

CAP. VI.

An Act to further amend "the Quebec License Act," (34 Vict., ch. 2), and the several Acts amending the same, and to extend the application thereof.

[Assented to 24th December, 1875.]

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

34 V., c. 2, s. 43, § 4 amended anew.

1. Paragraph 4 of section 43 of the "Quebec License Act" as amended by the act of this province, 37 Vict., ch. 3, s. 9, is amended anew by adding at the end thereof, the following words: "each time these sales are not made by a licensed auctioneer," and by adding in the french version the word "non" at the beginning of the third line of the said paragraph.

Idem, § 5 amended.

Penalty for refusal to pay duties on sale by auction.

2. Paragraph 5 of section 43 of "the Quebec License Act" is amended by adding thereto the words following: "And any person, not being a licensed auctioneer, who refuses or neglects, within thirty days after any such sale, to pay to the revenue officer of the district, within the limits of which such sale has taken place, or to any other person by him to that end authorized, all moneys which he owes by reason of such sale, shall incur a penalty of twenty dollars for each day during which he shall so refuse or neglect to pay; and the moneys due by reason of such duties may be recovered with costs by the said revenue officer, at the same time and in the same suit, as the amount of the penalties; and in default of payment of the amount of judgment, including the penalty, costs and duties, if they have been claimed, the offender may be condemned to imprisonment for any time not less than one month, nor exceeding three months."

Rights on immovables sold by auction.

3. All immovables sold by public auction or outcry in this province and adjudged to the highest bidder, shall be subject to a duty of one dollar for each hundred dollars of the price at which they are sold, and at and after the same rate for every greater or less sum, save and except the part of the price of shares belonging to minors, when sold by licitation under authority of law.

Exception.

Sections 39, 40, 40a (37 Vict., ch. 3, s. 8,) 41, 42, 44, 45, 46, and paragraphs 1, 2, 3 and 5 of section 43 of "the Quebec License Act," as also the preceding section, shall apply to immovables, in the same manner as to merchandise or effects, and shall be interpreted as if the words "or immovables," were inserted after the word "effects," wherever the latter word occurs in such sections and paragraphs.

4. No person, unless he has obtained a license for such purpose, under the authority of this act, shall open or exhibit, in this province, any circus or equestrian exhibition, or any menagerie, caravan or show of wild animals, under a penalty of two hundred dollars for each representation or exhibition, recoverable in the manner specified in section 6 of this act, and in default of payment, and of property and effects to be taken in execution and sold to the amount required, to imprisonment for any term not less than one month nor exceeding four months, on sentence of a judge of the superior court, district magistrate, or a justice of the peace, upon summary petition.

License required to exhibit circuses, caravans, &c.

Penalty.

5. Any person opening or exhibiting a circus or equestrian exhibition, or a menagerie or show of wild animals, shall be bound to show the license required for such purpose, to the revenue officer, or to any one of his deputies, or to any other person thereunto authorized by the revenue officer, on mere written or verbal application on their part, and in default of his so doing, such person shall be deemed not to possess such license, and shall be punished in consequence.

License to be shown.

6. The revenue officer, or one of his deputies, or any other person thereunto authorized by the revenue officer, may, by a warrant of distress, signed by a judge of the superior court, a district magistrate or any justice of the peace, seize the goods and chattels, even such as are in ordinary cases exempt from seizure, to whomsoever they may belong, which form part of any circus or equestrian exhibition, or of any menagerie or show of wild animals, for the opening or exhibition of which, no license has been taken out, or in respect of which there has been any refusal to show the license required, and he may without any other preliminary formality, sell and adjudge by public auction, the goods and chattels so seized, up to the amount of the penalty incurred and the costs of sale, and this without any judgment being required.

Recovery of fines.

7. The revenue officer of the district, on receipt of the duties and fees exigible, shall deliver to any person applying therefor, the license required under section 4 of this act.

Grant of the license.

8. There shall be paid to the revenue officer by every person who takes out a license to open or hold a circus or equestrian exhibition, a menagerie or caravan or show of wild animals,

Duties on licenses.

1. In each of the cities of Quebec and Montreal, and within a radius of three miles of each of such cities, \$100, for each day of representation or exhibition ;

2. In every other part of the province, \$50 for each such day.

Term of the license.

