

vided that in any case no more than \$4000 shall be paid for any mile of such completed road.

Act in force. 4. This act shall come into force the day of its sanction.

C A P . I I I .

An Act to amend and consolidate the Quebec License act and its amendments.

[Assented to 9th March, 1878.]

Preamble. **W**HEREAS it has become necessary to amend and consolidate "The Quebec License Act" and its amendments; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:—

INTERPRETATORY AND EXPLANATORY CLAUSE AND DEFINITIONS.

- 1.** The terms and expressions following, wherever they occur, shall be interpreted to have the meaning hereinafter applied to them, unless some special provision of the law clearly indicates a different meaning:
- "Intoxicating liquors." *a.* The words "intoxicating liquors" mean brandy, rum, whisky, gin, and wines of all descriptions, ale, beer, lager beer, porter, cider, and all other liquors containing an intoxicating principle, and all beverages composed, wholly or in part, of any such liquors.
- "Temperance liquors." *b.* Temperance liquors are ginger beer, spruce beer, root beer, all kinds of syrups and similar liquids or beverages, simple or mixed, in which there is no intoxicating principle.
- "Houses of public entertainment." *c.* Houses of public entertainment are houses or places of public resort, established for the reception of travellers and of the public, where, in consideration of payment, food and lodging are habitually furnished. Such houses of public entertainment are inns and temperance hotels.
- "Inns." *d.* An inn, embracing those establishments also called hotels and taverns, is a house of public entertainment, where intoxicating liquors are sold.
- "Temperance hotel." *e.* A temperance hotel is a house of public entertainment, where only temperance liquors are sold.
- "Restaurant." *f.* A restaurant is a place of public resort, also known as saloon or refreshment room, where, in consideration of payment, food [without lodging] is habitually, or occasionally provided for the public, and where intoxicating liquors are sold.

g. A steamboat bar, is a place or apartment established for the sale of intoxicating liquors in a steamboat or other vessel; the word vessel includes every craft. “Steamboat bar.”

h. A railway buffet, is a place or apartment within a railway station, where, in consideration of payment, food is habitually, or occasionally provided for railway travellers, and intoxicating liquors are sold. “Railway buffet.”

i. A tavern at the gold mines, is an inn kept within a radius of three leagues, from the place where gold mining is being prosecuted. “Tavern at the gold mines.”

j. A liquor shop, is any store or shop, where intoxicating liquors are sold, without food or lodging being provided. “Liquor shops.”

k. Liquor shops are divided, into wholesale and retail shops.

l. A wholesale liquor shop is that wherein are sold, at any one time, intoxicating liquors, in quantities not less than three gallons, wine measure, or one dozen bottles of three half pints, wine measure each, or the respective equivalent of these quantities in standard or imperial measure. “Wholesale liquor shops.”

m. A retail liquor shop is that wherein are sold, at any one time, intoxicating liquors, in quantities not less than three half pints, wine measure, or their respective equivalent, in standard or imperial measure. “Retail liquor shops.”

n. Every delivery of intoxicating liquors, made otherwise than gratuitously, constitutes, in the sense of this law, a sale thereof. What is to constitute a sale of liquors.

o. The gratuitous character of the delivery is inferred from the circumstances under which the delivery is made and from the intention of the persons, respectively delivering and receiving the liquors.

p. Every delivery, not gratuitous, is considered as being that by sale, without its being necessary to prove the delivery of any payment in money therefor, or of any object having a pecuniary value, as price of the sale of such liquors.

q. The license to sell intoxicating liquors in an inn, restaurant, a steamboat bar, or railway buffet, includes the permission, that the liquors so sold be drunk on the premises; but that privilege does not accrue to liquor shops, in which cases all liquor delivered must be consumed outside of such shops. When licenses permit that the liquors be drunk on the premises.

r. Pawning is the loan for a profit, either impliedly or expressly stipulated, in favor of him who lends a sum of money or any thing convertible into money, or having a pecuniary value, in taking a pledge to secure the restitution of the sum of money or thing loaned, with or without the profit aforesaid. Pawning.

s. He who loans and receives the pledge is a pawnbroker; he who receives the sum of money or things loaned and gives the pledge, is the pawner. Pawnbroker; pawner.

What is to constitute pawnbroking.

t. The business of pawnbroker is carried on, when such loans are habitually made.

u. To establish that such business is carried on, it is not indispensably necessary that several loans secured by pledge should be proved, although such proof may be sufficient.

v. A single loan secured by pledge, preceded or followed by one or more loans, or accompanied or preceded or followed by circumstances which, in the opinion of the tribunal, charged with the cause, establish the habit of making such loans, or the intention of carrying on the business aforesaid, constitutes, for the purpose of this law, sufficient proof that the lender follows the business of pawnbroking.

"License inspector."

w. The Revenue officer appointed under the sixth clause of the Treasury Department Act, employed in the collection of the Revenue, and to whom, under the tenth clause of the said act, one or more of the portions of this Province erected into Revenue Districts have been assigned, and who has by this law the power to issue licences thereunder, and who in the municipal code is called the collector of Inland Revenue, is called for the purpose of this law "Licence Inspector."

"District."

The word "district," when used alone, means one of the Districts so established under said tenth clause.

"Organized territory;"
"non-organized territory."

x. Organized territory is such portion of the territory of the province as is erected into a municipality, and non-organized territory is such portion of said territory which is not municipally erected.

"Powder."

y. The word "powder" means every explosive substance, whether powder for cannon or gunpowder, or mining powder, or other powder, or nitro-glycerine, or any other substance of that nature; and powder magazine is the place wherein powder is stored.

"Informer."

z. The "informer" is the person who gives the particulars whereon a prosecution for the contravention of this law is brought, and who, not being incompetent to give testimony, deposes to the the principal facts on the trial.

"Informant."

aa. The "informant" is the person who institutes such prosecutions, in the form *qui tam*; for such contravention.

"Billiard tables."

bb. The words "billiard tables," besides their proper meaning, mean also boards used for the games of pigeon-hole, mississippi, or bagatelle.

GENERAL PROHIBITIONS.

It is forbidden to keep h. of p. entertainment.

2. It is forbidden to all persons, under pain of the fines and penalties hereinafter promulgated, to keep within the limits of this Province :

1. Any inn or temperance hotel;

- 2. Any restaurant, or steamboat bar ;
- 3. Any liquor shops, wholesale or retail ;
- 4. Any railway buffet, or tavern at the gold mines ;
- 5. Or to sell intoxicating liquors ;
- 6. To carry on the trade or business of auctioneer, pawnbroker, pedlar, or ferry-man between the banks of the River St. Lawrence at certain points hereinafter indicated ;
- 7. To keep for gain any billiard table ;
- 8. To keep a powder magazine or to sell powder ;
- 9. To give equestrian representations and exhibitions of wild animals, known and designated as circus and menagerie,

To sell liquors ;
 To be an auctioneer, pawnbroker, pedlar, ferry-man.
 To keep billiard table ;
 Powder magazine ;
 Circus ;

Without having previously obtained from the government, in the manner and form, and after payment of the duties and fees hereinafter mentioned, a license, then in full force, for each of said objects.

BY WHOM LICENSES ARE ISSUED AND THEIR DURATION.

3. Each license, for any one of the above-mentioned objects, is granted in the name of the Lieutenant Governor, and issued by one of the License Inspectors or his deputy, except licenses for taverns at the gold mines, which are granted by one of the officers named by the Lieutenant Governor in Council, under clause 2 of the Gold Mining Amendment Act of 1868.

By whom licenses are granted.

4. Each License Inspector delivers the licenses to be used, within the limits of the district assigned to him, with the exception of pedlar's licenses, which may be issued for all judicial districts, by the same officer, and he collects the duties and fees imposed upon those licenses by this law.

Limits of the jurisdiction of a License Inspector.

In the case of a steamboat bar license, this duty devolves on the License Inspector for the district, where the proprietor, master or person in charge of said steamboat or vessel, for which such license is required, resides, —and in the event of such steamboat or vessel belonging to a company, on the License Inspector for the district in which the company holds its head office, or principal place of business.

The deputy License Inspector, in the same manner as his chief, delivers the licenses and collects the duties and fees.

Deputy.

5. The Lieutenant Governor in Council may, from time to time, name at his discretion, any person or persons, whom he authorizes to sign and deliver those licenses to the License Inspectors, and may likewise determine on their form as well as the date of their delivery.

Discretionary power of Lieut. Gov. in Council.

Duration of
licenses.

6. These licenses are granted for one year, or for a portion of a year only, and expire on the first day of the month of May subsequent to their issue, except ferry licenses, concerning which this law contains special provisions; steamboat bar licenses, which expire when the boats go into winter quarters; and licenses for taverns at the gold mines, which are of monthly duration.

LICENSES FOR INNS.—GENERAL MODE OF OBTAINING THEM.

Certificate by
municipal
electors.

7. To obtain a license to keep an inn the following formalities shall be observed:—

Previous to the obtaining of any of said licenses, for any part of the organized territory of this Province, the applicant shall furnish the License Inspector with a certificate, according to form A, annexed to this law, signed by twenty-five resident municipal electors, or a majority of the resident municipal electors, if they number less than fifty, of the parish, township, village, town or ward of the city, within the limits of which is situated the house for which such license is applied for, to the effect that the applicant is personally known to the signers, that he is honest, sober, of good reputation, and that he is qualified to keep a house of public entertainment, and that the house referred to contains the lodging room required by this law, and (if it be situated in the country), that there is a need for a house of public entertainment.

Affidavit.

8. This certificate shall be accompanied by an affidavit of the applicant, made in accordance with form B, annexed to this law, and sworn to before a justice of the peace of the district, or in the city of Montreal before one of the License Commissioners hereinafter mentioned.

If in a city;
designation
of the ward
and street.

9. If the certificate refers to a house situate within the limits of a city, it, as well as the license, shall contain the designation of the ward and street where it is situated. The license is of no effect outside the limits of such ward and street.

Montreal and
Quebec.

10. In the cities of Montreal and Quebec, the signers of the certificate shall be municipal electors, having their residences or places of business in the ward, and be duly inscribed on the last list of electors.

Certificate
confirmed by
the council.

11. Such certificates (except those connected with applications for licenses in the city of Montreal,) shall also be confirmed by a decision of the council of the municipality within the limits of which the house is situated,

drawn in accordance with form C annexed to this law, and such confirmation is certified under the signature of the mayor and city clerk or secretary-treasurer of the council.

12. If, however, on the day fixed for the meeting of the council at which the certificate is submitted for confirmation, there should be no quorum, it may be confirmed by the mayor and two justices of the peace, not being municipal councillors, residing in the county where the house is situated, and in case of a vacancy in the office of mayor, by three justices of the peace, and such confirmation is also certified under the signatures of the persons granting the same; and such council or such mayor and justices or such justices, as the case may be, may refuse to confirm any such certificate, if they see fit so to do. ^{Idem.}

13. The council to which this certificate is presented shall ascertain, by procuring such information as it may deem fit and proper, if the requisite number of duly qualified electors have signed the same. The authenticity of the signatures attached thereto shall be established under oath before one of the members of the council, and if the result of such double enquiry be, in whole or in part, unfavorable to the applicant, the confirmation applied for shall be refused. ^{Duties of the council before confirming it.}

SPECIAL MODE FOR THE CITY OF MONTREAL.

14. In and for the city of Montreal, the confirmation of the certificate is made by a board of Commissioners, who are appointed, and whose proceedings are regulated as follows: ^{Confirmation by Commissioners.}

This board is composed of three, at least, or more persons appointed by the Lieutenant Governor in council, called "License Commissioners" and who form a board called "The board of License Commissioners" ^{Composition of board.}

The annual salary of each of these Commissioners is five hundred dollars. ^{Salary.}

15. The Lieutenant Governor in council appoints a secretary to the Commissioners, who receives a salary fixed by an order in council. ^{Secretary.}

The salary of these commissioners and of their secretary, and the expenses necessary to the performance of their duties, are defrayed by the province. ^{Expenses paid by Province.}

16. Three of the Commissioners form a quorum of the board. ^{Quorum.}

Majority ;
registers.

Their proceedings are adopted by a majority of the Commissioners present, and the secretary shall keep a register of their deliberations, which is authentic.

Extracts, &c.
to serve as
proof.

The extract from the register and all the deliberations, orders, decisions and proceedings of this board are authenticated by the signature of the chairman of this board, now or hereafter to be named, or of the secretary.

Oath of office
of coms.

17. The Commissioners appointed and those hereafter to be appointed shall take an oath of office before a judge of the Superior Court, a prothonotary, a clerk of the Circuit Court or a Commissioner appointed to take affidavits to be used in the Superior Court, and an entry of the taking of such oath shall be made in the register aforesaid.

The neglect to take such oath has not, however, the effect of rendering invalid the acts of the board or of the Commissioners.

Sittings of
the board to
be public, and
where held.

Notice of
place re-
quired.

18. The sittings of the board (which are held in the city of Montreal) are public, and are held at a place indicated by the secretary, (who must have his office in the same building) by public notice to be given in a French newspaper and in an English newspaper, published in the city of Montreal, the choice of such newspaper and the number and time of the insertions of such notice therein, being at the discretion of the board or its Chairman. But notwithstanding anything in this clause contained, it shall nevertheless be lawful for the said Commissioners to hold meetings with closed doors to deliberate upon and finally determine any matter or thing which may have been brought before them, provided always, that such matter or thing has been considered at one public meeting at least under the provisions of this law.

Meetings
with closed
doors.

Notice to the
city clerk.

The secretary shall also notify the city clerk of Montreal, of the place wherein the sittings of the board are held, and renew such notification upon each change of place.

Sign.

19. A sign with the words " Board of License Commissioners " painted thereon, in letters of sufficient dimensions, shall be affixed to the exterior of the house wherein such sittings are held.

Time of sit-
tings; notice.

20. The sittings of the board are held on the days and hours fixed by the Commissioners or by their Chairman, and public notice of such sittings shall be given through French and English newspapers, in the manner and time judged necessary by the Commissioners or their Chairman.

Each sitting may be continued from day to day, at the discretion of the Commissioners or their Chairman, with or without public notice. Continuation.

21. Whosoever intends to apply to the License Commissioners for confirmation of a certificate, shall first give notice to the city clerk, who, upon payment to him of twenty-five cents, shall make an entry of such notice in a book to be kept by him for that purpose, which shall be open to public inspection. Petitioner, required to give notice.

22. This notice may be verbal, or in writing, and shall, as well as the entry which is made thereof, mention the name, occupation and residence of the applicant, and of the ward and street in which is the house in which he intends using the license, and its number. How to be drawn up.

23. Upon receipt by the city clerk of a copy of this law, which shall be transmitted to him in the manner observed for the distribution of the laws of this province, it shall be his duty to prepare a table in the form contained in the schedule D annexed to this law. Annual table to be prepared by secretary.

This table shall be thereupon forthwith placed in a public part of the city hall, and shall be used during the remainder of the present year, or of the year in which this law was received. To be post-d.

On the commencement of the next year, and of every subsequent year, as long as this law remains in force, the city clerk shall prepare and place, as aforesaid, a new table, in the same form, which shall last until the following year.

