

23. All provincial bonds or debentures issued under the authority of this act shall be made payable in thirty years from the date thereof, and shall bear interest at the rate of five per cent per annum, and in the case of the issue thereof, it shall be the duty of the treasurer of the province, to cause to be invested yearly, one per cent on the amount of such bonds or debentures, as a sinking fund, for the redemption of the principal thereof at maturity. Provincial bonds. Sinking fund.

24. The treasurer of the province, on being authorized by the lieutenant-governor in council, may negotiate and sell the said debentures mentioned, and pay the proceeds thereof to the respective railway companies under this act. Negotiation of bonds.

25. The expression "The Quebec railway aid act of 1874," shall be a sufficient citation of this act; and it shall come into force on the day of its sanction. Citation of this act; its coming into force.

CAP. III.

An Act to amend the Quebec License Act.

[Assented to 28th January, 1874.]

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

1. Section two of the Quebec License Act, 34 Vict., cap. 2, is amended by striking out the following words: "in his house or premises, or in any boat, barge, craft or other construction, floating on or moored in any river, lake or stream, or in any house, shanty, hut or other building erected upon any frozen water." Section two of the Quebec License act amended.

2. That part of the Quebec License Act comprised under the heading of "Conditions previous to obtaining license," being the sections seven and following to twenty-one inclusively, is hereby amended so as to read, as follows : Other amendments to this act.

"CONDITIONS PREVIOUS TO OBTAINING LICENSE."

"Houses of Public Entertainment."

"7. Except in so far as it is otherwise provided in this act with respect to the city of Montreal, no license shall be granted to any person for keeping, in any organized part of this province, an inn, tavern, or other house or place of public entertainment, unless the person applying for the Certificate requisite to obtain a license to keep a tavern.

same produces to the revenue officer a certificate signed by twenty-five or a majority of the municipal electors of the parish, township or town, or of the ward of the city, in which such house of entertainment is situate, and confirmed, after due deliberation, by the municipal council of the parish or township, or of the city, town, or village within the limits of which such inn, tavern, or house or place of public entertainment is intended to be kept, in the form of the schedule (B,) annexed to this act, and signed by the mayor and secretary or clerk of such council—or confirmed under section twelve.

Form.

In the city of Montreal. In the city of Montreal, the said certificate need not be signed by more than three municipal electors of the ward in which the house of public entertainment is situate, and shall be confirmed under provisions of section thirteen.”

What shall be set forth in the certificate.

“ 8. Every such certificate shall set forth that the applicant is a subject of Her Majesty,—that he is personally known to the signers thereof,—that he is honest, sober and of good repute,—and that he is a fit and proper person to keep a house of public entertainment ;—and every such certificate shall also state, if it refers to country parts, that a house of public entertainment is needed at the place where it is intended to be kept, and that the house for which a license is desired, contains the accommodation required by this act ; and such certificate shall be accompanied by an affidavit from the person applying for the same, that he is duly qualified according to law to obtain such license ; which affidavit shall be in the form (A), annexed to this act, and shall be sworn to before any justice of the peace for the district.

In the city of Montreal.

In the city of Montreal the said affidavit may be sworn to before one of the license commissioners, and shall contain an additional averment, as follows, that is to say :

“ And I do further make oath and say, that I have no interest, directly nor indirectly in, and derive no profit or benefit from, any grocery, shop or store, now existing, or hereafter to be established in Montreal during the period for which the license I am desirous of obtaining shall be granted and held.”

The ward and street of the city shall be mentioned in the certificate and the license.

“ 9. In every such certificate within a city, and also in every license granted in virtue of such certificate, the ward of the city, and the name of the street to which the same relates, shall be stated ; and the same shall be null and void and of no effect whatever beyond the limits of the said ward.”

Formalities required to obtain a license in Quebec and Montreal.

“ 10. In the cities of Montreal or Quebec, the municipal electors who sign the certificate must be persons actually domiciled in the ward, and having their names inscribed as such on the municipal voter's list then last made and completed.”

"11. The council to which any such certificate is presented for confirmation, shall inquire and ascertain whether or not the same be in fact signed by the requisite number of municipal electors, and in default of the same being so signed, shall withhold its confirmation thereof.

Duties of the council with respect to certificate.

And such council shall exact proof on oath made before one of the members thereof, of the authenticity of such signatures respectively, and of their being those of such persons as are required to sign the same."

Proof of signatures required.