9. Every license granted under the two preceding sections shall state the number of days for which the duties have been paid, and shall become inoperative at the close of the last of such days.

One license only is required, in certain cases.

10. One license only shall be required for the opening or holding at the same place and on the same days, of a circus or equestrian exhibition and of a menagerie or show of wild animals, if they form part of the same troop or company.

Interpretation, &c.

11. The provisions of the second part of "the Quebec License Act," and the amendments thereto, and more particularly those respecting the granting, the form and the cancelling of licenses, the fee to be paid, the reduction of the duties exigible and the application of those collected, shall apply to licenses required by section 4 of this act, and to cases of infraction in relation thereto, in the same manner as if they were here anew enacted, save in so far as would be inconsistent with this act.

34 V., c. 2, s. 125, repealed.

12. Section 125 of "the Quebec License Act," as amended by the acts of this province, 37 Vict., ch. 3, and 38 Vict., ch. 5, is repealed and the following substituted therefor :

Duties payable.

"125. There shall be paid to the revenue officer by every person who takes out any of the following licenses, the following duties respectively, that is to say :

Inns ; and sale of spirituous liquors.

1. For every license to keep an inn, hotel, tavern or other house or place of public entertainment, and for retailing brandy, rum, whiskey or any spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors,

a. In the city of Montreal, \$200, if the annual rent of the place for which such license is demanded, is less than \$400,—\$300, if such rent is \$400, or upwards ;

b. In the city of Quebec, \$125, if such rent is less than \$400,—\$175, if such rent is \$400 or upwards ;

c. In any other city in the province, \$80 ;

d. In any incorporated town, \$70 ;

e. In any incorporated village, under the operation of the municipal code, \$60 ;

f. In any organized section of the province, not within any such city, town or village, \$50 ;

g. In any unorganized territory, not within the limits of any municipality, \$35 ;

Inns ; and sale of wine & beer.

2. For every license to keep an inn, tavern, or other house or place of public entertainment, and for retailing wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whiskey, or other spirituous liquors,

a. In each of the cities of Quebec and Montreal \$75 ;

b. In any other city of the province, \$50 .

- c. In any other organized section of the province, \$40 ;
 - d. In any unorganized section of the province, \$30 ;
3. For every license for retailing brandy, rum, whiskey Saloons ; and sale of spirituous liquors. or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors, in any restaurant, saloon or refreshment room,
- a. In the city of Montreal, \$200 ;
 - b. In the city of Quebec, \$100 ;
 - c. In any other city, \$80 ;
 - d. And in any other incorporated town, \$60 ;
4. For every license to keep a " temperance hotel, " for Temperance hotels. the reception of travellers and others, but not for retailing brandy, rum, whiskey, or other spirituous liquors, nor wine, ale, beer, porter, cider or other vinous or fermented liquors, \$9 ;
5. For every license to vend or retail, in any store or Retailing spirituous liquors in a shop or store. shop, brandy, rum, whiskey, or other spirituous liquors, and wine, ale, beer, porter, cider, or other vinous or fermented liquors, in a quantity not less than three half-pints at any one time,
- a. In each of the cities of Quebec and Montreal, \$60, if the annual rent of the store or shop, for which the license is demanded, does not exceed \$100,—\$80, if such rent exceeds \$100, but does not exceed \$200,—\$100, if such rent exceeds \$200, but does not exceed \$400,—and \$125, if such rent exceeds \$400 ;
 - b. In any other organized section of the province, \$50 ;
 - c. In any territory unorganized, beyond the limits of a municipality, \$20 ;
6. For every license to retail on board any steamboat or Retailing spirituous liquors on any steamboat. other vessel, brandy, rum, whiskey, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors, the sum of \$150 ;
7. For every license to retail on board any steamboat, Retailing wine and beer on any steamboats. or other vessel, wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whiskey, or other spirituous liquors, the sum of \$100 ;
8. For every auctioneer's license, Auctioneers.
- a. In each of the cities of Quebec and Montreal, \$60, together with an additional sum of \$25, for every assistant, agent, servant or partner named therein ;
 - b. In every other part of the province, \$40, together with an additional sum of \$15, for every assistant, agent, servant or partner named therein ;
9. For every separate license taken out by an auc- Assistants, &c., of auctioneers. tioneer, for one or more assistants, agents, servants or partners, employed as criers ;

a. In each of the cities of Quebec and Montreal, \$25, for each such assistant, agent, servant or partner, who is therein named ;

b. In any other part of the province, \$20, for each such assistant, agent, servant or partner, who is therein named ;

Pedlers.