24. On the reception of each notice, and in the order of its reception, the city clerk shall insert on such table, by filling up the blank spaces in the columns, the particulars prescribed by articles 21 and 22 relative to each notice. Entries to be inserted on such table.

25. Every applicant and every person whosoever has the right to obtain from the city clerk, at any time, on payment to him of a further sum of twenty-five cents, an attestation of all the entries in such book, and of all the insertions in such table, which have been made during the current and preceding year, with the dates thereof. An attestation of the entry shall be delivered to petitioner.

This attestation is drawn up in the form contained in the schedule E annexed to this law.

26. No application for confirmation of certificate shall be received by the board, unless the applicant produces such attestation, establishing his compliance with the It shall be produced with the ap-

plication for confirmation. formalities prescribed by the preceding articles, and unless it appears that a period of six clear juridical days has elapsed between the date of the insertion of such notice on the table, as herein-before provided, and the day of the application.

A day for the taking into consideration shall be fixed.

27. On receiving such application, which is entered in a book kept for the purpose and open to public inspection, the secretary shall at once fix the day when such application shall be taken into consideration, and of which he shall inform the applicant; but a delay of at least four clear juridical days shall elapse between the day of such entry of such notice and the day so fixed.

Other table.

28. A table in the form contained in schedule F, shall be prepared by the secretary, and shall be kept posted in his office or in the place where the sittings are held, and shall remain open to the public; in which table the entries relative to the name, occupation and residence of the applicant, the situation of the house to which the license applies, the date of the application, the day when it will be taken into consideration, and the other particulars mentioned in such schedule, shall be inserted, by filling up the blank spaces therein.

Entries required.

1st. table.

The first table shall be prepared upon the transmission of a copy of this law to the secretary, and shall be used during the current year.

New table.

A new table shall be prepared at the commencement of each year.

To be posted.

The first table shall remain posted during the remainder of the current year and the subsequent year, each new table shall remain posted during two years.

Opposants to the granting of confirmation.

29. Any person producing before the board, at the time when the application is being taken into consideration, or previously thereto to the secretary, either verbally or in writing, the objections by him made to the granting of the confirmation of the certificate, has the right to be heard on the grounds and reasons of such objections.

Hearing.

30. The board of Commissioners may hear him, as well as the applicant forthwith, or may fix a future day for such hearing.

Enquiries requested.

Upon such hearing, as well as on every application which is not objected to, it is the duty of the Commissioners, collectively or separately, whenever they judge it to be 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.

31. They may, to this end, take into consideration all documents, or hear, or cause to be heard by some fit person, all persons who, from the personal knowledge of the Commissioners 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. Documents, witnesses, &c..

32. When the commissioners wish to obtain information from the officers or members of the Montreal police force, they can, through the chief of police or of the person in charge of the police force, order the attendance of those functionaries at their sittings ; they can also make them accompany them, or their secretary, to any place whatsoever where they may desire to obtain information. It is the duty of the chief of police, or of his representative, in all such cases, to assist the Commissioners and generally to co-operate with them. Co-operation of the police force.

33. The granting or refusal of the confirmation of any certificate is discretionary with the board of Commissioners and their decision therein, whether unanimous or by a majority, is final. Discretionary power of the court.

34. No license shall be issued by any License Inspector without the production and delivery to him of a certificate, signed by the Chairman or one of the Commissioners and by their secretary, who shall deliver to the applicant such certificate, attesting the granting of such confirmation. Certificate required for obtaining a license.

In case of an equal division in opinion in the board of Commissioners, a report thereof is made and signed by the persons who should have signed the certificate of confirmation. Case of an equal division of commissioners.

35. This report is delivered to the applicant, and it is then discretionary with the License Inspector to issue or to refuse to issue the license. Idem.

The secretary shall, from time to time, make a list of the licenses then in force, over which the Commissioners have jurisdiction, and shall keep such list posted in the place of sitting or in his office. List of the licenses then in force.

OTHER PROVISIONS APPLICABLE TO ALL LICENSES.

36. On each confirmation of a certificate, for the purpose of obtaining a license for the cities of Quebec and Montreal, the sum of eight dollars is paid to the corporation of each of those cities ; and to other corporations for the same object, within the limits of their jurisdiction, a sum not exceeding twenty dollars may be demanded and received. Sums payable to corporations.

Proviso.

37. The preceding provision does not deprive cities and incorporated towns of the rights which they may have by their charters or by-laws.

Security to be furnished by applicant.

38. Before the granting of any of these licenses, the applicant shall furnish personal security of two hundred dollars, and two solvent sureties, who bind themselves, each in the sum of two hundred dollars, in favor of the Treasurer of the Province, to pay all fines and penalties, to which the applicant may be condemned, for any contravention of this law, or of any other enactments, by-laws or legal provisions in force, concerning houses of public entertainment; which sureties shall be themselves responsible for the faithful execution, on the part of the applicant, of all requirements, and of his observance of all regulations to that effect, established by competent authority.

Form and execution of the bond.

39. The bond is drawn according to the form indicated in schedule G, annexed to this law. If executed in the city of Montreal, it must be before one or more License Commissioners, and shall be taken by one or more of them. If it be made elsewhere than in the city of Montreal, it is made in presence of one or more of the municipal councillors, or justices of the peace, who have confirmed the certificate, and the sureties must also be approved by them.

Deposit of the securities and certificates.

The securities and certificates, required by this law, are deposited in the office of the License Inspector, competent to act, who shall not issue the license, until it is established to his satisfaction, that the sums mentioned in article 63 have been paid.

Transfer of the license.

40. If the licensee leaves his house or dies before the license expires, he or his representatives, as the case may be, may transfer it to another,—and the transferee thereof, may exercise all the rights which accrued thereunder to the original licensee, in the house therein described, or, (if such house be situated within organized territory of the Province) in any other building, situated within the limits of the municipality, which the municipal council or the Board of Commissioners, as the case may be, approve of, and which is set forth in the certificate referred to in the subsequent article.

Certificate and security required from the transferee; duty exigible.

41. This transfer only has its effect, if the transferee thereof, in case that the house in question be situated in the organized territory, delivers the certificate to the License Inspector, and gives the security which the licensee was himself obliged to give; and in the cities of Montreal and

Quebec pays the excess of duty, which may be exigible in consequence of the difference of the rent or annual value, between the house occupied by the original licensee, and the one occupied by the transferee. This transfer shall be written on the back of such license by the License Inspector, and the transferee shall comply with all the formalities which were incumbent on the original applicant. Endorsement.

This transfer shall be so made within three months from the death of the licensee or from his abandonment of his house, failing which, the license is of no avail. Limited delay.

42. Any municipal councillor, being at the same time a brewer, distiller, or dealer in intoxicating liquors, or proprietor of a house of public entertainment, shall not sign the certificate mentioned in article 7 of the present law, under a penalty of twenty dollars for each contravention. By whom certificate cannot be signed.

43. No person shall knowingly sign such certificate, unless duly qualified to do so, under a penalty of twenty dollars for each contravention. Penalty.

44. To obtain a license for an inn, in a non-organized territory, it is necessary only to give previously, in the presence of the License Inspector, the security required by the articles 38 and 39. License in a non organized territory.

45. None of the licenses hereinbefore mentioned shall be granted to a grocer, or person keeping a shop or store for the sale of groceries, provisions, sweetmeats or fruits, in any city, and no application for a license by any such person shall be granted by any municipal authority or License Commissioners. Grocers, etc., in cities.

RESTAURANT LICENSES.

46. The conditions and formalities imposed hereinbefore relative to the certificates and securities required to obtain a license for an inn apply, *mutatis mutandis*, to restaurant licenses, including the provisions enacted for the city of Montreal by article 14 and subsequent articles. Conditions relative to restaurant licenses.

STEAMBOAT BAR AND TEMPERANCE HOTEL LICENSES.

47. Steamboat bar and temperance hotel licenses are granted simply, upon payment to the proper License Inspector, of the required duties and fees. Of steamboat bars; of temperance hotels.

LIQUOR SHOP LICENSES.

Of liquor shops ;

48. The conditions and formalities imposed hereinbefore relative to the certificates required for a license for an inn, are in like manner applicable, *mutatis mutandis*, to a license for the sale, by wholesale or retail, of intoxicating liquors in shops, including the provisions enacted for the city of Montreal by article 14 and subsequent articles, with the exception, that instead of the signatures of twenty-five municipal electors, or of a majority of such electors, when they are of a less number than fifty, the signatures of three electors affixed to the certificate shall suffice.

LICENSES OF RAILWAY BUFFETS AND OF TAVERNS AT THE GOLD MINES.

Of railway buffets ;

49 Upon a petition presented to the Lieutenant Governor in Council by any railway company, the License Inspector, to whom it appertains, may be authorized to deliver to the person indicated, a license to sell intoxicating liquors at the railway station therein mentioned, to travellers upon such railway, but to none others.

With the exception of the provisions contained in articles from 7 to 44, and also the provisions hereinafter mentioned, relative to the accommodation which must be provided for travellers, by the master of an inn, to the prohibition to sell intoxicating liquors, to the keeping the bar closed during certain days and certain hours, also to the obligation to receive and accomodate travellers ; the other provisions of this law, shall apply, *mutatis mutandis*, to licenses of railway buffets in so far as they are not incompatible with such licenses.

One person only shall be licensed for each station.

Of taverns at the gold mines ;

50. Upon demand made to that effect to the officer named by the Lieutenant Governor, under clause 2 of the act of 1868 to amend the Gold Mining Act, for the purposes and objects mentioned in said clause, and upon payment to him of the sum of five dollars, he may grant to such applicant a license, authorizing such applicant to sell intoxicating liquors, within a radius of three leagues from the place where gold mining is being prosecuted, and which is under the jurisdiction of such officer ; provided that no such license shall be granted to any person who has not a license to sell intoxicating liquors, under the foregoing articles.

GENERAL RESTRICTION.

Case of prohibition of

51. Whenever a municipal by-law shall have been passed and confirmed as by law required, prohibiting the

sale of intoxicating liquors within the limits of its jurisdiction, and a copy of such by-law shall have been transmitted to the License Inspector entitled to the same, such License Inspector is forbidden to issue any of the licenses hereinbefore mentioned, for the sale of such liquors, excepting steamboat bar licenses and licenses of railway buffets, such licenses not being affected by the present restriction.

sale by municipal council.

Notwithstanding the quashing, by judgment of a court of justice, of such a by-law, the License Inspector shall not grant any of such licenses, within two months from the rendering of such judgment, unless such judgment is final.

AUCTIONEERS' LICENSES—MODE OF OBTAINING THEM.

52. Previous to the issue of any auctioneer's license, every individual desirous of obtaining one, must become personally bound towards the treasurer of the Province, with two sufficient sureties taken before the License Inspector, or before some person by him thereto authorized, in an amount of which the maximum is two thousand dollars and the minimum five hundred dollars, for each, at the discretion of such Inspector, to guarantee the payment of all moneys for duties, which the applicant for license shall or ought to receive, and for the faithful execution of the obligations imposed upon him by this law. Such bond of security shall be in duplicate, whereof one duplicate shall be transmitted to the treasurer, and the other whereof shall be retained in the archives of the revenue office. Each one shall justify on oath his sufficiency, before the officer receiving such bond.

Security or obtaining an auctioneer's licence.

PAWNBROKERS' LICENSES.

53. The issue of a pawnbroker's license by a License Inspector requires no other formality than the payment of the duty; and persons carrying on the business of pawnbroking in copartnership, in one and the same house, shop or place of business, require but one license.

Formalities relative to pawnbrokers' licences.

PEDLARS' LICENSES—FOR WHAT OBJECTS THEY ARE OBTAINED.

54. Every pedlar is obliged to take out a license from the proper License Inspector, without the observance of any other formality than the payment of the duty; but the necessity of obtaining such license has not the effect of preventing a licensed pedlar from employing a servant

Pedlars' licences.

Servant.

to assist him in carrying about his bales of goods, without being obliged to take out a second license for such servant.

Cases in which a license is not required.

55. No enactment of this law obliges a pedlar to take out a license, nor does it apply to persons employed by a temperance society, nor by a benevolent or religious society in this Province, for the purpose of peddling and selling temperance tracts and other moral and religious publications under the direction of such society.

No person is obliged to take out a license to peddle and sell :

1. Acts of the Legislature ;
2. Prayer books and catechisms ;
3. Proclamations, gazettes, almanacs or other documents printed and published by authority ;
4. Fish, fruit and victuals ;
5. Goods, wares and manufactures, when they are peddled and sold by the actual maker or worker, he being a British subject and a resident of this Province, or by his children, apprentices, agents or servants, excepting always drugs, medicines and patent remedies,

Nor does this act compel the following persons to take a pedlar's license :

6. Tinkers, coopers, glaziers, harness repairers, or other persons carrying on the trade of repairing kettles, casks, household furniture and utensils, to go along the highway and carry on their business ;
7. Nor hucksters, nor persons having stalls or stands on markets, in the cities or towns, for the sale of fish, fruit or victuals, or goods, wares and merchandize, in such stalls or stands, on their complying with the police regulations of the locality.

FERRY LICENSES—BY WHOM THEY MUST BE PROCURED.

Places where a ferry license is required.

56. No license is required to carry on the vocation of ferryman between the river banks of the St. Lawrence, except between the city of Montreal and the town of Longueuil, between the said city and Laprairie, and between Lachine and Caughnawaga, at the places and limits indicated in the licence, by the License Inspector.

Vessels exempt.

57. No provision of this law applies to the proprietors or masters of any vessel, plying between two ports of this Province, or regularly entered, or cleared by the officers of Her Majesty's Customs at any such ports, or, in any way, affects any privilege granted by the Legislature of the late Province of Lower Canada, of the late Province of Canada, or of this Province, to the proprietors of any bridge, or to any railway company, or other road company.

Privilege safe.

58. No license for a ferry can be granted for a period exceeding twelve months, unless it be by public competition, and to persons who give the security required by the Lieutenant Governor in Council, after notice inserted at least four times, in the course of four weeks, in the *Quebec Official Gazette*, and in one or more newspapers published in the district in which such ferry is situate, and if there be no newspaper published in the district, then in the nearest adjoining district in which a newspaper is published; and no ferry is leased and no license is granted in that respect for a period exceeding ten years.

Duration of license.

BILLIARD TABLE LICENSES—MODE OF OBTAINING THEM.

59. To obtain a license to keep a billiard table for gain, the applicant must furnish personal security with two sufficient sureties, who, as well as the applicant, bind themselves jointly and severally towards the Treasurer of this Province in the sum of two hundred dollars each as security that the licensee will not knowingly allow, during the term of his license, any apprentice, schoolboy or servant to play on any of the billiard tables kept by him, or any person whomsoever playing for money.

Surety relative to billiard table license.

The surety bond must be taken in duplicate, one duplicate to be transmitted to the Treasurer and the other kept in the office of the License Inspector.

LICENSES FOR POWDER MAGAZINES.

60. Every person keeping a magazine for the storage of powder, or who sells and holds for sale any quantity of powder, must obtain from the License Inspector a license to that effect.

