

Mode of service where doors are closed.

the door of his domicile, if the person or persons within the house purposely keep the doors closed to prevent the service, in which case the fact shall be mentioned in the return or certificate of service."

Sec. 176, amended.

5. Section one hundred and seventy-six of the said act is hereby amended by adding at the end thereof the words: "Even though the case may have been terminated without his having appeared or given evidence."

Sec 177, amended.

6. Section one hundred and seventy-seven of the said act is hereby amended by inserting after the word "deputy," in the sixth line thereof, the words "or the complainant."

Ss. 1 and 2, of sec. 184, limited.

7. Sub-sections one and two of section one hundred and eighty-four of the said act shall apply only to prosecutions brought by and in the name of the revenue officer; and in such cases the penalty and costs, or the amount recovered shall be payable into his hands; and,

Ss. 3, of said sec., amended.

2. Sub-section three, of the said section, is hereby amended, so as to read as follows:

"3. In the case of convictions on view the penalty, or so much thereof as may have been recovered, over and above the costs, shall be paid, one-third to the corporation of the municipality within which the offence was committed, and the remaining two-thirds to the revenue officer, subject to the obligation of his paying over one of such two-thirds to the treasurer."

New sec. inserted after sec. 184.

Distribution of amount recovered when suit is brought by a municipality or a private individual.

8. The following section shall be inserted after section one hundred and eighty-four of the said act:

"184a. When the prosecution is brought by the municipal council of any municipality or by a private individual, the penalties recovered shall be disposed of as follows:

1. If the whole of the penalty and the amount of the costs have been recovered, two-thirds of the penalty shall belong to the municipality or the private individual, as the case may be, subject in either case to the obligation of paying over one of such two-thirds to the informer, if there be one, and the remaining third part shall be paid over to the treasurer, and shall form part of the consolidated revenue fund;

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 of the balance, two-thirds shall belong to the municipality or the private individual, as the case may be, subject to the obligation of paying one of such two-thirds to the informer as aforesaid, and the remaining third shall be paid over to the treasurer, to form part of the consolidated revenue fund;

3. In the cases mentioned in this section, and also in cases of conviction on view, the penalty or the amount recovered shall be paid into the hands of the convicting magistrate, or, in the event of his being a district magistrate, into the hands of his clerk, and such magistrate or clerk shall thereupon forthwith apply, divide and pay over the said amount in the manner prescribed by this and the next preceding section;

4. Prosecutions brought by or in the name of a private individual, at the instance of a municipal council, and at the risk and costs of the municipality shall, for all the purposes of this section, be deemed to have been brought by such municipal council."

9. Whenever a municipal council, after being requested by any person, other than the revenue officer, to prosecute for any infraction of this act, for which such municipal council was competent to prosecute, shall have refused, or shall have neglected during fifteen days after such request, to bring such prosecution, and such person shall thereupon have prosecuted in his own name, and shall have obtained a conviction against the offender, then if in such case the amount of costs of suit or of imprisonment cannot be recovered from the defendant, the corporation of the municipality shall be liable and bound to pay to such person the amount of all costs incurred, whether he shall have previously disbursed or not the said amount or any portion thereof.

10. Section one hundred and eighty-eight of the said act is hereby amended by adding at the end the following paragraph:

"2. Except in the case of full payment as aforesaid, no defendant imprisoned in virtue of any provision of this act shall be liberated on the ground of any defect of form in the warrant of commitment, nor without due notice given to the prosecutor."

11. Whenever a warrant of commitment shall have issued against any offender under this act, if any person, knowing, or having reason to believe, that such warrant has issued, shall, by counsel, act, or any means whatever, prevent or assist in preventing the arrest, or procure, or facilitate, or assist in procuring or facilitating the escape from arrest, every such person shall incur a penalty of forty dollars.

And, whereas it is expedient, in order to the raising of revenue for provincial purposes, to require that licenses should be obtained for the sale of spirituous liquors by wholesale, and that a duty should be charged for such licenses, it is hereby further enacted as follows:

None but holders of tavern or shop licenses to sell liquor wholesale without a wholesale license."