10. For every hawker's or pedler's license, for one judicial district only, the sum of \$20, and for every additional district, the sum of \$10 ;

Billiard-tables, &c.

11. For every billiard-table subject to be licensed under this act, when not more than two are kept by the same person, and in the same building, \$75 each, and when more than two are kept, for a third and a fourth table \$60 each, for a fifth and a sixth, \$50 each, and for every table beyond six, \$30 each ;

Mississippi-tables, &c.

12. For every bagatelle-board, pigeon-hole board, or Mississippi-table, \$25 ;

Pawnbrokers.

13. For every pawnbroker's license, \$100 ;

Ferry.

14. For every ferry license such sum as may be fixed by the lieutenant-governor in council, under the provisions of section sixty-five of this act ;

Powder.

15. For every license to keep or use a powder-magazine, \$50 ; and for every license to sell or to keep for sale gunpowder,

a. In the cities of Quebec and Montreal, wholesale and retail.....	\$20 00
Retail only.....	8 00
b. In any city of the province, other than those of Quebec and Montreal, wholesale and retail.....	10 00
Retail only.....	5 00
c. In any incorporated town, wholesale and retail.....	5 00
Retail only.....	2 50
d. In country parts, wholesale and retail.....	2 50
Retail only.....	1 00

Interpretation.

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

37 V., c. 3, s. 17, amended.

13. Section 16 of the act of this province, 36 Vict., ch. 3, as replaced by the act 37 Vict., ch. 3, s. 17, is amended by substituting the following for the first paragraph thereof:

Dues for wholesale-spirituuous liquors.

" There shall be paid to the revenue officer, by every person who takes out any such license, under this act, \$100, if the annual rent of the place for which the license is asked does not exceed \$200,—\$125, if such rent exceeds \$200, but does not exceed \$400,—and \$150, if such rent exceeds \$400.

Case of license deter-

14. In the case of paragraphs 1 and 5 of section 125 of " the Quebec License Act," as amended by this act, res-

pecting the cities of Quebec and Montreal, and in the case of section 13 of this act, if the annual rent cannot be established by the valuation roll, or if the place for which the license is demanded, is the property of the person asking for such license, or is occupied by him otherwise than as tenant, the amount to be paid on the license shall be determined by the annual value of such place.

mined by the annual value.

15. The inn, hotel, or tavern, house or place of public entertainment, shop or store, for which a license is demanded comprises all the apartments and stories of the same building communicating with each other, as also yards, coach-houses, stables and other dependencies, forming part of the establishment for which the license is demanded, any lease or agreement to the contrary notwithstanding.

What comprises the inn.

16. The annual rent or the annual value in accordance with which the price of licenses is in certain cases determined, shall be the same as those established in the valuation roll in force in the city or municipality for the purposes of municipal taxation.

Mode of establishing the rent or annual value.

17. Any person applying for a license, the price whereof is determined by the amount of the annual rent or of the annual value, as the case may be, shall be bound to produce, together with his application, a certificate from the clerk or secretary of the city or municipality, establishing the amount of such rent or annual value, as set forth in the valuation roll.

Certificate, &c., be produced.

18. Each such clerk or secretary shall be bound to furnish the certificate specified in the preceding section, on demand made to him therefor, under a penalty of fifty dollars for each contravention, or, in default of payment, of imprisonment for three months.

Duty of the municipal clerk, or sec.-treas.
Penalty.

19. Paragraph 5 of section 2 of the act of this province, 38 Vict., chap. 5, is repealed.

38 V. c. 5, s. 2
" 5 repealed.

20. Section 2 of "the Quebec License Act," as amended by the act 37 Vict., chap. 3, s. 1, is further amended by substituting the words "seventy-five dollars," for the words "fifty dollars," and the words "thirty-five dollars" for the words "twenty-five dollars."

34 V. c. 2, s. 2
further amended.

Penalty.

