

CAP. II.

An Act to amend the Quebec Railway Act, 1869.

[Assented to 31st October, 1879.]

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

S. 13, Rail-
way act, 1869,
amended.

General
Meetings of
shareholders
for certain
purposes.

1. Section 13 of the said act is amended by adding the following words at the end thereof: "And after the thirty days following the general annual meeting of the shareholders for the election of directors of the different companies, which will occur after the coming into force of this act, and on the date fixed by the charter of each company, it shall be the duty of the Board of Directors and of the Secretary, to call a general meeting of the Shareholders, whenever required so to do by a requisition in writing, signed by one or more Shareholders holding at least one half of the subscribed capital stock of the Company, for the transaction of such business as may be set forth in the said requisition, which business shall be mentioned in the notice calling the meeting.

§ 2 of S. 20,
amended.
Smoking for-
bidden in
certain cars.

2. Paragraph 2 of section 20 of the said act is amended by the addition of the words following :

"And in every train containing more than one second class car for the transportation of passengers, there shall be one second class car in which smoking shall be prohibited, and when a train contains only one second class car for the transportation of passengers, a part of such car shall be divided off in which smoking shall be prohibited."

CAP. III.

An act to amend the Quebec Licence Law of 1878, (41 Vict., chap. 3.)

[Assented to 31st October, 1879.]

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

41 V., c. 3
amended.
"m" of s. 1 is
replaced.

Interpreta-
tion of cer-
tain words.

1. The Quebec Licence Law, 41 Vict., Chap. 3, is amended,

1. By striking out sub-section *m* of the first section, and by replacing it by the following :

"*m.* A retail liquor store is a store in which are sold, at one and the same time, intoxicating liquors in quan-

titles not less than one half pint (wine measure), or its equivalent in imperial or standard measure, to be consumed outside of the house or premises where such liquors are sold ;”

2. By striking out sub-section *aa* of said section 1st. §*aa* of said s., struck out.

2. The said act is further amended by adding in section 11, after the word : “Montreal,” in the second line of said section, the words : “and in the city of Quebec.” s. 11 amended.

3. The said act is further amended by adding after section 13, the following section : Sec 13*a*, added.

“13*a*. Nevertheless, except in a case where the council of a municipality shall have passed a by-law for the purpose of reducing the number of licences in such municipality, any person who, having obtained a licence as aforesaid, wishes to have it renewed at the expiration of the term for which it was granted, is exempt from the observance of the formalities of the certificate required by the sections of the said act immediately preceding, if the renewal be applied for in the same locality.” Exemption from formalities in certificate.

4. Sections from the 14th inclusively to the 35th also inclusively, are repealed and replaced by the following provisions : ss. from 14 to 35, repeal d.

“*a*. The confirmation of the certificate is granted at the Police Court in Quebec for the city of Quebec, the town of Levis and village of Lauzon, and at the Police Court in Montreal for the city of Montreal, by the Judge of the Sessions, or the Police Magistrate, or the Recorder. Where confirmation of certificate is granted.

b The Clerk of the Peace shall for that purpose, act as clerk to the aforesaid officers. Clerk.

c. Any person who intends to apply for the confirmation of a certificate, must apply verbally or in writing, to the Clerk of the Peace. Application for confirmation.

d. A table is prepared for that purpose, by the Clerk of the Peace, and is posted up in a conspicuous place in his office and open to the public; and such table shall give the date of the inscription of each application, the name, occupation and residence of the applicant, the situation of the house to which the licence applies, and the day on which it will be taken into consideration. Table.

e. No application can be taken into consideration by the competent authority, unless it has been inscribed on the said table for at least eight days. Taking into consideration of application.

f. Any person may oppose the application, and, if notice of the opposition has been given to the Clerk of the Peace, the latter shall, three days before the taking into consideration of such application, give notice thereof to the applicant and to the opposant if there be one. Oppositions.

Hearing. *g.* Any person producing before the competent authority, when the application is being taken into consideration, or who has previously produced before the Clerk of the Peace, verbally or in writing, the objections by him made to the granting of the confirmation of a certificate, has the right to be heard on the grounds and reasons of such objections.

Date of hearing. *h.* The said competent authorities may hear him as well as the applicant, forthwith, or may fix a future day for such hearing.

Duty of authorities. Upon such hearing, as well as on every application which is not objected to, it is the duty of the said authorities, collectively or separately, whenever they may judge it useful or necessary, to make all the enquiries they deem proper to satisfy themselves of the qualification of the applicant and of the truth of the facts put in issue.

Their powers. *i.* The said authorities may, to that end, take into consideration all documents, hear or cause to be heard by some fit person, all persons who, from the personal knowledge of such authorities or on the indication of the objecting parties or of others, they believe to be able to give information, and generally, to resort to every other source of information.