12. No person other than a holder of a tavern or shop license under the Quebec License Act, shall sell, vend or barter brandy, rum, gin, whisky or any other spirituous liquor, wine, ale, beer, porter, cider, or any other vinous or fermented liquor (all which are included in the words "spirituous, vinous or fermented liquors when used in this act,") in a greater quantity than three gallons or one dozen bottles at any one time, without a license as hereinafter provided.

Penalty for infraction of preceding section.

13. If any person other than a holder of a tavern or shop license as aforesaid, sells, vends or barter any spirituous, vinous or fermented liquor, in a greater quantity than three gallons at any one time, without the license required by this act, or contrary to its true intent and meaning, such person shall incur a penalty of fifty dollars for each such offence, to be recovered in the same manner and with the same effects as the fine imposed by the second section of the Quebec License Act.

Mode of granting licenses.

14. The license required by this act shall be granted in the same manner as the licenses under the Quebec License Act, and the duty thereon shall be paid to, and the licenses shall be issued by the revenue officer of the district in which the licenses are to be issued or his deputy. And such revenue officer or his deputy shall, upon payment of his fee of one dollar, and of the duty hereinafter mentioned, issue a license as aforesaid, to be called a "wholesale license," to any person applying for the same.

Certain portions of Q. L. Act to apply to licenses under this act.

15. Except in so far as regards the sale of liquors by retail, the first part of the Quebec License Act shall not apply to persons applying for or holding licenses under this act, but the second part of the said Quebec License Act as hereinabove amended, and in so far it may consistently with this act, shall apply to and in respect of all licenses issued under this act, and to and in respect of all persons holding or obliged to hold such licenses.

Price of license.

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

Sec. 5, of 35 V., c. 2, amended.

Said section not to affect certain powers of incorporated cities and towns.

17. Section five of the act thirty-fifth Victoria, chapter two, is amended, by adding thereto the provisions following :

"The said section is not to be interpreted as taking away from incorporated cities and towns the powers which they may possess, under their several charters, of imposing or levying any annual assessment or tax, upon the persons set forth in sections seven and twenty of the Quebec License

Act. And it shall be lawful for the said cities and towns, in lieu of imposing and levying such annual assessment or tax, to exact from all persons applying for any certificate confirmed by them, under the said sections seven and twenty of the Quebec License Act, a sum not exceeding that which they might impose and levy as aforesaid, as such annual tax."

18. Section twenty-four of the said Quebec License Act is amended by inserting after the word "won," in the seventh line, the following words: "under penalty of a fine from ten to twenty dollars." Sec. 24, of Q. License Act, amended.

19. Section twenty-four of the said act is further amended by substituting the word "fourteen" for the word "sixteen" in the seventeenth line. Same sec. further amended.

20. Section thirty-one of the said act is amended by substituting the word "fourteen" for the word "sixteen" in the twelfth line. Sec. 31, of said act, amended.

21. Sections seven and eight of the act thirty-first Victoria, chapter twenty-one, are hereby suspended in their operation until the lieutenant-governor in council by proclamation declare the said sections to be again in force. Secs. 7 and 8, of 31 V., c. 21, suspended.

22. The present act shall come into force on the first day of January, eighteen hundred and seventy-three. Commencement of this act.

CAP. IV.

An Act to amend the Act for securing the Independence of the Legislature of this Province.

[Assented to 24th December, 1872.]

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

1. Sub-section one, of section two, of the act passed in the thirty-second year of Her Majesty's reign, intituled: "An act for securing the independence of the legislature of this province," is hereby amended, so as to read, as follows: §1, of sec. 2, of 32 Vic., c. 3., amended.

"1. No person, accepting or holding any office, commission or employment of a permanent or temporary nature, at the nomination of the crown or of the lieutenant-governor, to which an annual salary, or any fee, Certain persons ineligible.

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