

3. One third of the monthly payment of a salary exceeding two thousand dollars per annum. " Salaries over \$2,000.

2. Article 558 of the Code of Civil Procedure, as it is contained in article 5318 of the said Revised Statutes, is amended by replacing paragraph 5 by the following : C. C. P. art. 558 amended.

" 5. Wages and salaries not yet due, except the salaries of public officers or employees of this Province, whether permanent or not, and those of city or town clerks in incorporated cities or towns, which are liable to seizure in the proportions mentioned in article 628 of this Code." As to seizure of wages and salaries.

3. Article 628 of the said Code, as it is contained in article 5931 of the said Revised Statutes, is amended by replacing paragraph 2 by the following : Id. art. 628 amended.

" 2. Salaries or wages of public officers, except those of city or town clerks in incorporated cities and towns and of officers and public officials of the Province, whether permanent or not, which are liable to seizure, for :

1. One fifth of the monthly payment of a salary not exceeding one thousand dollars per annum ; \$1,000 and under.

2. One fourth of the monthly payment of a salary exceeding one thousand dollars and not exceeding two thousand dollars per annum ; Over \$1,000 and under \$2,000.

3. One third of the monthly payment of a salary exceeding two thousand dollars per annum. Salaries exceeding \$2,000.

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

CAP. XIII.

An Act to amend the Quebec License Law.

[Assented to 30th December, 1890.]

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

1. Article 828 of the Revised Statutes of the Province of Quebec is amended : R. S. Q. art. 828 amended.

1st By striking out, in the first line of paragraph 2, the words " ginger beer, spruce beer, root beer ;" Ginger beer, spruce beer, root beer struck.

2nd By adding the following paragraph after paragraph 6. Paragraph added after 6.

" 6a. A license to sell wine, ale, beer, lager beer, porter and cider, exclusively, is termed a " beer and wine license," and is construed to mean an inn or restaurant license, as the case may be, which gives the holder thereof the right to sell ale, beer, lager beer, porter and cider, and also Beer and wine license.

native wines, manufactured in the Province of Quebec, containing not more than fifteen per cent. of alcohol, and light foreign wines, containing not more than fifteen per cent. of alcohol, but not port, sherry or madeira wine or any other intoxicating liquor, subject to the conditions contained in article 854*a* ;”

Paragraph added after 13.
License to sell apple cider.

3rd. By adding, after paragraph 13, the following :

“ 13*a*. A license to sell apple cider manufactured by the vendor gives the right to sell, at any one time, such cider in quantities not less than one gallon, imperial measure.”

Paragraph 30 replaced.

4th. By replacing paragraph 30 thereof by the following :

“ 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, in quantities of at least a dozen bottles at a time, of not less than one pint imperial measure each ;”

Paragraph 32 amended.

5th. By adding after the words “polling subdivision” in the first line of paragraph 32, the following words: “in all municipalities except cities;” and by adding at the end of the said paragraph, the following :

“In all cities, the following expressions: ‘ward of the city,’ ‘polling subdivision,’ ‘polling district,’ and ‘electoral district,’ when they concern a license certificate or an opposition thereto, shall mean any subdivision for polling purposes at municipal elections, as shown by the electoral lists of the city, having served for the last elections for aldermen ;”

Paragraph added after 33.

6th. By adding thereto the following paragraph, after paragraph 33, added by the act 52 Victoria, chapter 15, section 1.

“ Pedlar.”

“ 34. The word ‘pedlar’ comprises not only travelling salesmen who go from town to town, but also those who peddle within the limits of one and the same city, town, village or parish.”

Id. art. 529 amended.
Paragraphs added after 5.
Beer and wine.

2. Article 829 of the said Revised Statutes is amended :

1. By adding after paragraph 5 thereof the following :

“ 5*a*. To sell wine, ale, beer, lager beer, porter and cider ;”

Apple cider.
Paragraph 8 replaced.

“ 5*b*. To sell apple cider manufactured by the vendor ;”
2. By replacing paragraph 8 thereof by the following :

Powder magazine and sale of powder.

“ 8. To keep a powder magazine or to sell powder, or to keep it for sale.”

Id. art. 836 amended.

3. Article 836 of the said Revised Statutes is amended by adding after the word “residing,” in the eighth line, the words “or having their place of business.”

Id. arts. 846, 867 and 874 amended.

4. Articles 846, 867 and 874 of the said Revised Statutes are amended by adding, at the end of each, the following clause :

“ The applicant shall pay to the collector of provincial revenue, for the bond executed by his sureties, the sum of four dollars, of which three dollars shall be remitted to the Provincial Treasurer and one shall be retained by the collector of provincial revenue as a fee.”

Sum to be paid for bond and application thereof.

5. Article 848 of the said Revised Statutes is amended by adding after the words “ the majority of them, ” in the thirtieth line, the words “ or the three commissioners or the majority of them, in the cities of Hull and Three Rivers. ”

Id. art. 848 amended.