Information from police officers. *j.* When the said authorities wish to obtain information from officers or members of the Quebec or Montreal police force respectively, they may, through the Chief of Police, order those functionaries to come before them, in order to get them to make all such enquiries as may be deemed necessary.

Granting or refusal of confirmation of certificate. *k.* The granting or refusal of the confirmation of the certificate is discretionary with the said authorities, and their decision is final.

Certificate to be given. *l.* With the exception of the case mentioned in section 2, no licence shall be granted by the Licence Inspector, unless there be deposited in his hands, a certificate signed by the said authorities who shall deliver to the applicant, such certificate attesting the granting of such confirmation.

List to be prepared. *m.* The Clerk of the Peace shall, from time to time, prepare a list of the certificates which the said authorities have confirmed and which are then in force, and keep it posted up in the Police Court or in his office."

SS. 38, 39, 43, repealed. **5.** Sections 38, 39 and 43 of the said act are repealed.

S. 46, repealed and replaced. **6.** Section 46 is repealed and replaced by the following section :

Application of certain " 46. The conditions and formalities imposed by sections 7, 8, 9, 10, 11, 12 and 13 of the act 41 Vict., chap 3, as

amended by section 2 of the present act, relative to the certificates required to obtain a licence for an inn, apply *mutatis mutandis* to restaurant licences, including the provisions established by sub-section a and following of section 4 of this act, for the cities of Quebec and Montreal.”

provisions of
41 V. c. 3.

7. Section 48 is repealed and replaced by the following section :

S 48, repealed
and replaced.

“48. The conditions and formalities imposed by sections 7, 8, 9, 10, 12 and 13 of the act 41 Viet., chap. 3, as amended by section 2 of the present act, relative to the certificates required to obtain a licence for an inn, are in like manner, applicable *mutatis mutandis*, for obtaining a licence for the sale by wholesale or retail, of intoxicating liquors in stores, including the provisions enacted by sub-section a and following of section 4 of the present act, for the cities of Quebec and Montreal, except that, instead of the signatures of twenty five municipal electors, or the majority of such electors, when they are less than fifty in number, the signatures of three upon the certificate are sufficient.”

Formalities
relative to
certificates.

8. Section 51 is amended by adding thereto the following paragraphs :

S. 51, amend-
ed.

“In municipalities in which there is a positive by-law as well as those in which there is none, but wherein there is no person licensed to retail intoxicating liquors, the sale of such liquors is permitted for medicinal purposes, on the certificate of a physician or of a clergyman residing in the municipality, but not otherwise.

Per mission to
sell for medi-
cinal pur-
poses.

Such certificate can be given by a physician only to a patient under his immediate care, or by a clergyman only to a person whose spiritual adviser he is *bonâ fide*, under penalty of a fine of twenty dollars.

Granting of
certificate in
such cases.

In any case not more than three half pints shall at any time be sold in virtue of such certificate.”

Restriction as
to quantity
sold.

9. Article 566 of the Municipal Code is, in consequence of the preceding section, amended by striking out all the words from : “unless,” in the tenth line, to the end of the article, and by substituting therefor the following words :

Art. 566 M.C.,
amended.

“Unless it be for medicinal purposes and upon the certificate of a physician in favor of a patient under his immediate care, or upon that of a clergyman in favor of a person whose spiritual adviser he is *bonâ fide*;

And in no case, for a greater quantity than three half pints at a time, under penalty of a fine of twenty dollar in case of these provisions being infringed.”

Persons who may sell under SS 8 & 9.

10. No sale of intoxicating liquors can be made in the case mentioned in sections 8 and 9 of the present act, except by a person indicated by a resolution of the municipal council, which person is bound to make a report every month, to the licence inspector, showing the persons to whom the liquors have been sold as aforesaid, upon whose certificate and the quantity sold.

Sub-s a, b & c of No. 1 of S 63, amended

Tariff of licences in Quebec and Montreal.

11. Sub-sections *a*, *b* and *c* of number 1 of section 63 of the said act, are repealed and replaced by the following :

“*a.* In the cities of Quebec, and Montreal, fifty per cent of the rental or annual value of the premises for which such licence is required ; provided that, in no case, shall the price of the licence exceed the sum of three hundred dollars or be less than seventy five dollars.”

Sub-sections a, b & c of No. 2 of section 63, repealed and replaced

12. Sub-sections *a*, *b* and *c* of number 2 of the said section 63, are also repealed and replaced by the following :

“*a.* In the cities of Quebec and Montreal, fifty per cent of the rental or annual value of the premises for which such licence is so required ; provided that, in no case, shall the price of such licence exceed the sum of three hundred dollars or be less than seventy five dollars ”

Sub-section a of No. 3 of section 63, amended and replaced.