The provision added by the act 38 Vict., chap. 5, to section 2, of "the Quebec License Act," is amended so as to read as follows :

38 V., c. 5, s. 2
amended.

"But if such contravention takes place in the city of Montreal, the person committing the same shall incur a penalty of ninety-five dollars, whereof fifteen, on recovery, shall belong to the informer, fifteen to the revenue officer,

Penalty in Montreal.

and the balance to the province. If the whole penalty and costs are not fully recovered, the amount collected shall be first employed in payment of costs, and the balance shall be distributed in the proportion of the sums aforesaid.

34 v., c. 2, s.
6, amended
Penalty.

21. Section 6 of "the Quebec License Act," is amended by substituting the words "seventy-five dollars" for the words "fifty dollars."

s. 31 amend-
ed.
Penalty.

22. Section 31 of the same act is further amended by substituting the words "seventy-five dollars" for the words "fifty dollars."

36 v., c. 3, s.
13, amended.
Penalty.

23. Section 13 of the act of this province, 36 Vict., chap. 3, is further amended by substituting the words "seventy-five dollars," for the words "fifty dollars."

34 v., c. 2, s.
130 and 131
repealed.

24. Sections 130 and 131 of "the Quebec License Act" are repealed.

s. 184 re-
placed.

25. Section 184 of the same act, as amended by the act of this province, 36 Vict., chap. 3, s. 7, is replaced by the following :

Use of penal-
ties if the
whole is paid

"184. The penalties recovered under this act shall be disposed of in the following manner, that is to say :

1. If the whole of the penalty and the amount of the costs have been recovered, forty dollars of the penalty shall belong to the revenue officer, subject to the obligation of paying one half of such sum to the informer, if there be an informer, and the balance shall be paid over to the treasurer, to form part of the consolidated revenue fund ;

If only one
part is paid.

2. If the whole amount of the penalty and costs has not been recovered, the amount recovered shall be applied, first to the payment of the costs, and the balance shall be divided between the revenue officer, the informer, if any, and the treasurer of the province, in the proportion mentioned in the preceding sub-section ;

Case of con-
viction on
view.

3. In the case of convictions on view, the penalty, or as much thereof as shall be recovered, over and above costs, shall be paid, one-third to the corporation of the municipality within the limits of which the offence has been committed, one-third to the revenue officer, and the other third to the treasurer, to form part of the consolidated revenue fund ;

Suits by the
revenue
officer.

Sub-sections one and two of this section, shall apply only to suits instituted by and in the name of the revenue officer.

Exception for
Montreal.

This section, nevertheless, is subject to the application of the provision added to section 2 of "the Quebec License Act," by the act of this province, 38 Vict., chap. 5, s. 1, as amended by this act.

Who recovers
the penalties
and costs and

In all cases, the penalty and the costs, or the amount recovered, shall be payable into the hands of the magistrate sitting in such causes, or if such magistrate is a

district magistrate, or police magistrate, into the hands of his clerk; and such magistrate or clerk shall thereupon, without delay apply, divide and apportion the amount recovered, in the manner prescribed by this section."

26. No place in which spirituous, vinous or fermented liquors are sold or retailed, or in which there are one or more billiard tables, shall be deemed not to fall within the application of "the Quebec License Act," as regards the sale of liquors, or the keeping of billiard tables, on the pretext that such place is for the use of a club or other association of the kind, unless the profits made in such place belong to the shareholders of, or subscribers to, such club or association, and that the latter are legally constituted by act of incorporation, and unless they are *bonâ fide* proprietors of all the furniture of the establishment and owners or lessees of the building.

27. The foregoing provisions shall form part of "the Quebec License Act;" may be cited under the numbers assigned them by this act; shall apply to the same references as the provisions for which they are substituted or which they amend, and shall have in general the same force or application as the said license act.

28. This act shall come into force on the day of the sanction thereof.

CAP. VII.

An Act to compel assurers to take out a License.

[Assented to 24th December, 1875.]

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

1. Every assurer, carrying on in this province, any business of assurance, other than that of marine assurance exclusively, shall be bound to take out a license, before the first day of May, in each year, from the revenue officer of the district wherein is situate his principal place of business or head agency, and to remain continually under license.

2. The price of such license shall consist in the payment to the crown for the use of this province, at the time of the issue or delivery of any policy of assurance, except of marine assurance, and at the time of the making or delivery of each premium receipt or renewal, respecting any policy issued before or after the coming into force of this act, of a sum computed at the rate of three per