6. Article 853 of the said Revised Statutes is amended by striking out the words “ in any city ” in the third line thereof.

Id. art. 853 amended.

7. The following paragraph and article are added after article 854 of the said Revised Statutes :

Art. added after art. 854.

§ 7a.—*Beer and wine licenses.*

“ 854a. The conditions and formalities imposed, relating to the certificates required to obtain a license for an inn or a restaurant, as the case may be, including the provisions established for the cities of Quebec and Montreal, and the obligations and penalties relating to the holder of an inn or restaurant license, as the case may be, apply, *mutatis mutandis*, to licenses for the exclusive sale of wine, ale, beer, lager beer, porter and cider.”

Conditions, &c., for beer and wine license.

8. Article 857 of the said Revised Statutes is amended by adding thereto the following :

Id. art. 857 amended.

“ 3. Before any club license is issued, the constitution and the rules and regulations of such club must be submitted to the Provincial Treasurer, who may refuse to grant the license if he sees fit.”

Constitution, &c., to be submitted to treasurer who may refuse license.

9. The following paragraph and article are added after article 857a of the said Revised Statutes, as added by the act 52 Victoria, chapter 15, section 7.

Art. added after R. S. Q. art. 857a.

§ 9b. *Licenses for the sale of cider.*

“ 857b. Licenses for the sale of cider, manufactured by the vendor, are granted upon payment to the proper collector of provincial revenue of the required duties and fees.”

License for sale of cider manufactured by vendor.

10. The following article is added after article 865 of the said Revised Statutes :

Art. added after R. S. Q. art. 865.

Licenses subject to certain regulations.

“ **865a.** The licenses mentioned in articles 864 and 865 are further subject to such regulations as may be adopted by the Lieutenant-Governor in Council.”

Id. art. 870 amended.

11. Article 870 of the said Revised Statutes is amended by replacing clause 4 of paragraph 2 thereof by the following :

“ Fish, fruit, victuals and fuel (coal or fire-wood.) ”

Id. art. 878 replaced.

12. Article 878 of the said Revised Statutes is replaced by the following :

Fees and duties on licenses.

“ **878.** In addition to a fee of one dollar on the granting of each license, the duties comprised in the following tariff shall be payable by the applicant therefor to the collector of provincial revenue, preliminary to the granting thereof :

TARIFF OF DUTIES ON LICENSES.

V.—LICENSES FOR THE SALE OF INTOXICATING LIQUORS.

Inn :

1. On each license to keep an inn, and for the sale therein of intoxicating liquors :

Montreal ;

a. In the city of Montreal, four hundred dollars, if the annual value or rent of the premises for which the license be required, be less than four hundred dollars ;—six hundred dollars, if the annual value or rent be four hundred dollars and less than eight hundred dollars ;—and eight hundred dollars, if the annual value or rent be eight hundred dollars or more :

Quebec ;

b. In the city of Quebec, two hundred and fifty dollars, if the annual value or rent be less than two hundred dollars ;—three hundred dollars, if the annual value or rent be two hundred dollars and up to four hundred dollars ;—five hundred dollars, if the annual value or rent be four hundred dollars and less than eight hundred dollars ;—and six hundred and fifty dollars, if the annual value or rent be eight hundred dollars or more ;

Other city ;

c. In every other city, two hundred dollars ;

Town ;

d. In every incorporated town, one hundred and eighty dollars :

Village ;

e. In every village, regulated under the authority of the Municipal Code, one hundred and fifty dollars ;

Organized territory ;

f. In every section of organized territory, outside of a city, town or village, one hundred and twenty five dollars ;

Non-organized territory.

g. In every non-organized territory, ninety dollars.

2. On each license for the sale of intoxicating liquors in Club :
a club :
- a. In the city of Montreal, three hundred dollars ; Montreal ;
 - b. In the city of Quebec, two hundred dollars ; Quebec ;
 - c. In every other part of the Province, one hundred dollars. Other part of Province.
3. On each license for the sale of intoxicating liquors in a restaurant or railway buffet :
- a. In the city of Montreal, four hundred dollars, if the annual value or rent of the premises, for which the license is required, be less than four hundred dollars ;—six hundred dollars, if the annual value or rent be four hundred dollars and less than eight hundred dollars ;—and eight hundred dollars, if the annual value or rent be eight hundred dollars or more ; Restaurant and railway buffets ; Montreal ;
 - b. In the city of Quebec, three hundred dollars, if the annual value or rent be less than four hundred dollars ;—and five hundred dollars, if the annual value or rent be four hundred dollars or more ; Quebec ;
 - c. In every other city, two hundred dollars ; Other city ;
 - d. In every incorporated town, one hundred and fifty dollars ; Town ;
 - e. In every other part of organized territory, one hundred and twenty dollars. Other organized territory.
4. On each license to sell wine, ale, beer, lager beer, porter, and cider exclusively, seventy-five per cent of the amount of license duty required to keep an inn or a restaurant, as the case may be, in the locality for which such license is applied for. Beer and wine.
5. On each license for a steamboat bar, for the sale therein of intoxicating liquors, three hundred dollars. Steamboat bar.
6. On each license for the sale of intoxicating liquors at the mines or in any mining district or division, such sum as the Lieutenant-Governor in Council may determine, provided that, in no case, shall such sum be less than one hundred and twenty-five dollars. Licenses at mines.
7. On each retail liquor shop license :
- a. In each of the cities of Montreal and Quebec, twenty five dollars and one hundred and twenty five per centum of the annual value or rent of the premises, for which the license is required ; provided that, in no case, shall the duties on such license be less than two hundred dollars or more than four hundred dollars ; Retail liquor shops ; Montreal and Quebec ;
 - b. In every other city, two hundred dollars ; Other city ;