13. Sub-section *a* of number 3 of the said section 63, is also repealed and replaced by the following :

“*a.* On each licence for a bar on any steamboat running regularly from Quebec to Montreal and *vice-versa*, for the sale therein of intoxicating liquors, two hundred dollars, and for any other steamboat, one hundred dollars.”

Sub-section a No. 4 of section 63, repealed and replaced.

14. Sub-section *a* of number 4 of the said section 63, is repealed and the following substituted therefor :

“*a.* In the cities of Quebec and Montreal, fifty per cent of the rental or annual value of the premises for which such licence is required ; provided that, in no case, shall the price of such licence exceed the sum of one hundred and fifty dollars or be less than fifty dollars.”

No. 5 of section 63, repealed and replaced.

15. Number 5 of the said section 63, is repealed and replaced by the following :

“5. In the cities of Quebec and Montreal, fifty per cent of the rental or annual value of the premises for which such licence is required ; provided that, in no case, shall the price of such licence exceed two hundred dollars and be less than one hundred dollars.”

Section 77, amended

16. Section 77 is amended by substituting for the word : “ forty,” in the last line thereof, the words : “ one hundred.”

17. Section 80 of the said act is repealed and replaced by the following:

“ 80. The judgment inflicting such fine, shall order the confiscation of said liquors and vessels.

The said vessels and liquors are removed by a bailiff or constable and delivered by them to the licence inspector who has the right to have them sold by private sale or by auction, according to the instructions which are given him by the Treasury-Department, and shall divide the price thereof in the manner indicated in section 241 of the said act.”

Section 80
repealed and
replaced.
Confiscation
of vessels
containing
liquors.

18. Section 84 of the said act is repealed.

Section 84,
repealed.

19. Section 102 is amended by striking out, in the fourth and fifth lines thereof, the words: “ or the Licence Commissioners in the City of Montreal.”

Section 102,
amended.

20. Section 103 is also amended by striking out in the third line thereof, the words: “ or by the Licence Commissioners.”

Sect. 103,
amend-d.

21. Section 108 is amended by striking out the words from: “ containing,” in the ninth line, to the end of the section.

Sect. 108,
amended.

22. Section 174 of the said act is amended by striking out the words: “ fifty dollars,” in the seventh line thereof, and by substituting therefor the words: “ ten dollars.”

Sect. 174,
amended.

23. Section 175 is repealed.

Sect. 175,
repealed.

24. Section 196 is amended by adding after the words: “ district magistrate,” in the eighth line thereof, the following words: “ or before the Recorder, or before any other officer having the powers of two Justices of the Peace.”

Sect. 196,
amended.

25. Section 197 is amended by striking out the words: “ ordinary manner,” in the last line thereof, and by substituting therefor the words: “ manner provided for suits between lessors and lessees.”

Sect. 197,
amended.

26. Section 198 of said act is amended by striking out the words: “ or to a Licence Commissioner in the City of Montreal,” in the fifth and sixth lines thereof.

Sect. 198,
amended.

27. Section 202 is amended by striking out the words: “ or by an informant.”

Sect. 202,
amended.

28. Section 203 is amended by striking out, in the

Sect. 203,
amended.

second line thereof, the words : “ an informant ; ” and in the sixth line, the words : “ or informant . ”

Sect. 205,
amended.

29. Section 205 is amended by adding thereto the following words : “ but no further additional fees shall be allowed to the attorneys than if there had been only one contravention . ”

Sect. 225, re-
pealed and
replaced.
Costs of suit.

30. Section 225 is repealed and replaced by the following :

“ **225.** In all prosecutions or actions under any of the sections of this law, either before the Superior or before the Circuit court in appealable cases, or before any other court, no other costs than those mentioned in schedule 4. shall be claimed by any attorney, bailiff, constable or any other officer of justice.

Clerks and Prothonotaries shall not be entitled to any fee.

b. In cases of prosecutions by a municipal corporation, the usual fees are allowed.

c. Attorneys, bailiffs and constables shall be entitled to the same fees as those allowed for non-appealable cases in the Circuit court and according to the class of action and no more . ”

Sect. 228, re-
pealed.

31. Section 228 is repealed.

Sect. 243,
amended.

32. Section 243 is amended by striking out in the second line, the words : “ or by an informant ; ” and in the fifth and sixth lines, the words : “ or to the informant ”

Schedule A,
amended.

33. Schedule A to the said act annexed is amended by striking out the words in italics : “ (*where in county parts, add*) ” and by adding after the word : “ bedding , ” the following words : “ (*and where in country parts, add*) ”.

C A P . I V .

An act respecting the closing of taverns on Sundays and at certain hours on other days.

[Assented to 31st October, 1879.]

Preamble.

WHEREAS doubts have arisen with respect to the right of certain city and town corporations, in virtue of the laws and statutes relating to them, to compel tavern keepers to close their taverns at certain hours of the day, and whereas it is expedient to dispel such