"12. If on the day appointed for holding a meeting of a municipal council there be no *quorum* present, any certificate in the said form (B), by this act prescribed, submitted to such council for confirmation on such day, may be confirmed by the mayor of such municipal council and two justices of the peace not being municipal councillors, residing in the county where the house for which such certificate is granted, is situated, and, in case of a vacancy in the office of mayor, by any three such justices of the peace; and such council, or such mayor and justices, or such justices, as the case may be, may refuse to confirm any such certificate, if he or they see fit so to do."

Confirmation of certificate.

"13. In the city of Montreal, the powers and duties conferred and imposed upon the council by sections seven and eleven concerning the examination and confirmation or rejection of such certificates, shall be exclusively exercised and performed by a board of license commissioners to be composed of the recorder, the police magistrate, the coroner and the chairman of the police committee, or of such four persons as the lieutenant-governor in council may hereafter, from time to time, appoint for that purpose; and for the performance of all duties imposed upon them as such by this act or by law, the said license commissioners shall each be paid by the corporation, the sum of three hundred dollars yearly.

Special provisions for Montreal.

(a.) All proceedings of the said board, in relation to such certificates, shall be signed and concurred in by a majority of the members composing the same, and shall be reported to the city clerk, and the adjudication of the board shall be final.

(b.) It shall be the duty of the said commissioners to advertise at least twice during one and the same week, in two English and in two French newspapers published in the city of Montreal, the names of all applicants for such confirmation of certificate, together with the address of the applicant and the nature and locality of the house for which a license is sought, and a notice to all persons to file with the commissioners, within eight days from the publication of the last advertisement, any objections that may exist to the granting of the license, also a list of licenses, from time to time, granted to parties in the same manner.

(c.) The commissioners may require every applicant to sign an application paper furnished and prepared by them from details given by him, and until all the above formalities are complied with may withhold the confirmation of the certificate.

(d.) The commissioners may require, through the chief of police or other person in charge of the police force, the attendance at their meetings, when necessary, of any officer or members of the police force in Montreal, from whom they may desire to obtain information, or the attendance of any such officers or members to accompany the said commissioners, or any one of them, or their clerk, to any house or place where they may wish to obtain information; and it shall be the duty of the chief of police, or person in charge of the force, to assist in these matters, and generally to co-operate with the said commissioners.

(e.) The expenses of advertising, as aforesaid, and all expenses which the said commissioners are required to incur, or which are necessarily incident to the proper discharge of the duties imposed upon them, shall be chargeable to and paid by the corporation of the city of Montreal."

Sum payable
to the corpo-
rations of
Quebec or
Montreal.

"14. The sum of eight dollars shall be payable to the corporation of the city of Quebec for every confirmation of a certificate for obtaining a license to retail spirituous liquors within the said city; and before any license to retail spirituous liquor within the city of Montreal shall be granted, the sum of ten dollars shall be paid by each applicant for such license to the corporation of the said city of Montreal."

Bond required
to secure the
payment of
fines, &c.

"15. Before any license shall be granted for keeping an inn, tavern, temperance hotel, or any house or place of public entertainment, the person applying for the same shall enter into a bond to Her Majesty, in the sum of two hundred dollars, with two good and sufficient sureties in the sum of one hundred dollars each, conditioned for the payment of all fines and penalties such person may be condemned to pay for any offence against the provisions of this act, or of any act, ordinance or provision of law, relative to houses of public entertainment, then or thereafter to be in force, and to do, perform and observe all the requirements thereof, and to conform to all rules and regulations that may be established by competent authority in such behalf. Such bond, to be drawn in the form expressed in

Form of bond.

the schedule (C.) annexed to this act, shall, unless the application be for a license to keep a temperance hotel, be executed, if in the city of Montreal, in the presence of, and the sureties shall be approved of, by the license commissioners or one of them, and if elsewhere, then in the presence of, and the sureties shall be approved of, by one or more of the municipal councillors or justices who confirmed the certificate; and the bond, with the certificate and

affidavit required by this act, shall be filed in the office of the revenue officer; in the case of an application for a license to keep a temperance hotel, the bond, to be drawn in the said form (C,) shall be executed in presence of, and the sureties shall be approved of, by any two municipal councillors or justices of the peace or the revenue officer, and shall be filed in the office of the said revenue officer."

"16. If any person so licensed under this act, dies before the expiration of his license, or removes from his house, such person, his assigns, or legal representatives, may transfer such license to any other person, who, under such transfer, may exercise the rights granted by such license until the expiration thereof, in the house and premises for which such license was granted, or, if the person licensed resided in an organized part of the province, in such other place within the municipality as the municipal council or the license commissioners may approve of and is mentioned in the certificate hereafter mentioned in this section.