License for powder selling or for keeping powder magazine.

61. No license can be granted for keeping a powder magazine, within a radius of five miles of the cities of Montreal and Quebec, nor unless the building be erected according to the following rules:—

Localities where a license cannot be issued.

1. Every magazine shall be built of stone at least two feet in thickness, covered with a fire proof roof made of metal, and adhering to the building by its own weight only;

Mode of construction, prescribed.

2. It shall be enclosed at a distance of at least ten feet clear by a stone or brick wall at least ten feet high, with a stone coping, having a single opening, of which the door shall be covered with brass, copper or zinc, and shall be so placed as not to open on any public highway, or on the side on which is the door of the magazine;

3. In the construction of the magazine, or in the sur-

rounding wall, only stone, brick, copper, brass, wood, glass, tin, slate, zinc or leather can be used ;

4. It must have but one entrance, to which two doors shall be placed with copper fixing—one inside and one outside the wall ; both made of brass, copper or zinc, or covered with the same material ;

5. The floors shall be tongued and grooved close-jointed, and each part thereof on which any person might walk, or place his foot, shall be covered with leather ;

6. It shall be provided with two lightning-rods, to be approved of by the License Inspector ;

7. Any powder magazine may, with the consent of the Lieutenant Governor in Council, be constructed in a different manner.

CIRCUSES.

A license
required
for keeping a
circus, &c.

62. Any person opening a circus or exhibiting a menagerie, shall first obtain a license therefor from the License Inspector.

This license shall specify the number of days for which the duties have been paid, and ceases with the last of these days.

One license suffices for the opening and exhibition, at the same place, of a circus and of a menagerie, if they form the same troupe.

DUTIES PAYABLE ON EACH LICENSE.

Tariff of li-
censes.

63. 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 License Inspector, preliminary to the granting of the different licenses hereinbefore mentioned.

TARIFF OF DUTIES PAYABLE FOR LICENSES UNDER THE PRESENT LAW.

On 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, two hundred dollars if the annual value or rent of the premises, for which the license is required, is less than four hundred dollars, and three hundred dollars if the annual value or rent, is four hundred dollars or more ;

Quebec ; (b) In the city of Quebec, one hundred and twenty-five dollars, if the annual value or rent is less than four

hundred dollars, and one hundred and seventy-five dollars if the annual value or rent, is four hundred dollars or more ;

- (c) In every other city, eighty dollars ; City ;
 (d) In every incorporated town, seventy dollars ; Town ;
 (e) In every village regulated by the authority of the municipal code, sixty dollars ; Village ;
 (f) In each section of organized territory outside of a city, town or village, fifty dollars ; Other organized territory ;
 (g) In each territory not organized, thirty-five dollars. Non-organized territory.

2. On each license for the sale of intoxicating liquors in a restaurant or railway buffet :

- (a) In the city of Montreal, two hundred dollars, if the annual value or rent of the premises, for which the license required, is less than five hundred dollars, and three hundred dollars, if the annual value or rent is five hundred dollars or more ; Restaurant or railway buffet ; Montreal ;
 (b) In the city of Quebec, one hundred and twenty-five dollars if the annual value or rent is less than five hundred dollars, and one hundred and seventy-five dollars, if the annual value or rent is five hundred dollars or more ; Quebec ;
 (c) In every other city, eighty dollars ; City ;
 (d) In every incorporated town, sixty dollars ; Town ;
 (e) In every other part of the organized territory, fifty dollars. Other organized territory.

3. Steamboat bar licenses and licenses for sale of intoxicating liquors at the gold mines :

- (a) On each license for a steamboat bar for the sale therein of intoxicating liquors, one hundred and fifty dollars ; Steamboat bar.
 (b) On each license for the sale of intoxicating liquors in a tavern at the gold mines, five dollars per month, besides the fees and duties already paid on the license which the licensee is bound to have. Tavern at the gold mines.

4. On each retail liquor shop license :

- (a) In each of the cities of Montreal and Quebec, sixty dollars, if the annual value or rent of the shop, for which the license is demanded does not exceed one hundred dollars, and eighty dollars, if it exceeds one hundred dollars, but does not exceed two hundred dollars, and one hundred dollars if the annual value or rent exceeds two hundred dollars, but does not exceed four hundred dollars, and one hundred and twenty-five dollars if the annual value or rent exceeds four hundred dollars ; Liquor shop in retail : Montreal and Quebec ;
 (b) In every other organized section of territory, fifty dollars. Other organized territory.

Wholesale liquor shop. 5. On each wholesale liquor shop license, one hundred dollars if the annual value or rent of the shop for which the license is demanded, does not exceed two hundred dollars, and one hundred and twenty-five dollars if it exceeds two hundred dollars, but does not exceed four hundred dollars, and one hundred and fifty dollars, if the annual value or rent exceeds four hundred dollars.

Licenses for Temperance Hotels.

Temperance hotel. On each license to keep a temperance hotel for the reception of travellers and other persons, and for the sale therein of temperance liquors only, nine dollars

Auctioneers' Licenses.

Auctioneers : On each auctioneer's license :
 Quebec and Montreal ; (a) In each of the cities of Quebec and Montreal, sixty dollars ;
 Other parts. (b) In every other part of the Province, forty dollars.

Assistant, agent, &c : On all separate licenses taken out by an auctioneer for the employment of an assistant, agent, servant or partner, as crier :
 Quebec and Montreal ; (a) In each of the cities of Quebec and Montreal, twenty-five dollars ;
 Other parts. (b) In every other part of the Province, twenty dollars.

Pawnbrokers' Licenses.

Pawnbrokers. For each pawnbroker's license, one hundred dollars.

Pedlars' Licenses.

Pedlars. For each license for a pedlar, for one judicial district, twenty dollars, and for each additional judicial district, ten dollars.

Ferry Licenses.

Ferry-men. For each license for a ferry, such sum as may be fixed by the Lieutenant Governor in Council, under articles 58 and 163 of this law.

Billiard Table Licenses.

Billiard table : cities and towns ; In incorporated cities and towns, for each billiard table, where not more than two are kept, by the same person, and in the same building, sixty dollars each, and when there are more than two, then for a third and fourth table,

fifty dollars each, for a fifth and sixth, forty dollars each, and for each table beyond six, twenty dollars;

And in every other section of organized territory, Other part twenty-five dollars for each table.

For each bagatelle, pigeonhole, or Mississippi board in Bagatelle, pigeonhole or Mississippi. every section of organized territory, twenty dollars.

Powder Magazine Licenses.

For each license to keep or use a powder magazine, Powder magazine. fifty dollars.

For each license for the sale of powder or to keep it on Sale of powder : sale :

(a) In the cities of Quebec and Montreal, by whole- Quebec and Montreal ; sale and retail, twenty dollars. By retail only, eight dollars ;

(b) In every other city, by wholesale and retail, ten Cities ; dollars. By retail only, five dollars

(c) In every incorporated town, by wholesale and by Towns retail, five dollars. By retail only, two dollars and fifty cents ;

(d) In the rest of the country parts, by wholesale and Other parts ; by retail, two dollars and fifty cents. By retail only, one dollar.

A quantity of twenty-five pounds or more, or a dozen What is to constitute a canisters of one pound each, sold at any one time, is wholesale or a sale in retail. deemed to be sold wholesale, and a less quantity than that hereinabove mentioned, is deemed to be a sale by retail.

Circus or Menagerie Licenses.

For each license to open and exhibit a circus or eque- Circus or menagerie : trian representation, menagerie, or caravan of wild animals :

(a) In each of the cities of Quebec and Montreal, and Quebec and Montreal ; within a radius of three miles of each of these cities, one hundred dollars, for each day of the representation or exhibition of the same ;

(b) In other parts of the Province, fifty dollars for each Other parts. Side show. day ; and for every side show ten dollars each day.

PROVISION AS TO DETERMINATION OF RATE OF RENT.

64. The rent or annual value, fixing the rate of licenses Rent, how established. in certain cases, is taken from the valuation roll for municipal purposes then in force

Valuation
certificate
required.

65. To every application for license, the duty whereof is regulated by the amount of the rent or annual value, there must be annexed a certificate of the valuation contained in the valuation roll aforesaid, of the house and dependencies or premises, for which such license is sought, delivered by the city clerk or secretary-treasurer, who is bound to deliver such certificate, whenever thereto required, under a penalty of fifty dollars for each contravention.

POWERS OF THE LIEUTENANT GOVERNOR AS TO THE
REDUCTION OF THE DUTIES ON LICENSES, AND OTHER
PROVISIONS.

Lt. Gov. in
Council may
reduce rates.
Restriction.

66. The Lieutenant Governor in Council may, when and so often as he deems it expedient, by regulation, reduce the rate of duty on licenses, as mentioned in article 63 of this law, provided that this rate be not below the rate imposed by the fifth section of the Imperial Act, George III, chapter eighty-eight.

Case of the
repeal of the
Imperial Act.

67. The duties imposed by this law on licenses of inns, restaurants, steamboat bars, railway buffets, or liquor shops, include those imposed by said Imperial Act; but should the same be hereafter repealed such repeal shall not have the effect of reducing the amount of such duties.

Such licenses
are sufficient.

68. No other licenses than those issued under this law, are necessary to be obtained, by any person, for the same objects, from any corporation or municipal bodies.

Club, etc.

69. The obligations to take out a license for the sale of intoxicating liquors, and for billiard tables, apply to all places where such liquors are sold and where billiard tables are kept, notwithstanding that such places and tables are used by a club or association of any kind, unless the profits arising from the same belong to the members of such clubs, and that the latter be incorporated and proprietors, *bonâ fide*, of all the movable property therein, or be proprietors or lessees of the establishment.

DUTIES OF THE LICENSE INSPECTOR AS REGARDS THE
ISSUING OF LICENSES.

Duties of offi-
cer in relation
to the emis-
sion of licen-
ses.

70. Under the restrictions and exceptions hereinabove imposed, it is the duty of each License Inspector on proof being furnished to him of the fulfilment of all the formalities, on payment being made to him, of the requisite

duties for the issue of the licenses hereinabove mentioned, and on application being made to him, to issue, within the limits of his jurisdiction any of the above licenses.

The same rule applies to the officer named under the Treasury Department Act, relative to the issuing of tavern licenses at the gold mines.

PENALTIES FOR INFRACTIONS OF THIS LAW BY ILLICIT
SALES OF INTOXICATING LIQUORS AND CERTAIN
FRAUDULENT PRACTICES.

71. Any one who keeps, without a license, to that effect, still in force, as hereinabove prescribed, an inn, temperance hotel, 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, is liable for each contravention, to a fine of ninety-five dollars if such contravention takes place in the city of Montreal, and seventy-five dollars if it has been committed in any other part of the organized territory ; and if the contravention takes place in non-organized territory, the penalty is thirty-five dollars.

Penalty for holding taverns &c., or selling liquors, without license.

72. Any one who without a license to keep a tavern at the gold mines, sells intoxicating liquors, within a radius of three leagues distant from any place where gold mining is being prosecuted, incurs a penalty of one hundred dollars for each contravention.

Idem.

73. Any one holding a liquor license only for a retail liquor shop, and who sells in such shop, or in any place whatsoever, within the limits of this Province, any intoxicating liquors, in quantity less than three half pints, 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 three gallons, or one dozen bottles containing each three half-pints, at one and the same time, becomes liable to a fine of seventy-five dollars for such contravention.

Idem.

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

Sale outside the place for which license was obtained.

74. Every licensee for the sale of intoxicating liquors in shops, but not for keeping a house of public entertainment, who allows intoxicating liquors, sold under such license, to be drunk in said shop, or its dependencies,

Idem. Illegal drinking of liquors.

Sale outside
the place
designated in
license ;

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 under the age of sixteen years, is liable to the same fine of seventy-five dollars.

Sale to minor
under sixteen
years of age.

Illegal drink-
ing of
liquors sold.

75. The purchaser of intoxicating liquors, in a licensed shop, is forbidden to drink, or cause any one to drink, or to allow the said liquors to be drunk, in the shop where the same have been purchased, under a fine of ten dollars for each contravention.

Liquor drunk
in a tempe-
rance hotel.

76. Every licensee to keep a temperance hotel, who allows intoxicating liquors to be drunk in his house or dependencies, incurs a fine of twenty dollars for each contravention.

Steamboat
bar open or
sale, while
staying in
port or at a
wharf.

77. Every proprietor or master of a steamboat or vessel, holding a license under this law, who allows his steamboat bar to remain open, or who sells or allows intoxicating liquors to be sold on board, during the time that such steamboat or vessel is staying in a port, or at a wharf, or at any place of disembarkation, is liable to a fine of forty dollars.

Fraud induc-
ing to believe
a license has
been obtain-
ed.

78. 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, 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, is liable to a fine of twenty dollars for each contravention.

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, than that which has been granted to him.

Keeping
liquors
without li-
cense.

79 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 twenty dollars for contraventions of this article, committed up to the time of the institution of such prosecution if it be the first so brought.

In case of repetition of the offence, he may again be prosecuted, and condemned to pay a like fine of twenty 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.

80. The conviction, inflicting such fine, shall also order the destruction of said liquors and vessels, and shall be carried into effect by some bailiff or constable, who shall pour out such liquors on the ground, and destroy the vessels in which the same were contained.

Destruction of liquors and vessels.

On each subsequent conviction to the first, the offending person, in addition to the destruction of the vessels and liquors, in manner aforesaid, is subject to imprisonment during three calendar months in the common gaol of the district.

Imprisonment.

OBLIGATIONS IMPOSED UPON LICENSEES HEREINABOVE MENTIONED, AND PENALTIES FOR CONTRAVENTIONS.

81. Each inn and temperance hotel, situated in a village, or in the country parts, shall contain at least three bedrooms, having each a good bed, for the use of travellers, apart from the lodging apartments of the family.

Bed rooms and beds required in country parts.

82. The master of such inn, or temperance hotel shall keep in an out-house, adjacent to the main building, stalls for at least four horses, and shall always be provided with edibles and provisions for travellers, and hay and grain for their horses.

Stalls for horses, etc. Provisions, etc.

83. Every inn or temperance hotel, in a town or city, shall contain a kitchen of sufficient dimensions, all the utensils necessary to prepare meals for at least ten persons, a dining room with a suitable table whereon to lay the cloth and at least two bedrooms.

Kitchen and suitable table in city or town.

84. Every restaurant must be suitably furnished, and as regards the city of Montreal, to the satisfaction of the License Commissioners.

Restaurant.

85. The master of every such inn, temperance hotel or restaurant shall, at all times, on demand of the License Inspector or his deputy exhibit his license, which he shall keep constantly exposed to the view of the public, in the bar of his establishment, or in some other place approved of by the License Inspector.

License exposed and exhibited.

Inscription
above the
door.

86. He shall cause to be printed in legible characters, at least three inches high and broad in proportion, immediately above the outside of the door of his house, his name in full, with the words, where it is an inn or restaurant, "Licensed to retail spirituous liquors," or "Licensed to retail intoxicating liquors," and where it is a temperance hotel "Licensed to keep a temperance hotel," under the penalties mentioned in article 94.

