court." Penalty for tampering with a witness.

34. The following article is added after article 1062 of the said Revised Statutes : Art. added after R. S. Q., art. 1062.

" **1062a.** In any prosecution under this section, or 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 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 fares 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 or other expenses shall be verified by the oath of the collector of provincial revenue."

R. S. Q., art. 1076, and 54 V., c. 13, s. 45, replaced. **35.** The first paragraph of article 1076 of the said Revised Statutes, as replaced by the act 54 Victoria, chapter 13, section 45, is again replaced by the following :

Application of fines in suits instituted by collector : **" 1076.** 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 :

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

And fine does not exceed sixty dollars ; **a.** If the fine does 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 Provincial Treasurer, to form part of the consolidated revenue fund ;

Exceeds sixty but not eighty dollars ; **b.** If the fine exceeds 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 eighty dollars. **c.** If the fine exceeds eighty dollars, there is paid to the collector of provincial revenue twenty dollars, to the informer, if there be one, fifteen dollars, and the balance is paid in to the consolidated revenue fund of the Province."

R. S. Q., art. 1086 repealed. **36.** Article 1086 of the said Revised Statutes is repealed.

When licenses for current year to be taken out. **37.** The licenses imposed by this act must be applied for and taken out, for the current license year, within ten days after the coming into force of this act.

Coming into force. **38.** This act shall come into force on the day of its sanction.

CAP. XII.

An Act to amend article 844 of the Revised Statutes of the Province of Quebec, respecting the granting of licenses in the city of Three Rivers.

[Assented to 24th June, 1892.]

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

R. S. Q., art. 844, amended. **I.** Article 844 of the Revised Statutes of the Province of Quebec is amended by replacing the words : " In the cities of Hull and Three Rivers," in the first line, by the words " In the city of Hull."