- Town ;
Other organized territory.
Non-organized territory.
Wholesale liquor shop :
Montreal and Quebec ;
City ;
Town ;
Other organized territory.
Bottlers' license :
Montreal and Quebec ;
Other municipality ;
License for medicinal purposes, etc :
City ;
Town ;
Village ;
Other organized territory.
Apple cider license.
- c.* In every incorporated town, one hundred and sixty dollars ;
d. In every other part of organized territory, one hundred and twenty five dollars ;
e. In every non-organized territory, seventy dollars.
8. On each wholesale liquor shop license :
a. In each of the cities of Montreal and Quebec, twenty five dollars and one hundred and twenty five per centum of the annual value or rent of the premises, for which the license is required ; provided that, in no case, shall the duties on such license be less than two hundred and eighty dollars, or more than five hundred and twenty dollars ;
b. In every other city, two hundred and twenty five dollars ;
c. In every incorporated town, two hundred dollars ;
d. In every other part of organized territory, one hundred and sixty dollars.
9. On each license for the sale of fermented liquors, bottled by the holder of such license :
a. In the cities of Montreal and Quebec, one hundred and twenty five dollars ;
b. In any other municipality of the Province, ninety dollars.
10. On each license to sell liquors, for medicinal purposes or for use in divine worship, in municipalities in which a prohibitory by-law is in force :
a. In every city, one hundred and twenty dollars ;
b. In every incorporated town, seventy five dollars ;
c. In every village, forty dollars ;
d. In every part of organized territory, outside of a city, town, or village, thirty dollars.
11. On each license to sell apple cider manufactured by the vendor, ten dollars.

II.—LICENSES FOR TEMPERANCE HOTELS.

- Temperance hotel :
Organized territory ;
Non-organized territory.
12. On each license to keep a temperance hotel :
In organized territory, ten dollars ;
In non-organized territory, five dollars.

III.—AUCTIONEERS' LICENSES.

- Auctioneer's license :
Montreal and Quebec ;
13. On each auctioneer's license :
a. In each of the cities of Montreal and Quebec, one hundred and thirty dollars ;

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|---|---|
| <p><i>b.</i> In any other city, one hundred dollars ;</p> <p><i>c.</i> In every incorporated town, seventy dollars ;</p> <p><i>d.</i> In every village or parish, thirty dollars.</p> | <p>Other city ;</p> <p>Town ;</p> <p>Village or parish.</p> |
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14. On all separate licenses, taken out by an auctioneer, for the employment of an assistant, agent, servant or partner as crier :

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|---|---|
| <p><i>a.</i> In each of the cities of Montreal and Quebec, fifty dollars ;</p> <p><i>b.</i> In any other city and town, forty dollars ;</p> <p><i>c.</i> In any other municipality, twenty dollars.</p> | <p>Montreal and Quebec ;</p> <p>City and town ;</p> <p>Other municipality ;</p> |
|---|---|

15. On each license for an additional revenue district where there is no auctioneer, twenty dollars :

License for additional revenue district.

16. On each license for an additional municipality where there is no auctioneer, ten dollars :

For additional municipality.

IV.—PAWNBROKERS' LICENSES.

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| <p>17. On each pawnbroker's license :</p> <p><i>a.</i> In the city of Montreal, one thousand dollars ;</p> <p><i>b.</i> In the city of Quebec, five hundred dollars ;</p> <p><i>c.</i> In any other municipality, two hundred and fifty dollars.</p> | <p>Pawnbrokers:</p> <p>Montreal ;</p> <p>Quebec ;</p> <p>Other municipality.</p> |
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V.—PEDLARS' LICENSES.

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|---|---|
| <p>18. On each license for a pedlar :</p> <p>For one revenue district, twenty dollars ;</p> <p>For each additional revenue district, ten dollars.</p> | <p>Pedlar.</p> <p>One revenue district.</p> <p>Additional revenue district.</p> |
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VI.—FERRY LICENSES.