Inscription
in country
parts.

87. If such establishment is situated in the country parts, the master thereof must moreover expose, and keep exposed, during the whole period of his license, a similar inscription (or sign), composed of letters, not less than four inches high, and wide in proportion, on his house or on the top of a post, or several posts, of sufficient height close to his house, to indicate it to travellers, under the penalties mentioned in article 94.

Good order
requir. d.

88. Every licensed inn, temperance hotel, restaurant, tavern at the gold mines, steamboat bar and railway buffet shall be kept peaceably, and order shall be maintained therein.

Gambling
prohibited.

89. No gambling is allowed therein, under the penalty mentioned in article 94 against the master of each such inn, temperance hotel, restaurant, tavern at the gold mines, steamboat bar and railway buffet, for each contravention.

No more
than one
drinking bar.

90. Not more than one drinking bar shall be kept therein, under the penalty mentioned in article 94.

Drunken per-
sons; minors;
soldiers; sail-
ors; appren-
tices.

91. Intoxicating liquors shall not be sold therein, at any time, to drunken persons, nor to minors under sixteen years of age, nor, after eight o'clock at night, to soldiers, sailors, apprentices or servants, known as such by the master of the house.

Time duri g
which sale is
prohibited.

92. Intoxicating liquors shall not be sold in any inn, restaurant or tavern at the gold mines after mid-night, and before five o'clock in the morning, nor from the hour of eleven o'clock on Saturday night, until five o'clock on the Monday morning following, unless on a special demand for medicinal purposes, signed by a medical practitioner, or by a justice of the peace, produced by the purchaser.

The liquors so sold on special demand, shall not be drunk on the premises.

Bars then to
be closed.

During the times when the sale of liquor is prohibited, all the bars shall be kept closed.

93. Whilst the license is in force, with the exception of licenses for liquor shops, no trade in groceries, provisions, sweetmeats or fruits, can be carried on within the limits of a city, either directly or indirectly, for the benefit of the licensee.

Where no trade in groceries, etc., can be carried on.

No licensee for an inn or temperance hotel can refuse to receive and harbor travellers without just cause.

Admission or refusal of travellers.

No licensee for keeping a restaurant can receive or harbor travellers.

94. Every contravention of the above articles from 81 to this article inclusively is punishable by a fine of not less than ten dollars nor more than fifty dollars, at the discretion of the tribunal.

Penalty.

OTHER PENAL PROVISIONS.

95. The husband, wife, father, mother, brother, sister, curator, tutor, or employer, of any person who has the habit of drinking intoxicating liquor to excess ;

Notice not to deliver any liquor to a certain person.

The manager or person in charge of any asylum or hospital, or other charitable institution, in which such person resides or is kept ;

The curator of any interdicted person ;

Or the father, mother, brother or sister, of the husband or wife of such person ;

Or the tutor or guardian of any child of such person ;

May give notice in writing, signed by him or her, to any person licensed to sell intoxicating liquors, or who habitually sells such liquors, not to sell or deliver the same to the person having such habit.

96. If in the course of one year from the date of such notification, the person thus notified, either personally, or by his clerk, servant or agent, sells or delivers such liquors otherwise than on a special demand, for medicinal purposes, signed by a medical practitioner, to the person having such habit, the person who had given the notice may, by an action for personal damages (if the same be instituted, within six months, from the commission of the offence), recover from the defendant, the sum of ten dollars at least, and of five hundred dollars at most, accordingly as it shall be adjudged by the court or jury, as damages.

Penalty for contravention to such notice.

97. Every married woman may, notwithstanding the article 176 of the civil code, institute such an action in her own name, without the authorization of her husband. All damages recovered by her are, in such cases, for her sole use.

Married woman may institute action.

Right of action belonging to representative.

Identity of the person required to be known.

Suicide or death of a drunken person.

Right of action for damages and interests; delay; action may be joint and several.

Assault or damages caused by a drunken person.

Revocation of certificate for license.

License becomes null.

Penalty.

98. In the case of death of either of the parties to the suit, the action, and the right of action, given by the articles 95, 96 and 97 subsist in favor of or against their legal representatives respectively, provided that the identity of the person, to whom the liquor is sold, be known to the seller at the time of such sale or delivery.

99. The master of an inn, restaurant or any other house, where intoxicating liquors are sold, and every person employed by him in the establishment, are severally liable to an action of damages, towards the representatives of a person, who shall have become intoxicated there, by means of liquors delivered to him, by the said master or employee, and who, by reason of his drunkenness, shall have committed suicide, or died from some accident occasioned by such intoxication.

100. This right of action, which lasts but for three months from the date of death, may be joint and several, or distinct and separate, against each of the individuals so responsible; and the representatives of the person deceased may recover a sum of not less than one hundred dollars, and not exceeding one thousand dollars, under such action for damages and interests, accordingly as any such sum be adjudged to them, by the court or jury.

101. If a person in a state of intoxication commits an assault, or damages any property, the person who shall have delivered the liquor causing such intoxication, in contravention of this law, or any other law, is subject, as regards the person injured, to the the same civil action of damages, as he who committed the assault or damaged the property.

The responsibility is joint and several.

102. If a licensee to sell intoxicating liquors or to keep a temperance hotel, is condemned for a contravention of this law or is convicted of felony, the tribunal pronouncing the sentence, or the License Commissioners in the city of Montreal, may revoke the certificate by virtue of which he obtained his license.

103. When the License Inspector has been informed of such revocation, by the tribunal, by the clerk of the court, or by the License Commissioners, through their representative or secretary, he shall notify the licensee of such revocation, and thereupon his license becomes null and void.

104. If the licensee, who has received regular notice of such revocation and annulment of the license, continues to

keep the house or shop authorized by such license, and to sell intoxicating liquors, he becomes liable to the fines and penalties imposed by this law on persons who keep such houses, and sell such liquors, without a license.

105. Every payment in money, or in objects having a pecuniary value, for intoxicating liquors, furnished in contravention of this law, is held to have been made without consideration and against law. Payment in money held to be illegal.

106. The amount thereof may be recovered from the receiver thereof by the party who made such payment, or by his wife without the authorization of her husband, and by his father or his tutor if he be a minor ; and all contracts and obligations whatever, in whole or in part, made and entered into, for or by reason of such furnishing of such liquors, in violation of law, are null ; saving the rights of third parties. Re-payment of the amount thereof.

107. No action can be maintained, for or by reason of the sale of liquors, furnished in contravention of this law. This article does not affect the provisions of article 1481 of the civil code of Lower Canada. No action for price of illegal sale.

108. Every policeman and every constable, and every other person thereto authorized, in writing, by a License Inspector or by a justice of the peace, and in the city of Montreal by a License Commissioner, may enter any unlicensed place, frequented by the public, where there is reason to suspect that intoxicating liquors are exposed for sale, and to search therefor ; and if such are discovered, he shall take and carry away such intoxicating liquors and the vessels containing the same, in order that they may be destroyed in the manner provided by article 80. Entry and inspection of places suspected, by policeman, etc.

OBLIGATIONS IMPOSED UPON AUCTIONEERS, AND PENALTIES FOR CONTRAVENTIONS BY THEM COMMITTED.

109. With the exception of the immoveable and moveable property of the crown, of real and personal property sold by authority of justice, or through confiscation, of the real and personal property appertaining to any dissolution of community, or to any church, or which are sold at any bazaar held for religious or charitable purposes, or sold for religious purposes, or which are sold in payment of municipal taxes under the municipal code, or any other law regulating municipalities, What sales shall be made by a licensed auctioneer.

With the exception likewise of the real and personal

property, grain or cattle sold for non-commercial purposes by the inhabitants of the rural districts, removing from the locality, and the goods of minors sold by forced or voluntary licitation,

All goods and effects and moveable and immoveable property, wares, merchandise and stock in trade, sold by auction and outcry in this Province, and adjudged to the highest and last bidder therefor, shall be sold by a licensed auctioneer.

Right on such sales. **And** such sales by auction are subject to a duty of one per cent on the amount thereof, which duty shall be paid, by the auctioneer, to the License Inspector, out of the proceeds of the sale, at the cost of the seller, unless an express stipulation be made, in the condition of sale, that such duty shall be paid by the buyer, in which case the duty is added to the price.

Sale in insolvent estates remain chargeable with the duty of one per cent. **110.** Moveable property, wares, merchandise, stock in trade and active debts comprising insolvent estates sold by auction under the laws on insolvency, remain chargeable with the duty of one per cent hereinbefore imposed, notwithstanding that the same may be sold otherwise, than by a licensed auctioneer.

Penalty for auction sale without license. **111.** Whosoever, not being an auctioneer duly licensed as required by the present law (such license being at the time in force), sells, by public auction and by outcry, in this Province, any property, immoveable or moveable, effects, merchandise and stock 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, shall incur a penalty for each contravention thereof, at the maximum, in the sum of four hundred dollars and at the minimum, of two hundred dollars at the discretion of the tribunal pronouncing the same.

The duties moreover shall be paid. **112.** 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.

Other penalty. In addition to the penalty aforesaid, whosoever without such license makes a sale so prohibited, as aforesaid, and who, within the thirty days following such sale, neglects to pay to the License Inspector, or to his agent, the amount of the duty on such sale, incurs a fine of twenty dollars for each day during such neglect.

113. The amount of such duty, and of such penalty may be recovered by the License Inspector by the same prosecution, and in default of payment of the amount in principal and costs thereof, the contravening person is liable to imprisonment, for such time as shall be pronounced by the tribunal, being not more than three months and not less than one month.

Recovery of the right.

Imprisonment.

114. Every auctioneer shall under a penalty of twenty dollars keep in a book, preserved for that purpose, a detailed statement, in the form prescribed by the Treasurer, of all sales made by him, and give to said Treasurer all information by him required from time to time.

Book for auctions required.

115. The License Inspector, his deputy, and every person authorized to that effect, by the Treasurer, shall have, at all times, access to such book, for its examination ; and every auctioneer refusing to allow such examination incurs a penalty of fifty dollars for each contravention of this article.

Access to the book.

116. Within the first ten days of each of the months of February, May, August and November of each year, every licensed auctioneer shall pay to the License Inspector or to his deputy, the amount of duties levied on the sales by him made, and not paid over.

When the auctioneer shall deliver the duties perceived.

He shall also furnish to the License Inspector, or his deputy, a full return, with a report, in detail, signed by himself or his assistant, chief clerk, agent or partner, stating the quantity of all moveable and immoveable property, effects, merchandise and stock in trade, subject to duty, which he has sold during the period not comprised in his last return, stating the amount of the sales of each day, and the total amount of the sales made by each person, firm or estate.

Statement and report required.

If no sales have been made by such licensed auctioneer during said period, the same shall be mentioned in his return.

Such return shall in either case be attested, under the oath or affirmation of the person making the same.

117. The License Inspector or his deputy, may receive such oath or affirmation, and may put to the person making the same, all such questions as he may think fit, to which questions the deponent or affirmant shall make answer, under the sanction of the same oath or affirmation.

Oath.

Question.

118. Every auctioneer and every person who sells goods by auction, charged with the duty of one per cent, but which goods may be sold by other than an auctioneer,

Penalty.

who neglects to pay the amount of the duties, and to make the return aforesaid, in the required form, shall incur a penalty of twenty dollars, for each day he neglects so to do.

Recovering of duties.

119. The amount of duties received, and not so paid over, may be recovered, with costs, in the same prosecution as for the penalties.

License revoked.

The person, so in default, becomes liable to have his license declared forfeited, and such license, from the day a notice, to that effect, is inserted by the License Inspector in the *Official Gazette*, is revoked, null and void, and no new license can be granted to such defaulter, until entire payment be made, in principal and costs, of the amount due.

OBLIGATIONS IMPOSED ON PAWNBROKERS, AND PENALTIES FOR CONTRAVENTIONS BY THEM COMMITTED.

Penalty.

120. Whosoever carries on the business of pawnbroking, or whosoever lends on pawn, without having a license to that effect, still in force, incurs a penalty of two hundred dollars.

Only one house, etc., under a single license.

121. No person shall keep more than one house, shop or place of business, for taking goods in pawn, on money loans, under a single license, under a penalty of fifty dollars for each week, during which he contravenes this article.

Sign required.

122. Every pawnbroker shall expose on the outside of the door of his house, shop or place of business, a sign bearing his name, with the word "pawnbroker" written or printed thereon in large letters.

Scale of the rates on loan, and remunerations, made conspicuous.

He shall also cause to be painted, or printed in plain letters, and placed, in a prominent part of his shop, a graduated scale of the rates the law allows him to charge on loans, and of the remuneration he is entitled to exact on the memorandum or notes he is obliged to keep in the manner provided in the following articles, as well as mentioning those he is obliged to keep gratuitously, under a penalty in each of these cases of forty dollars, for each week of his default so to do.

Previous entries required.

123. Before making a loan, he shall enter in a book, kept for that purpose, a description of the articles received in pawn, mention the sum loaned, the date of the month and year of the loan, the name of the pawnier, the street he lives in, and the number of his dwelling, if it be numbered.

124. This entry must specify whether the pawner be a proprietor, tenant or sub-tenant, or if he be merely a boarder in the house, using the letter (P) if he be a proprietor, (T) if he be a tenant, (S) if he be sub-tenant, (B) if he be a boarder; the name of the proprietor of the house, as given by the pawner, if he is not the proprietor, shall also be entered.

Divers mentions in entries.

125. Every article on which a loan is effected, shall be entered in a book kept monthly for that purpose, and shall be carefully kept.

Book for articles kept monthly.

These entries shall be made in the order of the receipt of the articles, and be designated by numbers; the first article received bearing No. 1, and so to continue to the end of each month; and each memorandum mentioned in the following article, relative to the object placed in pawn, shall be inscribed with a number corresponding to the entry made in the book.

Number of article, entry and note thereof.

126. When taking articles in pawn, the pawnbroker shall give to the pawner a memorandum, or note, containing the description of the articles pawned, the name, place of residence of the pawner, the number of his house, and the indication of his quality, whether proprietor, tenant, sub-tenant or boarder, using the letters herein above indicated in the article 124. On the back thereof the name and residence of the pawner shall be mentioned.

Note: mentions.

127. The pawner shall take such memorandum, and if he fail to do so, the pawnbroker is forbidden to keep the articles put in pawn.

Its reception required.

128. If the sum loaned be less than one dollar the memorandum is given gratuitously; if it be for more than one and less than two dollars the pawnbroker may exact one cent for giving the same, two cents if it be two dollars or above that amount, but does not reach the sum of five dollars; four cents if the sum loaned be five dollars or more, but does not reach the sum of twenty-five dollars; and seven cents if the sum loaned be twenty-five dollars or more.

Retribution allowed for the note.

129. No pawnbroker shall receive any money or valuable consideration whatever, for the keeping or storage of articles placed in pawn.

Moneys not engaged.

130. No pawnbroker is obliged to return the articles placed in pawn, unless the pawner remit to him the memorandum, except in the case hereinafter mentioned in article 137.

Note required for the recovering of articles.

Duplicate of note attached to article : entry required ; its keeping.