The license may be transferred if the person licensed dies or removes.

2. But no such transfer shall have any effect whatever unless the person in whose favor it is made, if he resides in an organized part of the province, produces to the revenue officer a certificate, and enters into a bond, with sureties, such as was required of the original holder of such license, and unless such transfer is endorsed on the license by the revenue officer; and if no such transfer is executed and endorsed as aforesaid within three months after the death or removal of the original holder of the license, the license shall be null and void."

Certificate and bond required from the transferee.

Transfer must be made within three months.

"17. No municipal councillor or elector, being a common brewer, distiller or retailer of any spirituous liquors, or keeper or proprietor of any house or place of public entertainment, shall sign any certificate for a license for any inn, tavern, or house or place of public entertainment, or for the transfer of a license for any such house or place of public entertainment, under a penalty of fifty dollars for each such offence.

Who cannot sign a certificate.

Any person who knowingly signs any certificate for a license, or for the transfer of a license, without being duly qualified to do so, shall be liable to a penalty of twenty dollars for each such offence."

"18. No license to sell spirituous, vinous or fermented liquor in quantities less than three half-pints shall be granted in any city to any grocer, or to any keeper of any store or shop for the sale of groceries, provisions, confectionery, or fruit; nor shall any application for such license by any such grocer, or store or shopkeeper be approved by the municipal council or license commissioners of such city, subject to the application of section 1st of the act of this province, 35 Vict., cap. 2."

License for tavern not to be granted to grocers, &c.

Proviso

Steamboats, &c.

License may be granted for steamboats, or vessel, without bond.

"19. Every owner, master, or person in charge of any steamboat or vessel, who intends to retail or allow to be retailed spirituous, vinous or fermented liquor, on board such steamboat or vessel, shall, upon applying for the same, and paying the duty and fee thereon, receive from the proper revenue officer a license for such purpose, without entering into the bond hereinbefore required for keeping a house or place of public entertainment."

Stores or Shops.

Conditions for shop licenses.

"20. The conditions prescribed by sections seven, eight, eleven, twelve and thirteen, with regard to certificates and the confirmation thereof, shall apply *mutatis mutandis* to the obtaining of any license for retailing in any shop, store or place, spirituous, vinous or fermented liquor, in quantities not less than three half-pints, except that instead of the signatures of twenty-five or a majority of the municipal electors, the signature of three municipal electors shall suffice, and that in the city of Montreal the sum of two dollars, shall be payable on receipt of the application paper, which such sum shall be paid to the corporation of said city."

Issue of the license.

"21. The proper revenue officer shall, upon production of a certificate duly confirmed as hereinabove prescribed, and upon receipt of the duty and the fee hereinafter mentioned, issue to any person applying for the same, a license for retailing in any one shop, store or place, to be accurately designated in such license, spirituous, vinous or fermented liquor, in quantities of not less than three half-pints at any one time, and not to be drunk on the premises."

Section 32 of the Quebec License act amended.

Conditions prescribed in relation to the keeping of taverns, &c.

3. Section twenty-two of the said act is hereby amended, by adding thereto the following paragraph :

"Every such inn, tavern, temperance hotel, or house of public entertainment in any city, shall be provided with a kitchen of sufficient size, and all suitable apparatus to cook meals for not less than ten persons, with a breakfast, dinner and supper table, where meals may be daily served up at certain stated hours, and with at least two bed-rooms; and shall be a *bonâ fide* well appointed and sufficient eating house, to the satisfaction, as regards the city of Montreal, of the license commissioners of that city; and in default of any one or more of the foregoing requirements, the keeper of such house shall be liable to a penalty of fifty dollars."

4. The said act is hereby further amended, by inserting New section added to the said act. under the headings, "Obligations and restrictions on persons licensed," and "Houses of public entertainment," the following section :

"21a. No person to whom license shall be granted in any No person licensed to keep a tavern shall keep a grocery. part of this province to keep an inn, tavern, or other house or place of public entertainment, shall, during the period during which such license exists, keep or be interested in, or derive profit from, directly or indirectly, any grocery, shop or store in the same premises, for the sale of groceries, under a penalty of fifty dollars for each such offence."

5. Section twenty-five of the said act is hereby amended, by striking out all the words in the first paragraph of Sec. 25 of the said act amended. the said section which follow the word "agent," and substituting, instead thereof, the following :

"Nor shall any tipping or drinking of any such liquor No tipping or drinking during time prohibited. take place, in any such place, during the time prohibited by this section, for the sale of the same, and all bar-rooms in such places during the time thus prohibited, shall be kept closed."