19. For each license for a ferry, such sum as may be fixed by the Lieutenant-Governor in Council, under articles 873 and 997.

Ferry license.

VII.—BILLIARD TABLE LICENSES.

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| <p>20. For billiard table licenses, other than for those in a club :</p> <p><i>a.</i> In incorporated cities and towns :</p> <ol style="list-style-type: none"> 1. For each table, where not more than two tables are kept by the same person and in the same building, sixty dollars ; 2. When there are more than two,—for the third and fourth tables, thirty dollars each ; 3. For the fifth and sixth tables, twenty dollars each ; 4. For each table beyond six, fifteen dollars ; | <p>Billiard tables other than in clubs :</p> <p>Cities and towns ;</p> |
|--|--|

- Other organized territory. *b.* In every other part of organized territory, thirty dollars for each table.
- Billiard tables in clubs :
Montreal ;
Quebec ;
Other parts of the Province.
21. On each license for a billiard table in a club :
a. In the city of Montreal, thirty dollars ;
b. In the city of Quebec, twenty dollars ;
c. In every other part of the Province, fifteen dollars.
- Bagatelle, &c :
Organized territory.
22. For each bagatelle, pigeon-hole or mississippi board :
In every part of organized territory, twenty five dollars.

VIII.—POWDER MAGAZINE LICENSES AND FOR SALE OF POWDER.

- Powder magazine :
23. For each license to keep or use a powder magazine, one hundred and fifty dollars.
- Sale of powder.
Montreal and Quebec :
Wholesale ;
Retail.
Other city :
Wholesale ;
Retail.
Town :
Wholesale ;
Retail.
Other parts of the Province :
Wholesale ;
Retail.
What is sale by wholesale and retail.
24. For each license for the sale of powder or to keep it on sale :
a. In the cities of Montreal and Quebec :
1. By wholesale and retail, thirty dollars ;
2. By retail only, twelve dollars ;
b. In every other city :
1. By wholesale and retail, fifteen dollars ;
2. By retail only, eight dollars ;
c. In every incorporated town :
1. By wholesale and retail, eight dollars ;
2. By retail only, four dollars ;
d. In any other part of the Province :
1. By wholesale and retail, four dollars ;
2. By retail only, two dollars.
- A quantity of twenty-five pounds or more, or a dozen canisters of one pound each, sold at any one time, is deemed to be sold wholesale, and a less quantity is deemed to be a sale by retail.

IX.—CIRCUS AND MENAGERIE LICENSES.

- Circus and menagerie :
25. For each license to open and exhibit a circus or equestrian representation, menagerie, or caravan of wild animals :
- Montreal and Quebec ;
- a.* In the cities of Montreal and Quebec, and within a radius of three miles of each of these cities, three hundred dollars, for each day of the representation or exhibition of the same ;—and for every side-show, thirty dollars for each day ;
- Other parts of the Province.
- b.* In other parts of the Province, one hundred and fifty dollars for each day ;—and for every side-show, fifteen dollars for each day."

Id. art. 883 replaced.

13. Article 883 of the said Revised Statutes is replaced by the following :

“ **883.** The following duties on licenses, issued under and in pursuance of subsections 3, 4 and 8 of section 99 of the Canada Temperance Act, shall be payable to the collector of provincial revenue previous to the granting of the different licenses, viz :

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

a. In cities, one hundred and thirty dollars ;

b. In towns, ninety dollars ;

c. In townships and parishes, fifty dollars.

Cities ;

Towns ;
Townships
and parishes.

2. On each wholesale license :

a. In cities, one hundred and fifty dollars ;

b. In towns, one hundred and thirty dollars ;

c. In townships and parishes, one hundred and fifteen dollars.”

Wholesale
licenses:
Cities ;
Towns ;
Townships
and parishes.

14. Article 898 of the said Revised Statutes is replaced by the following :

Id. art. 898
replaced.

“ **898.** Any one who keeps, without a license to that effect, still in force, an inn, restaurant, steamboat bar, railway buffet, or liquor shop for the sale, by wholesale or retail, of intoxicating liquors, or sells, in any quantity whatsoever, intoxicating liquors, in any part whatsoever of this Province, municipally organized, shall be liable, for each contravention, to a fine of one hundred and fifty dollars if such contravention take place in the city of Montreal, one hundred and twenty dollars if in any other part of organized territory, and sixty dollars if in a non-organized territory.

Penalty for
keeping inn,
&c., for sale
of liquors
without
license.

Any one who keeps, without a license to that effect still in force, as by law prescribed, a temperance hotel, is liable, for each contravention, to a fine of thirty dollars.”

Same for tem-
perance hotel.

15. Article 900 of the said Revised Statutes is replaced by the following :

Id. art. 900
replaced.