131. A duplicate of the memorandum shall be attached to the articles placed in pawn, and when said articles are returned, the pawnbroker shall write on each duplicate, the rate of profit made upon such articles, and keep one of these duplicates during one year.

Conditions for the recovering of the articles.

132. If, in the course of one year, from the date of the pawning, the pawner offers to the pawnbroker the amount in principal of the loan, with the legal profits accrued, and delivers up, at the same time, the memorandum above referred to, and the pawnbroker refuses, without reasonable cause, to return the articles by him detained, the pawner may declare the fact, under oath, before two justices of the peace of the district where the contravention has been committed, who shall summon before them the pawnbroker and the pawner, and examine them, with their witnesses, if any they offer.

In case of refusal.

Summoning and examining the parties.

Restitution ordered.

133. If the tender of the memorandum, of the principal amount of the loan and the profits, within the delay of one year aforementioned, is proved under oath, the justices of the peace, shall order the immediate restitution, of the articles placed in pawn, the pawnbroker to receive such memorandum, principal and profits.

Emprisonment.

134. If, notwithstanding such order so given to him, and the offers to him made, the pawnbroker persists in his refusal to deliver the articles, or to pay the value thereof, accordingly as the justices of the peace shall have adjudicated, they shall cause him to be imprisoned, in the common jail of the district to which he belongs, and he is there detained, until restitution of the articles pawned, or until full payment of their value to the pawner.

Bearer of note held to be the proprietor.

135. Every person who presents the memorandum to the pawnbroker, and offers him the payment of the loan, and the profits, is in so far as regards the pawnbroker, held to be the proprietor of the articles placed in pawn.

Notice forbidding to deliver articles.

136. The pawnbroker on receipt of payment and of the memorandum, shall hand over to him the articles pawned, and he is then relieved from all responsibility, unless, he shall have been previously notified, in writing by the real proprietor, forbidding him to deliver said articles, to any other than himself.

When a copy of note with affidavit shall be delivered.

137. In the case of such a notice being received by the pawnbroker, and likewise where the memorandum has been lost, destroyed or filched from the pawner, or fraudulently obtained from him, (the articles remaining in

the hands of the pawnbroker), the pawnbroker shall give to the person, who pretends to be the proprietor, a copy of the memorandum, with a form of affidavit of circumstances, which are stated to him, which affidavit shall be sworn to by the pretended proprietor, before a justice of the peace.

On verbal notice given, in the presence of a witness, by the pretended proprietor to the pawnbroker and to the pawner of the time and place when and where they should attend before the justice of the peace; (provided, that one day elapses between the day of notice and that of attendance,) the justice of the peace, at the time and place indicated, hears the parties and their witnesses on oath, and examines the documents produced, and awards the articles claimed, to him who establishes his right of ownership.

Notice.

Hearing.

Decision.

138. The judgment shall be in writing, and shall be delivered by the justice of the peace, to him who shall be declared to be the owner who, upon delivering it, in the presence of a witness, to the pawnbroker, acquires the right to redeem the articles.

Judgment; its effect.

If the pawner makes default, the statement under oath of the pretended proprietor of such article, establishes his right of proprietorship.

Default on the part of the pawner.

139. In the case where, for some one of the reasons above mentioned, the pawner cannot produce the memorandum, and no other person claims the articles pawned, his affidavit, given as hereinbefore provided, constitutes sufficient proof of his right of ownership.

In what case an affidavit is sufficient.

In either case the pawnbroker must return the articles, on receiving what is due to him thereon, and, on his refusal to return them, he is subject to the penalties contained in article 158.

Duty of the pawnbroker.

All these proceedings are without costs.

Proceedings without costs.

140. If the loan do not exceed one dollar, the pawnbroker has a right to receive two cents for the copy and affidavit, four cents if the loan be more than one dollar and does not exceed five dollars, and if the loan exceed five dollars, the pawnbroker shall receive five cents.

Pawnbroker's fee on copy and affidavit.

141. The pawnbroker shall sell by public auction all articles pawned, but not redeemed, within one year from, but exclusive of, the day of pawning, without the formality of a judgment to that effect, notwithstanding article 1971 of the Civil Code.

Auction sale of articles pawned.

Publication
of a cata-
logue.

142. 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 in some newspaper in the locality, or in case there be no newspaper published there, then in the nearest locality where in a newspaper is published, not less than three days previous to such sale, and in the interval between the publication and the sale, the articles shall be exposed to view, and open to public inspection.

Exposition
and inspec-
tion of
articles.

Rights of the
pawner.

143. So long as such sale has not taken place, the pawner may redeem the articles pawned, on paying to the pawnbroker what is due on them, and the pawner's share of the expenses incurred, by the publication mentioned in the preceding article, which share shall be the proportion, which the sum loaned on the articles redeemed bears to the total sum loaned, on the articles mentioned in such publication.

Penalty
against the
pawnbroker.

144. If the articles be not separately described in the catalogue, the pawnbroker shall pay to the owner thereof, a sum of not more than forty dollars, and not less than eight dollars, to be recovered in the same manner as penalties under this law.

Book of
sales.

145. Every pawnbroker shall enter in a book, kept for the purpose, an exact account of the sales by auction, of pawned articles, indicating therein the date when the articles were pawned, the name of the pawner, the date of the sale, the name and residence of the auctioneer, and the amount of such sale.

Excessive de-
livered back
to proprietor.

146. If the amount of the sale, exceed the loan, in principal and profits, the surplus shall be paid, after deducting the expenses of the catalogue, and the auction fees incurred, to the person in whose name the articles were pawned, in the proportion of the amount of the sale, to the total amount of the articles, comprised in the catalogue, provided a demand for such surplus be made within three years from the sale.

The pawner
has a right to
inspect the
book.

147. The pawner, or the person in whose name the articles were pawned, has a right to inspect the entry made of such sale, within the delay aforesaid of three years.

Penalty
against the

148. If the pawnbroker made no such entry in such book, if he refuses an inspection of such entry to the

pawner or his representatives, if the articles have been sold for a greater sum than is entered in such book, if he did not sell the articles in conformity with the foregoing provisions of this law ; if he refuses to pay the surplus of the sale ; if the articles have been sold before the time limited ; if they are not forthcoming, or have become depreciated in value, while so pawned; in each such case, the pawnbroker incurs a penalty of forty dollars, and shall pay to the pawner, as damages, treble the amount loaned, to be recovered before two justices of the peace of the district, reserving to the pawner his ordinary recourse for any excess of damages, if such there are.

pawnbroker
in divers
cases of con-
travention.

149. No pawnbroker shall, except at public auction, purchase, either directly or indirectly, any articles pawned with him.

Pawnbroker
may purchase
at auction.

150. No pawnbroker shall receive articles in pawn, from a person appearing to be under fifteen years of age, or appearing to be under the influence of intoxicating liquor, nor buy, nor take in pawn, the memorandum or note aforesaid, of any other pawnbroker ;

Cannot re-
ceive articles
from certain
persons ; nor
note from
other pawn-
broker.

Nor receive in pawn on any Sunday or holiday, nor on any other day, before eight o'clock in the morning or after eight o'clock in the evening, except on Saturday evening and the evenings preceding Good Friday and Christmas, when he may keep his shop open until ten o'clock at night.

Nor on cer-
tain days or
hours.

151. The justices, if they consider it necessary, may compel the pawnbroker to produce his pawnbook, memorandums, vouchers, and all documents pertaining thereto in his possession; and he shall produce these vouchers and documents in the state they were when the pawn was received by him. If he neglects and refuses to appear and produce these vouchers and documents, he becomes liable to the penalties hereinafter imposed, unless he shows sufficient cause to the contrary.

Production of
books, &c., of
pawnbroker
may be re-
quired.

152. On demand of the License Inspector, every pawnbroker shall exhibit to him all his books, and the entries therein, and afford to him an examination of the same ; such officer may, during business hours, visit and examine the shop of such pawnbroker.

Powers of the
License Ins-
pector.

153. If any person pawns the property of another, without the authority so to do of the owner, any two justices of the peace, may grant their warrant to cause the arrest of the offender, and on conviction, he incurs the penalty hereinafter mentioned, and forfeits the value of

Property of
an other
pawned.

Arrestation. the property pawned, which is paid to the owner thereof, and may be recovered at the same time and in the same manner as the penalty.

Pawning certain goods of a manufacture or other. **154.** Every person who knowingly receives in pawn from a journeyman mechanic, any goods of any manufacture, either separate or mixed with others, and of materials plainly intended for manufacturing purposes, when these goods and materials are in course of preparation, but before completion, and being exposed for sale, or any goods, materials, linens or apparel, which have been entrusted to any person to wash, scour, iron, mend, manufacture, or for any purpose of a like nature, is convicted thereof, he shall forfeit the sum lent thereon, and forthwith restore the goods to the owner.

Search warrant. **155.** In all the cases mentioned in the preceding article, if the owner establishes by the oath or affirmation of a witness, before a justice of the peace of the district wherein the offence has been committed, that there is reason to believe, that any person has taken to pawn any such goods, such justices may issue a warrant for searching, within the hours of business, the books, house, shop or any other place occupied by the person suspected; and if such person refuses to exhibit, to the peace officer charged with such warrant, and authorised to search, his pledge-book, the goods pawned, or to allow admittance to such house, shop or other place, such officer may forcibly enter such house, shop or other place and dependencies, and make such search where he thinks fit for the goods in question, taking care to do no wilful damage.

If the goods are found. **156.** If the pawned goods, or any part of them, are found, and the owner thereof establishes by proof, to the satisfaction of the justices, by the oath or affirmation of a witness or by the admission of the suspected person, that they so belong to such owner, the justices shall cause the same to be forthwith returned to such owner, and the occupant of such house, shop and other place shall incur the penalty mentioned hereinafter.

Interpretation. **157.** The provisions of this law, regarding pawnbrokers and pawners, extend to their representatives but they shall not be liable to any penalty, unless incurred by their own acts.

Penalty for divers contraventions. **158.** Every contravention of the above articles relative to pawnbrokers, wherein a penalty is not thereby specially imposed, is punishable by a fine of not less than ten dollars, nor more than fifty dollars at the discretion of the tribunal.

FINES AND PENALTIES AGAINST PEDLARS.

159. Every pedlar, travelling from town to town, and from house to house, in this Province, to sell or expose for sale, goods and merchandise, with the exception of those exempt by article 55, 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, by any title whatsoever. Penalty for selling.

160. Every License Inspector, militia officer, constable or officer of the peace, may arrest and detain every pedlar trafficking without a license as aforesaid, and bring him before two justices of the peace, nearest to the place where such contravention has been committed, for the purpose of immediately prosecuting him, for such contravention ; but he shall not be detained, without warrant of arrest, for any longer space of time, than forty-eight hours. Summary arrestation. Duration.

161. Every licensed pedlar, who refuses to exhibit his license, to such License Inspector, Militia officer, constable or peace officer, upon their request, and after the lapse of a reasonable delay, may, in the same manner, be arrested and brought before two such justices of the peace, and be detained, until he has exhibited his license, provided that in either case, he be not detained, without warrant of arrest for more than forty-eight hours. Such pedlar becomes liable to a penalty of five dollars for each refusal to exhibit his license. Arrestation for refusal to exhibit license. Penalty.

162. Every pedlar who leases or lends his license, or traffics with a license granted to another person, or with a license in which his own name is not inserted, as the name of the person to whom such license has been granted, incurs a fine of forty dollars for each contravention. Penalty in other cases.

REGULATIONS RELATIVE TO FERRIES.

163. The Lieutenant Governor in Council, may make and revoke, as required, the regulations he deems proper for the following purposes, viz : Regulations by the Lt. Governor in Council.

Firstly—To establish the extent and the limits of ferries as aforesaid ; Limits ;

Secondly—To define the modes and conditions of the issuing of licenses, the time for which they are issued, and the duty or fee payable for such licenses ; Conditions ; rights ;

Thirdly—To fix the tariffs and rates, for which persons and goods shall be crossed on such ferries, and the manner in which such tariffs and rates shall be published, and the places of such publication ; Rates of fares ; Publication of the rates ;

Time for crossing.

Fourthly—To fix the time, the hours, and the fractions of hours, during which the vessels employed on such ferries, shall cross and recross, or start from one side or the other of such ferry, for that purpose ;

Fines.

Fifthly—To impose fines for every contravention of these regulations ; and such regulations have, during the time for which they shall be in force, the same effect as if they formed part of this law.

Effect of regulations.

Publication of regulations.

164. The Provincial Secretary shall cause to be published all the regulations established, as aforesaid, in the french and english languages, in the *Quebec Official Gazette*, at least three times during the three months which follow their date, and every number of the Gazette containing a copy of such regulations or of any of them, is proof of the existence of such regulations.

Interpretation of "ferry man."

165. The proprietor, master or person in charge of any vessel employed for the transport of persons or goods over a ferry, as above stated, is considered to have acted as a ferryman, within the meaning of this law, and is liable to all the fines imposed by its authority, if he infringes the same, by acting in such manner.

FINES AND PENALTIES RELATIVE TO THE KEEPING OF BILLIARD TABLES.

Penalty.

166. Any one who keeps for gain, a billiard table, without having a license, still in force to that effect, as hereinbefore stated, renders himself liable to a fine of fifty dollars for each table thus kept by him.

Interpretation of "pr. fit."

167. All sums of money or value paid, furnished or promised, directly or indirectly, by those who play upon such billiard tables to the keeper of the same, his employees or representatives, for so playing on the same, is considered gain within the meaning of this law.

Number of the license required to be upon each table.

License to be exposed in a visible manner.

168. Every person holding a license for a billiard table, shall cause to be painted or engraved upon such table, in visible and legible characters, the number of the license by virtue of which he is authorized, to keep such table ; and he shall also cause the said license to be exposed, in a prominent and visible portion of the apartment in which such billiard table is placed.

Penalties.

169. Every such person incurs a fine of fifty dollars for each week during which he contravenes the provisions of the two preceding articles ; likewise all persons who, intentionally remove, deface or conceal any number so painted or engraved, incur a like fine of fifty dollars for each contravention.

FINES AND PENALTIES RELATIVE TO POWDER MAGAZINES
AND TO THE SALE OF POWDER.

170. Any person who keeps or makes use of a powder magazine, for the storage of powder, without a license, shall be liable to a penal prosecution under which he may be condemned to a fine of five hundred dollars, for all contraventions of this article committed up to the time of the institution of such prosecution, if it be the first, and, in case of a repetition of the offence, he may be again prosecuted and condemned to pay a like fine of five hundred dollars for all contraventions committed in the interval, between the first prosecution and the second, and so on from one prosecution to another.

Penalty relative to the undue keeping of a powder magazine.

171. Every building, used for the storage or keeping of any quantity of powder, exceeding in weight twenty-five pounds, is held to be a powder magazine, within the meaning of this law.

Interpretation of "powder magazine."

172. 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 every person keeping a quantity of powder allowed by law, 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,) shall be liable to a penal prosecution therefor, in which he may be condemned, to the payment of a fine of twenty dollars in the same manner, and in accordance with the rules mentioned, in article 170, for all contraventions of this article.