6. Section twenty-nine, of the said act, is hereby amended, by inserting the word "immediately," after the word Sec. 29 of the said act amended. "admit," in the seventh line of the said section.

7. Section thirty of the said act, is hereby amended, by inserting, after the word "city," in the tenth line of the Sec. 30 of the same act amended. said section, the words, "or the said commissioners, by their chairman or clerk."

8. The following section shall be inserted after section Penalty for causing effects to be sold by an unlicensed auctioneer. 40 of the said act :

"40a. Any person who causes to be sold or disposed of by public auction or outcry, by any person not licensed for such purpose under the authority of this act (the Quebec License act), merchandize or effects on the sale of which a duty is by this act imposed, whether such merchandize or effects be his own property or that of any other person, shall incur for each offence a penalty of not less than two or more than four hundred dollars."

9. The fourth paragraph of section 43 of the same act, is Sub-section 4 of section 43 of the same act amended. amended, by adding thereto the words : "but not when selling off surplus stock or effects."

10. The paragraphs one, two, four, five and six, of the section one hundred and twenty-five of the said act, are Sub-sections 1, 2, 4, 5 and 6, of section 125 of the said act amended. amended, so as to read, as follows :

Taverns for
retailing spiri-
tuous liquors.

"1. For every license to keep an inn, tavern or other house or place of public entertainment, and for retailing brandy, rum, whisky, or any spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of sixty dollars, within the municipal limits of any city, except the cities of Quebec and Montreal, and one hundred and twenty-five dollars within the said city of Montreal, and ninety dollars within the said city of Quebec; the sum of fifty dollars within the municipal limits of any incorporated town; the sum of forty-five dollars within any organized portion of the province not within any such city or town, and the sum of twenty-five dollars in any unorganized tract not within the limits of any municipality ;"

Tavern for the
sale of wine
and 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, whisky, or other spirituous liquors, within any organized part of this province, the sum of twenty-five dollars; and in any unorganized tract not within the limits of any municipality, the sum of twenty-two dollars ;"

Sale of spiri-
tuous liquors
in a shop or
store.

"4. For every license to vend or retail, in any store or shop, brandy, rum, whisky, 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, within any organized part of this province, the sum of thirty dollars; and in any unorganized tract not within the limits of any municipality, the sum of twelve dollars ;"

Retailing spi-
rituous liquors
on board of
steamers.

"5. For every license to retail on board any steamboat or other vessel, brandy, rum, whisky, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors, the sum of forty-five dollars ;"

Retailing wine
and beer on
board of
steamboats.

"6. For every license to retail on board any steamboat, or other vessel, wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whisky, or other spirituous liquors, the sum of twenty-five dollars."

35 Vict., ch. 2,
sec. 6, repeal-
ed; and sec.
151 of the
licens- act
amended.

In whose
name action
to be brought.

"11. Section six of the act of this province, thirty-fifth Victoria, chapter two, is hereby repealed, and section one hundred and fifty-one of the said Quebec License act is hereby amended, so as to read, as follows :

"151. Every action or prosecution for any offence against this act shall be brought by and in the name of the revenue officer appointed under section ten of the treasury department act, for the revenue district in which the offence was committed, or by or in the name of the council of the county or local municipality within which the offence has been committed, or by any private individual.

But no such action or prosecution brought by any municipal council or private individual, nor any judgment or decision rendered therein, shall avail against or be pleaded in any prosecution brought by the revenue officer, unless the amount of the penalty or forfeiture imposed by this act, or by any regulation made in virtue of this act, shall have been recovered by means of such prosecution by the municipal council or private individual, and shall have been paid over to the revenue officer of the district, or the convicting magistrate, or the clerk of the district magistrate, as the case may have required, or unless the defendant has undergone the term of imprisonment required by law in default of such penalty being paid.”

Revenue officer shall sue notwithstanding any other suit or action, unless, &c.

12. Section one hundred and fifty of the said act is amended by substituting, for the first paragraph thereof, the following :

Sec 150 of the license act amended.—32-33 Vict., ch. 31, of Canada, and the provisions not repealed of ch. 103, C. S. C. apply to certain proceedings.