“ **900.** Any one holding a retail liquor shop license, and who sells in such shop, or in any place whatsoever, within the limits of this Province, any intoxicating liquors in quantity less than one imperial pint, of one and the same kind of liquor, at one and the same time, or holding only a wholesale liquor shop license, sells in such shop, or within the above mentioned limits, any of said liquors, in quantity less than two imperial gallons, or one dozen bottles, containing not less than one imperial pint each, of one and the same kind of liquor, at one and the same time, shall become liable to a fine of one hundred and fifty dollars for such contravention, and, upon conviction of a second

Penalty for
selling, under
a liquor shop
license, less
than certain
quantity.

offence, the court seized of the case shall annul such license.

Or outside of licensed premises.

The same fine is applicable to the case of a person holding a license, who sells, in any quantity whatsoever, intoxicating liquors, outside the place and its dependencies, for which the license has been obtained."

Id. art. 901 replaced.

16. Article 901 of the said Revised Statutes is replaced by the following :

Penalty for not taking precautions to prevent illegal drinking of liquors.

"901. Every licensee for the sale of intoxicating liquors in shops, but not for keeping a house of public entertainment, who does not take the measures or precautions necessary to prevent intoxicating liquors, sold therein, from being drunk in the said shop, or its dependencies, either by the purchaser, or by a person not residing with or in the employ of said licensee, or who sells such liquors in any other place than that designated in the license, or who sells them to any minor, shall be liable to a fine of one hundred and fifty dollars.

Sale outside of licensed premises. Sale to minors.

What to be considered want of necessary precautions.

Every such person, in whose shop or store or dependencies thereof, intoxicating liquors are drunk either by the purchaser or by a person not residing with, or in the employ of the vendor, shall be deemed not to have taken the measures or precautions necessary to prevent such infraction.

Proof of knowledge, &c.

Proof that liquors are frequently or habitually sold in the dependencies of the shop or store of such person is deemed to be proof that such person has knowledge of and allows such infractions."

Id. art. 902 amended.

17. Article 902 of the said Revised Statutes is amended by adding after the word "purchased," in the fourth line thereof, the words "or in the dependencies thereof."

Id. art. 905 replaced.

18. Article 905 of the said Revised Statutes is replaced by the following :

Penalty for exposing sign, &c., to induce belief of being licensed.

"905. Any person, not being the holder of any one of the licenses hereinabove mentioned, who exhibits, causes to be exhibited, or allows the exhibition, in or on any part of his house or its dependencies, or of his vehicles, of any sign, inscription, painting, or any other sign whatsoever, of a nature to induce the public or travellers to believe that the sale of intoxicating liquors is authorized therein in any quantity, and that he is the holder of a license to that effect, shall be liable to a fine of thirty dollars for each contravention.

Penalty for inducing belief that different license is held.

The same penalty is incurred by any licensee, who, by any of the means mentioned in this article, seeks to induce the public or travellers to believe that he holds a different license from that which has been granted to him."

19. Article 906 of the said Revised Statutes is replaced by the following : Id. art. 906 replaced.

“906. Any one, not being a licensee as hereinabove mentioned, who keeps or allows to be kept in his house or dependencies, in storage or otherwise, for the purpose of making a sale thereof, any intoxicating liquors, shall be liable to a penal prosecution, in which he may be condemned to pay a fine of thirty dollars for all contraventions of this article committed up to the time of the institution of such prosecution, if it be the first so brought. Keeping liquors without license.

In case of repetition of the offence, he may again be prosecuted, and condemned to pay a like fine of thirty dollars, for all the contraventions committed from the time of the first prosecution to the institution of the second, and so on for all subsequent contraventions committed in the interval between one prosecution and the other. Repetition of offence.

2. The finding of such liquors upon such premises shall be a presumption that such liquors are there kept for the purpose of sale, and proof of anterior facts may be adduced at the trial in support of such presumption.” Presumption in such case.

20. Article 907 of the said Revised Statutes is replaced by the following : Id. art. 907 replaced.

“907. No person carrying on any business whatsoever, and not licensed for the sale of intoxicating liquors, shall keep, in his place of business or in the dependencies thereof, any quantity whatsoever of intoxicating liquors, under a penalty of the confiscation of such liquors and a fine of fifty dollars for each offence. Penalty on certain traders keeping liquors in their place of business.

2 The finding of such liquors upon such premises shall be a presumption that such liquors are there kept for the purpose of sale, and proof of anterior facts may be adduced at the trial in support of such presumption.” Presumption in such case.

21. Article 912 of the said Revised Statutes is amended by adding thereto the following: “in addition to the lodging apartments of the family.” Id. art. 912 amended.

22. Article 915 of the said Revised Statutes is amended by inserting, after the word “liquors” in the sixth line, the words “or, ‘Licensed wine and beer house.’” Id. art. 915 amended.

23. The following article is added after article 921 of the said Revised Statutes : Art. added after R. S. Q., art. 921.

“921a. Intoxicating liquors shall not at any time be knowingly sold to any minor in a club licensed under article 857.” Sales to minors in clubs.