No body to keep more than 10 lbs for his own use.

Care required of every person keeping powder.

173. No provision of this law applies to powder magazines, nor to the magazines of Her Majesty, and does not affect the transportation, by the troops of Her Majesty, on military service, of the munitions of war, coming into powder magazines of Her Majesty, or going therefrom.

Magazines of Her Majesty, etc., not comprised in the law.

174. 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, renders himself liable to a fine of fifty dollars for each sale of powder; and for so keeping powder for sale, shall be liable to a penal prosecution therefor, in which he may be condemned to the payment of a fine of fifty dollars for all contraventions of this article.

Penalty for sale without license.

Cares and sign required of persons storing powder

175. Every person keeping powder for sale shall constantly keep, conspicuously designated, the part or parts of the building, where the powder is lodged, and keep placed above the entry of such building, a sign bearing these words: "Licensed to sell powder," under pain of a fine of twenty dollars, for each week, during which he contravenes this article.

Regulations of Lt Gov. in Council, on transportation, storage and delivery.

176. The Lieutenant Governor in Council may, from time to time, make the necessary regulations, conformably to the provisions of this law, for the reception, transportation, storage and delivery of powder.

General prohibition.

177. No quantity of powder shall be stored, kept, removed, received or delivered, except in conformity with the provisions of this law, and the regulations made, or which shall be made, by virtue of the preceding article.

Penalty.

178. These regulations, may impose penalties for every infraction, or for all infractions, of the provisions of this law, relative to powder, for which no penalty has been imposed.

Responsibility of proprietor or tenant.

179. Every proprietor and tenant, of any powder magazine, is personally liable for all the penalties imposed, for the contravention of any regulations made by virtue of this law, in what concerns the removal of powder coming from, or going to such powder magazines.

Provincial powder magazines.

180. The Lieutenant Governor in Council may, through the intermediary of any functionary, or of such person, as he may name for that purpose, acquire from the Government of the Dominion of Canada, or from any person whomsoever, or he may cause to be built, one or several powder magazines, within the limits of this Province.

Functionaries of such powder magazines.

181. The Lieutenant Governor in Council, may also appoint or employ the functionaries or persons he deems necessary, for the care, maintenance and the general service of every powder magazine, at such remuneration as he considers reasonable.

Guard or location of such powder magazines.

182. These powder magazines may be kept and guarded, for the benefit of the province, by the functionaries or persons, mentioned in the preceding article; may be leased to private persons, or to a company, on the conditions, on and in the manner determined upon by the Lieutenant Governor in Council, subject in both cases to the provisions of this law.

183. The rates which may be demanded and received Rates. for the storage of powder, in such magazines, are fixed by the Lieutenant Governor in Council.

184. The Lieutenant Governor in Council may, on such Subsidies authorized for asisting in the construction of certain powder magazines; terms and conditions as he deems fit, authorize the Treasurer to pay a subsidy to one or more persons, to assist in the construction of any powder magazine, near to but outside the radius of five miles aforesaid, of the cities of Quebec and Montreal, erected under the provisions of this law, provided that such subsidy shall not exceed the amount of one-third of the price of the powder magazine, and that the plans, specifications, demand of Conditions. tenders and the contract for such building, shall have been previously approved of, by the Commissioner of Agriculture and Public Works.

185. The Lieutenant Governor in Council may, from time Storage of more than 100 lbs near certain public works, or in country parts to time, but on the conditions, and under the regulations he deems fit, permit the storage of powder in quantities exceeding one hundred pounds, in the vicinity of public works, railways, canals, and other similar works of a public nature, or, generally speaking, in the country parts; and exempt such storage, in the case of each of such works, from the operations of the provisions, or of any one of the provisions of this law.

FINES AND PENALTIES RELATIVE TO CIRCUSES AND MENAGERIES.

186. No person, but one holding a license to that effect, shall open or exhibit a circus or menagerie, under pain of Penalty for exhibiting circus, etc., without license. a fine of one hundred dollars, for each performance, representation or exhibition.

187. Every person, opening or exhibiting a circus or menagerie, shall show a license to the License Inspector, or to one of his deputies, or to any person authorized, to that effect, by the License Inspector, on a simple demand, verbal or written, on their part, and in default of so doing, such person is held to have no license, and is punishable accordingly. Penalty for refusing to exhibit license.

188. The License Inspector, or one of his deputies, or any other persons, authorized to that effect, by the License Inspector may, on a warrant obtained, on satisfactory proof Recovering of the penalty. by affidavit, and signed by a judge of the Superior Court or district magistrate, or a justice of the peace, seize the goods, animals and effects forming part of a circus and menagerie, for the opening or exhibition of which, no license shall have been taken, or for which they may have

refused to show the required license ; and may, without any other preliminary judgment or formalities, sell and adjudge, at public auction, the goods, animals and effects thus seized, for the amount of the fine incurred, and costs of the sale.

SEARCHES IN CONNECTION WITH THE CONTRAVENTIONS OF THE PROVISIONS OF THE PRESENT LAW, AND THE PARTICULAR DUTIES OF LICENSE INSPECTORS RELATIVE TO THE SAME

License Inspector shall personally or by another search for infractions.

189. Each License Inspector personally, by his deputy, or any other person by him appointed, to that effect, shall, within the limits of his district, make a careful search for infractions of this law, and, to this effect, he shall visit at least once a year :

Annual visits of certain places.

1. Every powder magazine, and every place where powder is kept, for sale or in storage ;
2. Every shop, or place of business of a pawnbroker and auctioneer ;
3. Every saloon or place, public or private, where any billiard table, pigeon-hole board, mississippi board, or bagatelle board, is kept or supposed to be kept for gain ;
4. Every steamboat or vessel on board of which are sold intoxicating liquors ;
5. Every inn, restaurant and temperance hotel, railway buffet and liquor shop.

Admission refused or hindered.

Other persons authorized to visit.

190. Every master of a house, steamboat or vessel, of which the visit and inspection are hereinabove authorized, refusing admission to such License Inspector, his deputy, or other person authorized by him or a justice of the peace, any where, or to a License Commissioner in the city of Montreal, and any other person hindering the visit and inspection in question, or molesting a policeman in the execution of his duty, relative to these objects, becomes liable to a fine, not exceeding fifty dollars and not less than eight dollars, for each contravention.

In what case it is the duty of inspector to sue.

191. It is also the duty of the License Inspector, to prosecute 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.

Idem.

192. It is the duty of the License Inspector, to institute prosecutions, every time he has reason to believe, that a contravention of this law has been committed, and that such prosecutions can be maintained and, at least, the costs recovered.

193. Every time he is called upon to institute a prosecution, he may, if he has reason to believe that the prosecution cannot be maintained, or to fear that the costs cannot be collected from defendant, exact from the person asking for the institution of such prosecution, the deposit of a reasonable amount to cover the same.

Deposit for costs may be required.

HOW AND BEFORE WHAT TRIBUNALS PROSECUTIONS SHALL BE BROUGHT FOR SUCH CONTRAVENTIONS. GENERAL PROVISIONS.

194. The fines and penalties imposed by this law, or by the regulations, made under its authority, and the duties and fees exigible under the same, shall be recovered in the manner and before the tribunals hereinafter indicated.

Recovering of penalties.

195. Every prosecution shall be brought in the judicial district where the contravention has been committed, or in that where the contravening person resides. If the contravention has been committed on board a steamboat or other vessel, the prosecution may be instituted in any judicial district whatsoever of the Province of Quebec; and if the contravention has taken place on the borders of two adjacent districts where it is difficult to determine in which of said districts the offence was committed, the prosecution may be instituted in either of said districts.

Judicial district.

196. All actions or prosecutions, where the amount claimed does not exceed one hundred dollars, may be, optionally with the prosecutors, brought before the Circuit Court, but without any right of evocation therefrom to the Superior Court, or before two justices of the peace in the judicial district, or before the judge of the sessions of the peace or before the Court of the recorder or of the police magistrate or before the district magistrate; but if the amount claimed exceeds one hundred dollars they shall be brought before the Circuit Court or the Superior Court, according to the competency of the Court, with reference to the amount claimed.

Circuit Court without right of evocation.

Other courts:

If the amount exceeds \$100.

197. In the Circuit Court and Superior Court, the service of the summons and of the other proceedings, in these prosecutions and actions, are made in the ordinary manner.

Significations.

198. Except as regards actions brought in the Superior Court or Circuit Courts, service of the summons is made by any bailiff or constable, named for the judicial district

By whom made ; Copy to be

left, by whom signed. where the prosecution is instituted, by leaving a copy certified by the magistrate, judge, or functionary or the attorney *ad litem* of the prosecutor, who has signed the original, with the defendant personally, or a grown and reasonable person of his family at his domicile or place of business.

Under what oath. **199.** The service by a bailiff, shall be certified under his oath of office, and that made by a constable, shall be proved by means of a return, sworn to before a justice of the peace, in the judicial district, or before the Court.

Service before certain courts. Before the other Courts the services of proceedings and convictions, are made in the same manner, as the service of the summons.

Procedure shall be summary. **200.** Before the Circuit Court and the Superior Court, in all prosecutions under the authority of this law, the procedure shall be summary, and be the same, *mutatis mutandis*, as that contained in the first chapter, of the second title, of the second book of the code of civil procedure of Lower Canada.

Certain provisions of (C) 32-33 Vict., c. 33 and C.S.C., c. 103, to apply. **201.** On all prosecutions instituted before two justices of the peace, a judge of the sessions of the peace, a recorder, police or district magistrate, the provisions of the Act of the Parliament of Canada (32 and 33 Vict., chapter 31,) concerning the duties of justices of the peace out of sessions, and summary convictions, and the provisions of chapter 103 of the Consolidated Statutes of Canada, not abrogated nor modified by the Parliament of Canada, apply, except in cases of incompatibility, with the provisions of the present law, in all matters wherein no special provision has been made therefor.

IN WHOSE NAME PROSECUTIONS ARE INSTITUTED AND
THE PROCEDURE THEREON.

In whose name the prosecutions shall be brought. **202.** The actions or prosecutions, for contraventions of this law, are brought in the name of the License Inspector, for the district in which the contravention has been committed, or in the name of the municipality of the city, town, or other local municipality, where such contravention has been committed, or by an informant.

In what case the suit instituted by corporation or informant. **203.** But such prosecutions, instituted by a municipal corporation or an informant, and the judgment rendered on such prosecution, become of no effect, if a prosecution is brought by the License Inspector, and cannot be pleaded thereto, unless the amount sued for, by such cor-

poration, or informant, has been paid as required by law, or the defendant has undergone the imprisonment, to which he has been condemned, in default of payment, may become of no effect.

204. It is not necessary to allege, on a prosecution instituted under the authority of this law, in the declaration, information, complaint or summons, negative facts nor any facts, which it devolves upon the defendant to prove. Allegations not required.

205. Several cases of contravention of this law, committed by the same person, may be cumulated in one and the same declaration, information, complaint or summons, provided that such declaration, information, complaint or summons contains specifically, the time and place of each contravention; and in such case, the forms indicated by this law shall be modified, *mutatis mutandis*. Cumulation of several contraventions.

206. If the prosecution be brought before a tribunal, other than the Circuit Court or the Superior Court, the amount of the fine and penalty shall not exceed, on the same prosecution, one hundred dollars, notwithstanding the number of contraventions. Restriction.

207. Before every tribunal, except the Superior Court and Circuit Court where the ordinary rules of procedure, in reference to amendments prevail, any declaration, information, complaint or summons may, on application of the informant, to that effect, be amended, in substance or in form, without costs. Amendment allowed without costs.

Upon such amendment, the defendant may obtain a further delay, in which to make his defence and proof. Exception.

208. Any husband, living and residing with his wife, when any contravention of this law is committed by her, whether she is a public trader or not, may be prosecuted and convicted, in the same manner, as if he himself had contravened this law. Delay.

209. In every prosecution, under this law, before any tribunal other than the Superior Court and Circuit Court, in which courts the ordinary rules of procedure, as to the taking of evidence prevail, the tribunal may summon before it, any person represented to it as a material witness therein; and if such person refuses or neglects to attend on such summons, the tribunal, if from affidavits, or from the circumstances of the case, it is of opinion that the witness refuses to appear, and thereby the ends of justice may be defeated, may issue its warrant for the arrest of such person; and thereupon, he shall be brought Husband severally responsible with his wife for contravention committed by her.

Witness summoned.

Arrestation on refusal.

Confinement. before the tribunal, and if he refuses to be sworn, or to affirm, or to answer any questions touching the case, he may be committed to the common jail, there to remain, until he consents, to be sworn or to affirm, and to answer.

Penalty for refusal to appear or give evidence without cause. **210.** If, in addition to the cases mentioned in the preceding article, any person summoned as a witness, to give evidence before a tribunal, 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 tribunal seized with the prosecution for the penalty mentioned in this law shall decide, or appearing, refuses to give evidence upon oath, shall incur, for such neglect or refusal, a penalty of forty dollars even though the prosecution may have terminated, without his having appeared or given evidence.

Depositions taken in writing. Adjourn. **211.** Upon the demand of either party, the tribunal may, in its discretion, receive, and cause to be taken in writing, the depositions of the witnesses then and there present, and postpone the trial to a further day fixed for that purpose.

Witness bound to answer. **212.** Every person, other than the defendant, summoned or examined as a witness in any prosecution brought under this law, is bound to answer all questions put to him, and which are pertinent to the issue, notwithstanding any declaration on his part, that his answers may disclose facts tending to subject him, to any penalty imposed by this law; but such evidence shall not be used against him in any prosecution.

Proviso.

No defendant shall be a witness. **213.** No defendant shall be examined as a witness, in any prosecution under this law.

General term of proof. **214.** In prosecutions for the sale, without license, of intoxicating liquors, it shall not be necessary that any witness should depose, to the precise description of the liquor sold, nor shall it be necessary to state the quantity of liquor sold, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale of more or less, than such quantity.

Idem. **215.** The rigorous precision, as to the mention of time in the complaint, is not necessary in the proof to justify a conviction; it is sufficient to prove that such contravention was committed, on or about the time mentioned.

216. The production of the license, constitutes sufficient evidence of the payment of the duty thereon, unless the party prosecuting proves, that the duty has not been paid, in which case the license, without such payment, is deemed to be invalid.

Duty shall be presumed paid: exceptions.

217. In an action or prosecution against a defendant accused of having carried on, without a licence, the business of an auctioneer, the following are reputed *primâ facie* evidence of the auction sale:

Primâ facie proof against an auctioneer.

1. The fact of having placed publicly, to be bid upon any article, merchandize, or property movable or immovable, before an assemblage of persons, in order to induce them, or any number of them, to purchase the same.

2. The publishing, in any newspaper or handbill, of a notice of an auction sale, by defendant.

3. The exhibiting to view, in, on, or near his house or dependencies, of any sign, printed matter, painting or writing, indicating, or of a nature to indicate, that he is desirous of acting as an auctioneer, or the fact that such have been exhibited with his knowledge or consent.