“In all prosecutions instituted before two justices of the peace, a judge of the sessions, a recorder, sheriff, or district magistrate, the provisions of the act of the parliament of Canada, thirty-second and thirty-third Victoria, chapter thirty-one, respecting the duties of justices of the peace, out of sessions, in relation to summary convictions and orders, and such sections only of chapter one hundred and three of the consolidated statutes of Canada, as have not been repealed by the parliament of Canada, shall apply in so far as they are not inconsistent with the provisions of this act, to all matters in relation to which no express provision is herein made.”

13. Section one hundred and fifty-eight of the Quebec License act is hereby amended, by inserting after the word “complaint,” in the second line of the second paragraph of the said section, the following words: “if the prosecution be brought before any other tribunal than the circuit court or superior court.”

Sec. 158 of the said license act amended.

14. Sub-section of section one hundred and fifty-three of said act is amended, by adding the words “or more” after the word “two” on the first and fourth lines thereof.

Sec. 153 of said act, § 2, amended.

15. Section twelve of the act of this province, thirty-sixth Victoria, chapter three, is hereby amended, by inserting after the word “act” and the parenthesis, in the seventh line of the said section, the words: “in the quantity of, or.”

36 Vict., ch. 3, section 12, amended.

16. Section thirteen of the said act, thirty-sixth Victoria, chapter three, is hereby amended, by inserting after the word “liquor” in the third line of the said section, the words: “in the quantity of, or.”

Section 13 of said act amended.

Sec. 16 of said act repealed and another substituted.

17. Section sixteen of the said act, thirty-sixth Victoria, chapter three, is repealed, and the following substituted therefor :

Tax on wholesale licenses.

“ 16. There shall be paid to the revenue officer, by every person who takes out a license under this act, the sum of fifty dollars.

Such licenses only granted in towns and cities.

(a.) No wholesale license shall be granted, under this act, for the sale of liquors in any place except in the towns and cities of this province.

Such license only for one house.

(b.) Every such license shall be used for the sale of liquors in one house or place of business only.

The holder of a wholesale license convicted of retailing, loses his license.

(c.) Whoever, holding such wholesale license, shall be convicted of selling spirituous, vinous or fermented liquors, in quantities less than three gallons or one dozen bottles at one and the same time, shall, *ipso facto*, over and above any other penalty, incur the forfeiture of all rights conferred by such license.

Penalty for allowing liquors sold to be drunk in the house.

(d.) Whoever, holding such wholesale license, shall allow spirituous, vinous or fermented liquors to be drunk in the house or place of business in which they were sold, or in any other buildings being dependencies thereof, by the purchaser or other persons, other than those in the service of the seller, or residing with him, shall be liable to a fine of fifty dollars, recoverable in the same manner and with the same effect as that imposed by section 31 of the Quebec License act.”

Fine on fresh conviction may be higher.

18. Whoever, having already been convicted one or more times for the illegal sale of liquor under the authority of the Quebec License act, and the acts amending the same, is again convicted, under the said acts, of having illegally sold spirituous, vinous or fermented liquors, may be condemned for such contravention to pay a fine of one hundred dollars, and in default of the payment of such fine to an imprisonment of six months.

This act forms part of the license act.

19. This act shall be read and interpreted as forming one and the same act with the Quebec License act.

Pamphlet of laws and regulations respecting the revenue and licenses.

20. 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 portions 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.

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.

21. This act shall come into force upon the day of the sanction thereof. Coming into force of this act.

C A P. I V .

An Act to establish special provisions respecting the Legislature of the Province of Quebec.

[Assented to 28th January, 1874.]

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

1. From and after the coming into force of this act, no member of the senate or of the commons of Canada, shall be elected a member of the legislative assembly of the said province. A senator or member federal cannot be a member of the leg. assembly.

2. Any member of the legislative assembly of this province, who shall hereafter consent to come forward as a candidate at any election for the house of commons, or who shall accept the office of senator, shall *ipso facto* cease to be a member of such legislative assembly. A member of the leg. assembly, who comes forward for the commons, or accepts the office of senator, disqualified.

3. No person declared by this act incapable of serving as a member of the legislative assembly, shall sit in such legislative assembly, or vote therein, under a penalty of one thousand dollars for each day upon which he shall have so sat or voted. Penalty for sitting or voting, in despite of such disqualification.

C A P. V .

An Act to amend the Act respecting the Department of Agriculture and Public Works.

[Assented to 28th January, 1874.]

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

1. The 41st section of the act respecting the department of Agriculture and Public Works, (32 Victoria, chap. 15.) is amended, by adding thereto the following: Addition to sect. 41, 32 Vict., ch. 15.