Art. added
after article
922.

24. The following article is added after article 922 of the said Revised Statutes :

Sales pro-
hibited dur-
ing certain
hours.

" 922a. Intoxicating liquors shall not be sold in any liquor shop, whether wholesale or retail, or in the dependencies thereof, at any place in the Province, on any day of the week from midnight until four o'clock in the morning or during the whole of any Sunday in the year, unless on a special demand for medicinal purposes, signed by a medical practitioner or by a justice of the peace, and produced by the purchaser.

Premises to be
kept closed.

During the time such sale is prohibited, all such liquor shops shall be kept closed."

Art. added
after art. 923.

25. The following article is added after article 923 of the said Revised Statutes :

Power of
court in cer-
tain prosecu-
tions.

" 923a. In prosecutions for keeping open, selling or giving during prohibited hours any intoxicating liquor, in virtue of any law whatsoever of this Province, the court has the right to convict if either offence is proved, provided they relate to the same circumstances."

Id. art. 925
amended.

26. Article 925 of the said Revised Statutes is amended by striking out the words " within the limits of a city," in the third line thereof

Art. added
after art. 925.

27. The following article is added after article 925 of the said Revised Statutes :

Penalties on
holders of
beer and wine
license for
contraven-
tions.

" 925a. Whosoever, being the holder of a beer and wine license, shall sell other liquor than that authorized by such license or in any other manner contravene the provisions of this law, shall be liable to a fine of one hundred and fifty dollars for each offence, or imprisonment for six months in default of payment.

Concancellation
of license.

In addition to the fine, the license of such offender shall be cancelled and shall not be renewable during that year."

Id. art. 926
replaced.

28. Article 926 of the said Revised Statutes is replaced by the following :

Penalties
against licen-
sees for in-
fringements
of license law.

" 926. Every infraction of this law by any person holding a license thereunder for the sale of intoxicating liquors shall be punishable, for a first offence by a fine of not less than seventy five nor more than one hundred and twenty dollars,—for the second offence, by a fine of one hundred and twenty dollars,—and for the third and every subsequent offence, by a fine of two hundred and fifty dollars, and, in default of payment, by the loss of the

license, in accordance with articles 936, 937 and 938, and during the year no similar license shall be granted to him.

If, however, such third offence occur within the twelve months immediately following the first offence, the court shall, in addition to imposing the fine, cancel the license of such offender. Cancellation of license in certain case.

If, on a prosecution for a second offence, the first conviction is not proved, the court may, nevertheless, condemn the defendant if the proof is sufficient, and impose the penalty fixed for a first offence. On prosecution for second offence if first not proved conviction may be had as for first.

In like manner, on a prosecution for a third offence or any other subsequent offence, the court may impose the penalty fixed by law for a second or first offence, as the case may be, instead of annulling the license, if the prosecution does not prove the first, or the second or the two preceding convictions, although not prayed for." Penalties for third and subsequent offences.

29. The following article is added after article 926 of the said Revised Statutes : Art. added after 926.

" 926a. For an offence to be considered a second or third offence, in the sense of the preceding article, it is not necessary that such offence be of the same kind as those previously proved." Proof required for second and third offences.

30. The following subdivisions of a paragraph and articles are added after article 927 of the said Revised Statutes : Articles added after 927.

IIIa.—MUNICIPAL BY-LAWS FOR CLOSING PLACES WHERE INTOXICATING LIQUOR IS SOLD.

" 927a. It shall be lawful for municipal councils of cities, towns, villages and all other local municipal authorities to enact by-laws for the closing, at the hour of seven in the evening on Saturdays, and at ten in the evening on the other days of the week, of all establishments in which liquors are sold, and by such by-laws to impose a penalty not to exceed fifty dollars for each offence and imprisonment in default of payment not to exceed three months. Municipal councils authorized to pass by-laws to close liquor shops, &c., on certain days and hours.

IIIb.—RESTRICTION AS TO AMOUNT TO BE LEVIED BY MUNICIPALITIES UPON HOLDERS OF LICENSES UNDER THIS LAW.

" 927b. It shall not be lawful for any municipal council of a city, town, village or other local municipal authority to levy, by by-law, resolution or otherwise, any license, tax, impost, or duty, exceeding fifty dollars in any year, upon holders of licenses under this law, either for the confirmation of a certificate to obtain a license or otherwise, for the occupations for which they hold such licenses." Limit of amount to be levied by municipal authorities upon licenses under this law.

Id. art. 942a
replaced.

31. Article 942a of the said Revised Statutes, as added, by the act 52 Victoria, chapter 15, section 9, is replaced by the following :

Revenue
police in uni-
form may
enter licensed
houses.
Penalty for
refusal to
permit en-
trance.
Id. art. 945
replaced.