218. The proof that a person exhibits, or exposes to view, or permits that there should be exposed to view, in, on or near a house or its dependencies, belonging to, or occupied by him, any sign, painting, writing, or printed matter, indicating, or tending to indicate that a billiard table is kept in such house, or its dependencies, is *primâ facie* evidence, that such person keeps a billiard table for gain.

Primâ facie proof against a person keeping a billiard table.

219. Proof that a billiard table is kept in an inn, temperance hotel, railway buffet or restaurant, is held to establish, that such table is thus kept for gain.

For profit.

JUDGMENTS.

220. When a prosecution, instituted under the authority of this law, has been brought before two justices of the peace, judgment may be pronounced by one of them in the absence of the other, provided that such judgment be reduced to writing, and signed by both justices.

Hearing by two justices of peace; judgment pronounced by one alone.

221. When a prosecution has been brought before two justices of the peace, and that they fail to agree on the judgment to be rendered, one or the other of such justices may sign a certificate, to that effect, and transmit it to the License Inspector, who thereupon, may institute a new action for the same contravention.

If they fail to agree.

Imprisonment of contravening person in default of payment.

222. In default of payment of any fine imposed, or of any sum claimed under this law, the contravening person condemned to pay the same, shall be imprisoned, and detained in common gaol during a period of three months, unless that another period of detention be prescribed.

In case of repetition of contravention.

223. The penalty, for a repetition of the contravention, against any one who shall have incurred a subsequent condemnation, for a contravention of the same nature and kind, under the authority of this law, except in cases otherwise herein specially provided for, is a fine of one hundred dollars and imprisonment for six months, in default of payment.

Provisions which shall be contained in the judgment.

224. Every judgment or conviction, shall contain a condemnation of the defendant to such imprisonment, in the cases mentioned in the two preceding articles, and in all other cases wherein a similar legal provision exists in this law.

PROVISION AS REGARDS COSTS.

Fees of attorneys, clerks, constables, etc.

225. In all prosecutions or actions, instituted under any of the articles of this law before all courts, except the Superior Court and the Circuit Court in appealable cases, where the usual tariff of fees prevails, no other costs or fees excepting those mentioned in the Schedule H, shall be claimed or taken by any attorney, clerk, bailiff or constable, or any officer of justice.

If goods have been pawned.

226. No fee shall be paid for any summons or warrant issued by a justice of the peace, in conformity with this law, when the same has reference to goods pawned.

No costs shall be adjudged against the License Inspector.

227. No costs shall be adjudged against the License Inspector, in any action or prosecution instituted under this law; but, on the recommendation of the tribunal which has rendered the judgment, or of the License Inspector, the Treasurer of the Province may, at his discretion, pay to the person, in favor of whom judgment has been pronounced against the License Inspector, the costs or indemnity to which he may deem, such person, equitably entitled.

In what case the Treasurer may pay costs.

In what case an informant has his recourse against corporation, for costs.

228. When a municipal corporation, after having been requested by any person, other than the License Inspector, to prosecute any contravention of this law, refuses or neglects, for fifteen days from such demand, to institute the prosecution, if such person has prosecuted in his

own name and obtained a conviction against the contravening party, and that the cost of prosecution cannot be recovered from defendant, the corporation is bound to pay the prosecutor, (to whom a right of action is accorded to recover the same) all costs incurred, whether he shall have actually disbursed or not that amount, or any part thereof.

The same provision and right of action shall apply, where prosecutions are instituted by any informant, at the request of a corporation.

PROVISIONS RELATIVE TO THE EXECUTION OF JUDGMENTS.

229. In default of immediate payment of the fine and costs, the prosecutor may, upon the rendering of the judgment or conviction, or at any time during the delay, if any, granted to the defendant, make option whether the defendant shall be first imprisoned, for the time mentioned in the judgment or conviction, or shall be first proceeded against by seizure. In the latter case, the amount of such fine and costs is levied, by a warrant of seizure and sale, of the moveable effects of the defendant; and in default of moveables and effects, or in case they be insufficient, the defendant shall be imprisoned, but in either case, he may be discharged from imprisonment, by paying the fine in full, all costs incurred at the time of the conviction and subsequent costs.

Right of prosecutor to make option.

Case of seizure, or case of moveable effects proving insufficient.

230. Any one knowing, or having reason to believe, that a commitment has been issued against any person under this law, who prevents the arrest of the defendant, or procures or facilitates by any act, counsel, or in any other manner whatsoever, his avoidance of arrest or who provides defendant with the means of avoiding arrest, is liable to a fine of forty dollars.

Penalty for procuring avoidance of arrest.

231. The execution of a judgment, rendered in the Superior Court, or in the Circuit Court, may take place on the expiration of two days, from the date of such judgment.

Delay for execution of judgment rendered S. C. or C. C.

232. In the case where *contrainte par corps* is had recourse to, in the said Superior or Circuit Courts, it is granted by one of the judges of the Superior Court, or by the prothonotary of said court, or by the clerk of the Circuit Court, on a summary petition, alleging that the defendant has not paid the total fine, or the amount claimed, and the costs of the prosecution.

Contrainte par corps.

It is not necessary that defendant should be notified, of the presentation of such petition.

Notice not required.

Term of imprisonment.

233. Each term of imprisonment, under this law, is reckoned from the date of incarceration.

Seizure of the tackle and furniture of vessel.

234. If the conviction be for having sold, or allowed to be sold, intoxicating liquors on board any steamboat or vessel, without the requisite license, the fine and costs may be equally levied, by seizure and sale of the tackle and furniture of the steamboat or vessel, on board which such liquors have been sold.

Seizure of billiard tables, even those not appertaining to defendant.

235. If the conviction be for having kept a billiard table, without a license, or for any contravention of articles 166, 168 and 169 of this law, the fine and costs may be levied by seizure and sale of any billiard table in possession of defendant at the time of the rendering of the judgment, whether the defendant be or be not the proprietor thereof.

Delay.

236. The tribunal may, at its discretion, in case the fine and costs be not immediately paid, fix an ulterior day for payment, and order that the defendant be placed in custody unless he binds himself with sureties, to the satisfaction of the said tribunal, (which is hereby authorized to take the security under the form of an obligation or otherwise, as it may deem fit,) to appear on the day fixed, and if on the day appointed the fine and costs be not paid, the complainant may make his option, and the defendant shall be dealt with in accordance with the article 229 of this law.

Arrest and surety.

Right of complainant, if the defendant be a married woman.

237. When a married woman shall have been convicted, in an action instituted under the authority of this law, the complainant may exercise the option whether to proceed by seizure and sale, either against the goods of the married woman, or of her husband; and moreover, in case the goods of one of them should be found insufficient, then against the property of the other, provided they habitually live together.

If he be member of a copartnership.

238. On the condemnation of one member of a copartnership, under the authority of this law, the right of the prosecutor to proceed by seizure and sale, may, in case the goods and effects of the defendant be found insufficient, be exercised against the goods and effects of the copartnership, found on the premises, where the contravention has been committed.

RECOURSE BY CERTIORARI.

In what cases evoked.

239. Unless that within forty-eight hours after conviction, judgment, or order in any action or prosecution, insti-

tuted under this law, the defendant deposits, in the hands of the clerk of the justices of the peace, or of the Court which has adjudicated, the full amount of the fine and all costs, and a further sum of fifty dollars, to secure the payment of such costs as may be subsequently incurred, no action, prosecution, conviction, judgment or order shall be taken by *certiorari*, to any other Court, and in default of accomplishing these requirements, the notice of application for *certiorari* shall not suspend, retard nor affect the execution of such conviction, judgment or order.

caution by *certiorari* is permitted.

Effect of demand without such requirements.

The tribunal or Judge, to which such application is made, shall dispose of the same upon the merits, notwithstanding any variance, between the information and the conviction, or of any defect in form or substance therein, provided, it can be understood from such conviction, that the same was made for an offence against some provision of this law, within the jurisdiction of the justice of the peace, recorder, police magistrate or district magistrate who made or signed the same, and it can be understood from such conviction, that the appropriate penalty or punishment for such offence was intended to be thereby adjudged, and, in all cases where it appears that the merits have been tried, and that the conviction is valid under this law, such conviction shall not be quashed, and, in case the original record is before the tribunal or judge, it shall be remitted to the Court below.

Decision of tribunal or judge.

Reasons insufficient to have the conviction set aside.

There is no appeal, from such conviction, judgment or order, to any Court of Quarter Sessions or Queen's Bench.

No appeal.

HOW DUTIES AND FINES SHALL BE APPLIED.

240. All the duties, levied under the law, shall be paid by the License Inspector and all other functionaries charged with their collection, under the same authority, to the Treasurer of the province, and shall form part of the Consolidated Revenue Fund, and any proportion thereof may be applied from time to time, by the Lieutenant Governor in Council, under the direction of the Treasurer, to the payment of all expenses incurred for the carrying out of this law, and the costs incurred in actions instituted for contraventions of the same.

Duties: by whom and to whom paid, and how disposed of.

241. When the prosecution is instituted by the License Inspector, and in his name, the fine recovered shall be applied in the following manner, viz :

Apportionment of recovered fine.

1. If the full amount of fine and costs have been levied, the half of the fine belongs to the License Inspector, he being obliged to pay, the one half, of such half to the informer, if there be one, and the balance is remitted to the

Treasurer, to form part of the consolidated revenue fund.

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 Licence Inspector, the informer (if there be one), and the Treasurer in the proportions mentioned in the preceding paragraph.

City of Mont-
real ;

3. The preceding distribution does not apply to fines levied, for contraventions of this law, in the city of Montreal under section 71 ; such fines shall be applied in the following manner, viz :

4. If the fine and costs be recovered in full, fifteen dollars thereof belong to the informer, a like amount to the Licence Inspector, and the balance to the Treasurer.

5. If the fine and costs be not paid in full, the amount levied shall be applied, in the first instance, to the payment of costs, and the balance divided in the last-named proportion, namely fifteen ninety-fifth portions of the amount, to the Licence Inspector and informer each, and the remainder to the Treasurer.

License In-
spector to
levy the
moneys and
apportion
them.

242. The fine and costs, or the amount levied, are payable into the hands of the Licence Inspector for the district, who shall, without delay, apply, divide and apportion, the amount recovered, in the manner prescribed by the foregoing articles.

If the prose-
cutor be a
corporation
or an infor-
mant.

243. When the prosecution is instituted by a municipal corporation, or by an informant, the fine levied is applied in the following manner :—

1. If the full amount of the fine and costs be levied, the half of the fine belongs to the municipality, or to the informant, with the obligation, in either case, to pay over, the half of such half, to the informer, (if there be one,) and the balance is remitted to the Treasurer, to form part of the consolidated revenue fund.

2. If the total amount of the fine and costs be not levied, the amount recovered is applied, in the first instance to the payment of costs, and the balance is divided, in the manner and proportions indicated in the preceding paragraph.

Fine remit-
ted.

244. No fine incurred, under the authority of this law, shall be remitted, except by and with the authorization of the Lieutenant Governor in Council.

Tables of
suits, etc.,
shall be
transmitted
to Treasurer.

245. Every clerk of the judge of sessions of the peace, of the justices of the peace, of the recorder, and of the district or police magistrate and the prothonotary of the Superior Court and the clerk of the Circuit Court, shall, during the months of April

and October of each year, transmit, under a penalty of one dollar for each day during which the same is wilfully neglected, (such penalty to be recovered in the same manner, as is provided by this law for the recovery of penalties,) to the Treasurer of the Province, a statement of all prosecutions, instituted under this law, which have been brought before them and adjudicated upon, during the six months ending on the thirty-first day of March and the thirtieth day of September respectively, and such statement shall mention, the names of justices or judges, before whom each case has been tried, the name of each defendant, the date of every judgment, and the amount of fine or other condemnation in each case.

ADDITIONAL ENACTMENTS REGARDING PROSECUTIONS.

246. Every prosecution against an auctioneer or a pawnbroker, under this law, shall be instituted within twelve months, and all others within six months of the contravention, unless otherwise provided.

Limitation of prosecutions against auctioneers or pawnbrokers;

247. No action shall be maintained against a License Inspector, by reason of his official acts, unless it shall have been instituted within the six months, from the date of the act which gave rise to it.

Against License Inspector.

248. Under a plea of general denial, the License Inspector may prove all facts of a nature to establish a special defence, in the same manner as if he had pleaded the same. On dismissal or discontinuation of the complaint or action the defendant is entitled to a condemnation for costs in his favor, against the adverse party.

Defence of License Inspector.

249. If the judgment be rendered in favor of such party, and the tribunal certifies, that the defendant had reasonable grounds to justify his proceedings, the plaintiff has no right to costs, and shall only recover nominal damages.

Nominal damages against Inspector.

ADDITIONAL DUTIES AND PRIVILEGES OF LICENSE INSPECTORS.

250. There shall be published, a classified list of all persons having obtained licenses under this law, by the different License Inspectors, once a year or more frequently, at the periods, and in the newspapers, indicated by the Treasurer.

List of licensed persons published.

251. Every License Inspector, and every other functionary receiving public monies, is accountable for, and

Responsibility of public

functionaries
towards the
Treasurer.

shall pay and account for, to the Treasurer of the Province into whose hands he shall pay, at the periods and in the manner ordered by the latter, all sums of money which he shall have levied arising from the duties imposed by this law, as well as for all other sums of money, which the law obliges him to pay to the said Treasurer, which belong to the Provincial revenue and form part thereof.

Particular
statement
shall be trans-
mitted by
inspector.

252. In rendering his accounts to the Treasurer, the License Inspector shall transmit, in addition to the information which he shall be ordered to give, a statement shewing the sums received by him for duties on auction sales, and the number of licenses he shall have issued.

Deputies of
License In-
spectors.

253. With the consent and approbation of the Treasurer, each License Inspector may appoint one or more deputies for the performance of his duties, under this or any other law, and such deputies, as well as the License Inspector, shall take and subscribe to the oath required by the ninth section of the Treasury Department Act, in the manner therein prescribed.

Oath of office
of the Inspec-
tor and depu-
ties.

Travelling
expenses.

254. An extra sum of one hundred dollars annually, may be granted by the Lieutenant Governor in Council, to any License Inspector, for travelling expenses, in addition to his ordinary salary.

FINAL PROVISIONS.

Abrogations.

255. The following acts and parts of acts are hereby repealed :

34 V., c. 2.

1. The Quebec License act, 34 Victoria, chapter 2.

35 V., c. 2.

2. The Act of this Province, 35 Victoria, chapter 2.

36 V., c. 3.

3. The Act of this Province, 36 Victoria, chapter 3.

37 V., c. 3.

4. The Act of this Province, 37 Victoria, chapter 3.

38 V., c. 5.

5. The Act of this Province, 38 Victoria, chapter 5.

39 V., c. 6.

6. The Act of this Province, 39 Victoria, chapter 6.

37 V., c. 8, s.
12, (part
affected.)

7. Section 12, 37 Victoria, cap., 8 of the acts of this Province, in so far only as such section is affected by this law, and generally all other provisions of any act of this Province containing any enactment contrary to the provisions of this law ; but the dispositions of this act shall in no way affect the rights and powers belonging to cities and incorporated towns by virtue of their charters and by-laws, and shall not have the effect of abrogating or repealing the same.