“ **942a.** Any member of the revenue police in uniform shall have the right to enter at all times the establishment of any person licensed under this law.
Such person shall be liable to a penalty of thirty dollars for refusing to allow such officer to enter.”

32. Article 945 of the said Revised Statutes is replaced by the following :

Penalty for
selling by
auction with-
out license.

“ **945.** Whosoever, not being an auctioneer duly licensed as required by this law (such license being at the time in force), sells, by auction and by outcry, in this Province, any property, immoveable or moveable, effects, merchandise and stocks in trade, subject to auction duty, excepting such moveable property, effects, merchandise and insolvent's stock, mentioned in the preceding article, and whosoever causes such sale, whether he be proprietor or not of the property so sold, in violation of the terms of this article, incur a penalty, for each contravention thereof, at the maximum, of the sum of one hundred and fifty dollars, and, at the minimum, of seventy five dollars, in the discretion of the court pronouncing the same.

Penalty for
advertizing
sale by auc-
tion without
license.

Any person who shall advertize any property for sale by him at auction over his signature, or who shall allow his name to be used in any newspaper, hand-bill, poster, or other mode of advertizing property for sale, without first having procured a license as an auctioneer, shall incur and be liable to a penalty of seventy five dollars for each such offence, which may be recovered by the collector of provincial revenue of the district, in the same manner as provided for other offences against this law; two thirds of said penalty shall be paid into the provincial treasury and the remainder to the collector of provincial revenue.”

Id. art. 946
replaced.

33. Article 946 of the said Revised Statutes is replaced by the following :

Auction
duties to be
paid on such
sales.

“ **946.** Such person, selling without license, shall pay the duties on such sale, in the same manner, as if the sale had been under a license.

Penalty for
not paying
auction duty.

In addition to the penalty aforesaid, whosoever, without such license, makes a sale so prohibited, and who, within the thirty days following such sale, neglects to pay to the collector of provincial revenue or to his agent the amount of the duty on such sale, incurs a fine of thirty dollars for each day of such neglect.”

34. Article 952 of the said Revised Statutes is replaced by the following : Id. art. 952 replaced.

“ **952.** Every auctioneer and every person who sells by auction goods charged with the duty of one per cent, but which goods may be sold by a person other than an auctioneer, who neglects to pay the amount of the duties, and to make the return aforesaid, in the required form, incurs a penalty of thirty dollars for each day he neglects so to do. ” Penalty for not paying over auction duty, and making proper returns.

35. Article 954 of the said Revised Statutes is replaced by the following : Id. art. 954 replaced.

“ **954.** Whosoever carries on the business of pawn-broking, or whosoever lends on pawn, without having a license to that effect, still in force, incurs a penalty of three hundred dollars. ” Penalty for carrying on business of pawnbroker without license.

36. Article 976 of the said Revised Statutes is replaced by the following : Id. art. 976 replaced.

“ **976.** A catalogue, containing the name and residence of the pawnbroker, a description, separately, of the articles, their number, the date when pawned, and notice of the sale containing the above mentioned particulars, and the day, hour and place of sale, shall be inserted, not less than three days previous to such sale, in the newspapers indicated by the Provincial Treasurer, and in no others, under a penalty of a fine of two hundred dollars for the first offence and five hundred dollars for every subsequent offence. ” Publication of catalogue.

In the interval between the publication and the sale, the articles advertized shall be exposed to view and open to public inspection. ” Advertisement of sale in certain newspapers.

37. Article 993 of the said Revised Statutes is replaced by the following : Penalty if no so advertized Articles to be open for inspection. Id. art. 993 replaced.

“ **993.** Every hawker, pedlar, petty chapman or trading person or persons going from town to town or from house to house in this Province, to sell or expose for sale any goods, wares or merchandise, with the exception of those exempt by article 870, without being the holder of a pedlar's license, as hereinabove described, is liable to a fine of forty dollars for each article which he sells, barter or delivers, under any title whatsoever ” Penalty on hawker, &c., selling without license.

38. The following article is added after article 1003 of the said Revised Statutes : Art. added after art. 1003.

Penalty on holders of billiard table license for allowing apprentices, &c., to play thereon.
Penalty for allowing gaming.

" **1003a.** No person, holding a license for a billiard table, shall knowingly allow any apprentice, school boy, or servant to play thereon under a penalty of a fine of seventy five dollars for the first offence, and one hundred and fifty dollars for each subsequent offence.

A like penalty shall be incurred by any person holding a billiard table license who allows any one to play thereon for money or for any stake whatsoever."

Id. art 1006 replaced.

39. Article 1006 of the said Revised Statutes is replaced by the following :

Penalty on keeping more than certain quantity of powder for private use.

" **1006.** No person shall keep for his own use, and not for sale or storage, in any building, other than a powder magazine, any quantity of powder weighing more than ten pounds ; and in keeping it he shall store it in a metal box or case, at a sufficient distance from all inflammatory agents, such as a lamp, candle, light, gas, stove, stove-pipe, hearth or fire, (and the above enumeration shall not be limitative,) or otherwise he shall be liable to a penal prosecution, in which he may be condemned to the payment of a fine of not less thirty nor more than one hundred dollars for each offence, in the discretion of the court."

Id. art. 1008 replaced.

40. Article 1008 of the said Revised Statutes is replaced by the following :

Penalty for keeping for sale or selling powder without license.

" **1008.** Every person, who sells or keeps for sale, whether by wholesale or retail, any quantity of powder, without having obtained a license to that effect, shall render himself liable to a fine, in the discretion of the court, of not less than twenty nor more than one hundred dollars for each sale, and to a similar penalty for keeping powder for sale."

Id. art. 1021 replaced.

41. Article 1021 of the said Revised Statutes is replaced by the following :

Penalty for exhibiting circus, &c., without license.

" **1021.** No person, not holding a license to that effect, shall open or exhibit a circus, menagerie, or side-show, under a penalty of a fine of two hundred dollars for each performance, representation or exhibition."

Id. art. 1026 replaced.

42. Article 1026 of the said Revised Statutes is replaced by the following :

In what case it is duty of collector to prosecute.

" **1026.** The collector of provincial revenue prosecutes contraventions of this law whenever he is requested so to do by a municipal corporation, and such corporation has assumed the responsibility for the costs to be incurred.

2. In any municipality where a prohibitory by-law is in force or where the council thereof prohibits the confirmation of certificates to obtain licenses for the sale of intoxicating liquors, it shall be the duty of the council of such municipality to prosecute all offences against this law, in which case the municipality shall be responsible for all costs, and shall receive the whole fines collected for contraventions thereof.

Duties of municipal councils to prosecute in certain cases.

3. In case, however, such council refuse or neglect to prosecute for infractions of this law, when notified thereof, it shall be lawful for the collector of provincial revenue to prosecute the offenders, at the cost of the municipality.

If council should refuse, &c.

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

Application of fines collected by collector :

1st. If the fine does not exceed eighty dollars, one quarter to the collector of provincial revenue, one quarter to the municipality, fifteen dollars to the informer, if there be one, and the remainder to the consolidated revenue fund of the Province.

If fine does not exceed eighty dollars.

2nd. If the fine exceeds eighty dollars, 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 to the consolidated revenue fund of the Province."

If fine exceeds eighty dollars.

43. Article 1045 of the said Revised Statutes is replaced by the following :

Id. art. 1045 replaced.

"**1045.** If any person, summoned as a witness to give evidence before a court touching any of the matters relative to this law, neglects or refuses to appear at the time and place appointed for that purpose, without reasonable excuse, and in respect of the reasonableness of which excuse, the court seized with the prosecution shall decide, or, appearing, refuses to give evidence upon oath, he shall incur, for such neglect or refusal, a penalty of not less than five nor more than forty dollars, or in default of payment, imprisonment of not less than ten nor more than thirty days, the whole in the discretion of the court, even though the prosecution may have terminated, without his having appeared or given evidence."

Penalty for refusing to appear or to give evidence.

44. Article 1060 of the said Revised Statutes is amended by replacing the sixth line of paragraph 3 thereof by the following :

Id. art. 1060 amended.

" For each original subpoena, twenty cents."

45. Article 1076 of the said Revised Statutes is replaced by the following :

Id. art. 1076 replaced.

Application of fines recovered 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 recovered and fine does not exceed eighty dollars ;

1. If the full amount of fine and costs have been levied and the fine 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 Provincial Treasurer to form part of the consolidated revenue fund, and if the fine exceeds eighty dollars, there is paid to the collector of provincial revenue twenty dollars, and to the informer, if there be one, fifteen dollars, and the balance to the consolidated revenue fund of the Province ;

If full amount recovered and fine exceeds eighty dollars ;

2. If the fine and costs be not paid in full, the amount levied is applied, in the first instance, to the payment of costs, and the balance is divided between the collector of provincial revenue, the informer, if there be one, and the Provincial Treasurer, in the proportions mentioned in the preceding paragraph of this article.”

Id. art. 1077 amended.

46. Article 1077 of the said Revised Statutes is amended by striking out all the words after the word “ proportion,” in the tenth line thereof.

Id. art. 1082 amended.

47. Article 1082 of the said Revised Statutes, as replaced by the act 52 Victoria, chapter 15, section 13, is amended by adding thereto the following :

Proviso as to revenue district of Saguenay.

“ Except in the revenue district of Saguenay, in the limits whereof any prosecution under this law may be instituted within six months of the offence.”

Coming into force.

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

CAP. XIV.

An Act respecting the culling and measurement of timber cut upon Crown Lands.

[Assented to 30th December, 1890.]

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

Section added after R. S. Q. art. 1368.

1. The following section is added after article 1368 of the Revised Statutes of the Province of Quebec :