Generally.

Rights of
cities and
towns safe.

Ancient abro-
gations main-
tained.

256. No repeal hereby enacted, shall have the effect of reviving any act, or provision of law, repealed by the acts

or parts of acts hereby repealed; nor shall any such repeal be held to imply the enactment of any provision, contrary or contradictory to any provision so repealed.

257. Every offence, wholly or partly committed against any act or enactment hereby repealed, prior to such repeal, shall be dealt with, inquired of, tried, determined and punished, and every penalty in respect of any such offence shall be recovered, in the same manner as if the said acts and enactments had not been repealed; and every act duly done, and every commission, appointment, office or salary, paid, made or fixed, and every warrant and other instrument duly made or granted before such repeal, and every right, liability, privilege and protection, in respect of any matter or thing committed or done before such repeal, shall continue and be of the same force and effect, as if the said acts and enactments had not been repealed; and every action, prosecution or other proceeding commenced before such repeal, or thereafter commenced, in respect of any such matter or thing, may be prosecuted, continued and defended, as if such acts and enactments had not been repealed.

Prior offenses.

Acts, commissions, nominations, salaries, mandat, instrument, etc., prior to the abrogation.

Proceedings:

258. All provisions of the "Municipal Code of the Province of Quebec," whereby any municipalities are empowered to regulate the storage of gunpowder, or any other matter, shall apply only, in so far as such storage, or such other matter is not, or shall not, at any time hereafter, be regulated by this law or by any regulations made in virtue thereof.

In what cases the municipal code, in relation to powder, etc., shall apply.

259. This law shall be known, and may be designated and cited as "The Quebec License Law of 1878."

Title of this act.

260. The Treasurer of the Province, whenever he shall deem it conducive to the better administration and carrying out of the revenue laws, may from time to time at the public expense, cause to be prepared, printed and distributed, in the English and French languages, or in either of them, and in such numbers and manner as he may see fit, pamphlets containing the laws in force respecting licenses or the treasury department and such acts or portion of acts, regulations of the Lieutenant Governor in Council, and instructions from the treasury department as he may deem desirable in connection with the said laws.

Pamphlet containing the laws of revenue, etc.

But such pamphlets shall be deemed to be printed for convenience only, and nothing contained therein shall prevail against the regularly promulgated versions of the law or the meaning or construction thereof.

FORMS.

Forms. **261.** The forms contained, in the following schedules and forms, which schedules and forms are part of this law, or other forms to the like effect, shall be sufficient for the purposes for which they are intended.

Act in force. **262.** This law shall come into force on the day of the sanction thereof.

FORM A.

FORM OF CERTIFICATE FOR OBTAINING A LICENSE TO
KEEP AN INN, TAVERN OR RESTAURANT.
[as the case may be.]

Province of Quebec, }
District of }

We, the undersigned municipal electors of the of

, in the county of , do hereby certify that,
, of , in the county of
in the district of , who is desirous of obtaining
a license to keep at
is personally known to each of us, that he is honest,
sober, and of good repute, and is a fit and proper person
for keeping a house of public entertainment,
(where in country parts, add :—that we have visited or
are acquainted with the house and premises situate
at , for which the license is required, and
that he has in and on the same, bedding, stabling and
accommodation for travellers, as required by law.

We further certify that a house of public entertain-
ment is required at the place where the said house is
situate.)

Given under our hands, the day of in
the year one thousand eight hundred and

{ Municipal Electors for
{ the County of

FORM B.

FORM OF AFFIDAVIT TO BE MADE BY A PERSON DESIROUS
OF OBTAINING A LICENSE TO KEEP A HOUSE
OF PUBLIC ENTERTAINMENT.

Province of Quebec, }
District of }

I, _____, of _____, in the county of _____, in the district of _____, who am desirous of obtaining a license to keep _____ situated at _____ being duly sworn, do make oath and say, that I am in all respects duly qualified according to law, to keep a house or place of public entertainment.

(*Signature.*)

Sworn to before me, at _____, this _____ day of _____ one thousand eight hundred and _____ J. P. for the district of _____

The foregoing certificate having been this day submitted to the municipal council of (*or* corporation of) _____ and the said council (*or* corporation) being duly assembled and having deliberated thereon, confirm the same certificate, in favor of _____ therein mentioned.

Signed at _____, this _____ day of _____, one thousand eight hundred and _____

P. Q., *Mayor.*

R. S. *Secretary.*

FORM C.

WHEN THE CERTIFICATE IS CONFIRMED UNDER THE PROVISIONS OF THE ARTICLES 14 AND 33.

The foregoing certificate having been this day submitted to us, conformably to the articles 14 and 33 of The Quebec License Law of 1878, 41 Vict., cap. 3, we do hereby confirm the same.

(*Signatures.*)

FORM E.

FORM OF ATTESTATION MENTIONED IN ARTICLE 25.

I, the undersigned, attest and certify that (— *his name and quality*) on the day of 18 ,
 filed in my office a notice of application for a license
 (*state what license he applies for*) to be used in a house
 situated in (*name the ward, street and number*); that the
 said notice was on the—day of—entered in the
 books kept for that purpose under the article 21 of The
 Quebec License Law of 1878, and was inserted in the
 table prepared and posted in (*name the place*) of the City
 Hall conformably to articles 23 and 24, and that it has
 so remained posted to this day.

In testimony whereof I have signed this present attestation.

(*Signature.*)

Montreal, city hall, this—day of—18 .

SCHEDULE F.

Table prepared by the Secretary of the License Commissioners conformably to article 28 of The Quebec License Law of 1878, and posted in (*name the place*) in conformity with said law.

Name of the applicant.	Occupation.	Residence.	What license he applies for.	Ward where the house for which the license is applied, is situated.	Name of street.	Number.	When notice of application was given.	What day it shall be taken into consideration.	Objected to.	Not objected to.	When the objection was fyled.

FORM G.

Know all men, by these presents, that we, T. U., of _____, V. W., of _____, and X. Y., of _____, are held and firmly bound unto Her Majesty Queen Victoria, Her Heirs and Successors, in the penal sum of six hundred dollars of good and lawful money of Canada, that is to say, the said T. U. in the sum of two hundred dollars, the said V. W. in the sum of two hundred dollars, and the said X. Y. in the sum of two hundred dollars, of like good and lawful money, for payment of which, well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, assigns firmly by these presents.

Whereas the above bounden T. U. is about to obtain a license to keep _____, the condition of this obligation is such, that if during all the time such license remains in force, the said T. U. pays all fines and penalties which he may be condemned to pay for any offence against the provisions of the Quebec License Law of 1878, relative to houses of public entertainment and restaurants, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf, then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our hands, and sealed them with our seals, this day of _____, 18 _____.

Signed, sealed and delivered, {
in the presence of us. }

T. U. [L. s.]
V. W. [L. s.]
X. Y. [L. s.]

SCHEDULE H.

In all cases in the Circuit Court wherein the amount sought to be recovered, is less than \$100, the fees of the clerk of such court, of the attorney and of the bailiff, shall be the same as are contained in the tariff of fees, now in force in said court, of the class of actions of \$40 or under, but above \$25.

The fees to be taken by the clerks of the justices of the peace, recorder, judge of sessions, police magistrate and district magistrate, are the same as contained in chapter 100 of the consolidated statutes for Lower Canada. The fees of the attorney of the prosecutor, shall not exceed \$7, to be taxed, at the discretion of such justice of the peace, recorder, judge of the sessions, police magistrate or district magistrate.

FORM I.

FORM OF DECLARATION.

Province of Quebec, }
 District of . }

Before (*name and designate the justice or justices.*)

(*License Inspector,*) of the city, (town, township, or parish) of (*name of the city, town, township or parish,*) in the district of (*name of the district,*) License Inspector in behalf of our Sovereign Lady the Queen, prosecutes, (*name of defendant,*) of the city, (town, township, or parish) in the district of

For that whereas the (*name of Defendant*) did at the city (*town, township or parish*) of in the district aforesaid on and at sundry times before and since (*here state succinctly the offence,*) contrary to the statute in such case made and provided: Whereby and by the force of the said statute the said hath become liable to pay the sum of dollars.

Wherefore the said License Inspector prays judgment in the premises and that the said may be condemned to pay the sum of dollars for the said offence with costs.

FORM J.

FORM OF SUMMONS.

Province of Quebec, }
 District of . }

To (*name of defendant,*) of the (city, town, township or parish,) of (*name of the city, town, parish or township,*) in the district of (*name of district.*)

You are hereby commanded to be and appear before us the undersigned justices or justice of the peace for the said district (*or as the case may be*) at (*name of place,*) on the day of at the hour of of the clock in the noon, to answer then and there to the complaint made against you by License Inspector, (*or as the case may be,*) who prosecutes you in Her Majesty's name and behalf, for the causes mentioned in the declaration hereunto annexed.—otherwise judgment will be given against you by default.

Given under *my* hand and seal, this _____ day of
 _____ in the year of Our Lord, one thousand eight
 hundred and _____ at _____ in the district
 of _____

J. P.

CERTIFICATE OF SERVICE OF SUMMONS.

I, the undersigned, _____, do hereby certify,
 upon my oath of office, that on the _____ day
 of _____, I did serve the _____ within summons,
 and the declaration thereto annexed, on the within named
 defendant, at the hour of _____ of the clock in the
 _____ noon, by leaving a true and certified copy of the said
 summons and of the declaration, at the domicile of the
 said defendant, in the _____ speaking to
 of _____, on the _____ day of _____ 18 ____ .

NOTE.—If the service be not made by a bailiff, insert
 “being duly sworn do make oath and certify,” instead of
 “do hereby certify, under my oath of office,” and after the
 signature add: “Sworn before me, at _____ this
 day of _____ 187 ____ .”

FORM K.

FORM OF CONVICTION.

Province of Quebec, }
 District of _____ }

Be it remembered, That on the _____ day of _____, in the
 year one thousand eight hundred and _____, at _____ (name of
 place where convicted,) in the said district, (name of defen-
 dant,) is convicted before the undersigned (one) of Her
 Majesty’s justices of the peace for the said district, for
 that he, the said (name of defendant,) did (state the offence
 succinctly of which he or they were convicted) and (I or we)
 adjudge the said (name of defendant) for his said offence,
 to forfeit and pay to _____ the sum of _____, and also
 to pay to the said _____ the sum of _____
 for his costs in this behalf.

Given under _____ hand and seal, the day and year first
 above mentioned.

Signature, J. P. [Seal or Seal’s]
 or Signatures.

NOTE.—The copy left with or for the Defendant is to be
 certifie as a “true copy” by the justice or justices.

FORM L.

FORM OF WARRANT OF DISTRESS.

Province of Quebec, }
 District of }

(*Name of justice*) Esquire, one of Her Majesty's justices of the peace in and for the said district.

To any Bailiff, or Constable in and for the said district:

Whereas (*name of defendant*) of the parish of (*name of parish or township*), in the said district, hath been convicted before (*one*) of Her Majesty's justices of the peace for the said district, of having (*state the offence*) whereby the said (*name of defendant*) hath forfeited, and hath by the said justice been adjudged to pay the sum of dollars cents, and further the sum of (*amount of the costs allowed by me*) the said Justice allowed and adjudged to be paid by the said (*defendant*) to (*name of officer*) License Inspector, (*or as the case may be*) for costs by him laid out about the conviction aforesaid; * These are therefore to command and require you, and each and every of you, to distrain the goods and chattels of the said (*name of defendant*) wheresoever they may be found within the said district; and on the said goods and chattels so distrained to levy the said penalty and costs making together the sum of dollars cents: And if within the space of four days next after such distress by you made, the said last mentioned sum of dollars cents, together with the reasonable charges of taking and keeping the said distress are not paid, that then you do sell the said goods and chattels so by you distrained as aforesaid, and out of the money arising from such sale that you do pay the said sum of dollars, cents, unto the said License Inspector (*or as the case may be*) returning to the said the overplus, the reasonable charges of distraining, keeping and selling the said distress being first deducted; and you are to certify to with the return of this precept what you shall have done in the execution thereof. Hereof fail not.

Given under hand and seal, at , in the said district, this day of , in the year one thousand eight hundred and

Signature,

J. P. (*Seal*)

FORM M.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

To all or any of the Bailiffs or Constables in the district of _____, and to the keeper of the (*house of correction*) at _____ in the said district of _____ :

Whereas, (*as in the foregoing distress warrant to the * and then this*) : And whereas afterwards on the _____ day, in the year aforesaid, I, (*or, as the case may be,*) issued a warrant to all or any of the bailiffs or constables of the district of _____, commanding them or any of them, to levy the said sums of _____ and _____ by distress and sale of the goods and chattels of the said _____ ; And whereas it appears to me, as well by the return to the said warrant of distress by the (*constable*) who had the execution of the same, as otherwise, that the said (*constable*) hath made diligent search for the goods and chattels of the said _____, but that no sufficient distress whereon to levy the sums above mentioned could be found : These are therefore to command you, the said bailiffs or constables, or any of you, to take the said _____, and him safely to convey to the (*house of correction*) at _____ aforesaid, there deliver him to the said keeper, together with this precept, and I do hereby command you, the said keeper of the said (*house of correction*) to receive the said _____ into your custody, in the said (*house of correction*), there to imprison him for the space of _____, unless the said several sums and all the costs and charges of the said distress, (*and of the commitment and conveying of the said _____ to the said house of correction*) amounting to the further sum of _____, are sooner paid unto you the said keeper ; and for so doing this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____, in the year of Our Lord _____, at _____ in the district aforesaid.

Signature, J. P. [L S.]

FORM N.

FORM OF COMMITMENT WITHOUT DISTRESS.

PROVINCE OF QUEBEC, } G. A., Esquire, of (designating the official function of the
 District (or as the case may be) of } person issuing the warrant.)

To any Bailiff or Constable in and for the said district (or as the case may be), and to the keeper of the common gaol in the said district.

Whereas C. D., of (designate the defendant) has been convicted before of having (state the offence) and for such offence adjudged to pay A. B. (designate the prosecutor) the sum of , and also the further sum of for costs in that behalf, and whereas the said C. D. has failed to pay the said sums:

These are therefore to command you the said Bailiffs or Constables, or any one of you, to take the said C. D., and him safely convey to the gaol of the said district, (or as the case may be) and there deliver him to the said keeper thereof, together with this warrant; and I (or we) do hereby command you the said keeper of the said gaol to receive the said C. D. into your custody in the said gaol and there to imprison him for the space of , from the day of his arrival as a prisoner thereat, unless the said last mentioned sum of and all the costs of the commitment and conveying of the said C. D. to the said gaol, amounting to the further sum of , are sooner paid unto you the said keeper; and for so doing this shall be your sufficient warrant.

Given, etc., (as in foregoing form L.)

C A P . I V .

An Act respecting the sale of lands for the working of mines of phosphate of lime, amending the act 32 Vict., Cap. 11.

[Assented to 9th March, 1878.]

Preamble.

WHEREAS phosphate of lime (*apatite*) has been discovered in this province, and it is in consequence advisable to make legal provisions for the regulation of the sale of lands suitable for the working of this ore; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: