

## C A P. I I.

An Act to Consolidate and Amend the Law respecting Licenses, and the duties and obligations of persons bound to hold the same.

[Assented to 24th December, 1870.]

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

## PART FIRST.

## SPECIAL PROVISIONS.

## TAVERN-KEEPERS AND SALE OF LIQUORS.

## PENAL PROHIBITIONS.

1. No person shall sell, vend or barter by retail, brandy, rum, whisky or any other spirituous liquor, wine, ale, beer, porter, cider or any other vinous or fermented liquor, (all which are included by the words 'spirituous, vinous or fermented liquors,' whenever used in this act) in a less quantity than three gallons or one dozen bottles of not less than three half-pints each, at any one time,—nor shall any person keep any inn, tavern, temperance hotel or other house of public entertainment for the reception of travellers and others, without a license as hereinafter provided for.

2. If any person keeps an inn, tavern, temperance hotel, or any other house or place of public entertainment,—or sells, vends or barters by retail, brandy, rum, whisky, or any other spirituous liquor, wine, ale, beer, porter, cider or other vinous or fermented liquor, or causes or suffers the same or any of the same to be sold, vended or bartered by retail 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, 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, if committed in any organized part of this province, and a penalty of twenty-five dollars, if committed in any unorganized tract and not within the limits of any municipality.

3. If any person not being duly licensed under this act, exposes or causes or suffers to be exposed in any window,

No one to re-tail spirituous liquors without license.

Penalty for selling liquors without license

Penalty on persons not li-

censed exposing liquors, or putting up signs, &c.

door, or other opening of his house or premises, any article, or in, on or near his house or premises any sign, painting, printing or writing of a description or character to induce travellers or others to believe or suppose such house to be a house or place of public entertainment, or that spirituous, or vinous or fermented liquor may be sold, vended or bartered by retail therein, such person shall be liable to a penalty of twenty dollars for each such offence.

Unlicensed persons not to keep liquors for purposes of sale.

4. It shall not be lawful for any person having no license to sell spirituous, vinous or fermented liquor, to keep or suffer to be kept on his premises or possessions, or under his charge, for the purpose of sale by retail, any ale, wine, rum or any spirituous or fermented liquor, or any mixed liquor, a part of which is ale, wine, rum or any spirituous or fermented liquor.

Penalty for infraction of preceding section.

5. Persons offending against the provisions of the preceding section shall incur a penalty of twenty dollars, and the forfeiture of the liquor and vessels containing the same, and the conviction, shall declare such forfeiture, and shall order the said liquor to be destroyed; and on the second or any subsequent conviction for the like offence, the offender, in addition to the forfeiture, but in lieu of the penalty, shall be committed to the common gaol of the district for the space of three calendar months.

Penalty on persons selling on board steamboats, &c., without license.

6. Every owner, master or person in charge of a steamboat or vessel, who retails or barter, or allows to be retailed, vended, or bartered, any spirituous, vinous or fermented liquor, on board such steamboat or vessel, without having previously obtained a license, shall be subject to a penalty of fifty dollars, for each and every offence.

#### CONDITIONS PREVIOUS TO OBTAINING LICENSE.

##### *Houses of Public Entertainment.*

Certificate necessary to obtain a license to keep a tavern.

7. 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, other than a temperance hotel, unless the person applying for the 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.

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.

What shall be set forth in the certificate.

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.

Ward of city in which it relates to be stated in license.

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 voters' list then last made and completed.

Formalities requisite to obtain a license in Quebec or in Montreal.

11. The council to which any such certificate is presented for confirmation, shall enquire 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.

Duty of City Council as regards 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.

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

Special provisions for confirmation of certificates in Montreal.

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, who, for the performance of such duty, shall each be paid by the corporation, the sum of two hundred dollars yearly. 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.

\$\$ payable for confirmation in Quebec and Montreal.

**14.** The sum of eight dollars shall be payable to the corporations of the cities of Quebec and Montreal respectively, for every confirmation of a certificate for obtaining a license to retail spirituous liquors within the said cities.

Bond to be entered into to Her Majesty conditioned for payment of fines.

**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;—and such bond, to be drawn in the form expressed in the schedule (C) annexed to this act, shall be executed 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, which bond, with the certificate and affidavit required by this act, shall be filed in the office of the revenue officer.

Form of Bond.

In case a person licensed dies or removes before expiration of his license.

**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.

Transferee of license to produce certificate, &c.

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 en-

dorsed 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.

**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.

Certain persons disqualified from signing 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.

Penalty on signing when not qualified.

#### *Steamboats, &c.*

**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.

Steamboat owners, &c., may obtain licenses.

#### *Stores or Shops.*

**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 one municipal elector shall suffice.

Conditions for issuing shop licenses.

**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 accu-

Licenses to be issued on fulfilment of conditions.

rately 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.

#### OBLIGATIONS AND RESTRICTIONS ON PERSONS LICENSED.

##### *Houses of Public Entertainment.*

What accommodation for travellers must be provided at every inn.

**22.** Every licensed inn or tavern, temperance hotel or house of public entertainment, situate in a village or in the country parts, shall contain at least three rooms, with at least one good bed in each, for the accommodation of travellers, in addition to those used by the family;—and the keeper of every such inn, tavern, temperance hotel, or other house of public entertainment, shall have a stable adjacent or attached to such house, with convenient stalls for at least four horses, and shall be constantly supplied with a sufficient quantity of provisions, and of hay and oats, for travellers and their cattle;—And in default of any one or more of the foregoing requirements, the keeper of such house shall be liable to a penalty of twenty dollars.

License to be exhibited to Officer when required; and a sign to be kept up.

**23.** The keeper of every licensed inn, tavern, temperance hotel or other house or place of public entertainment, shall, at all times on demand, exhibit his license to the revenue officer, his deputy or deputies, and shall cause the same to be constantly exposed to public view in the bar-room or, in the case of a temperance hotel, in the hall or entrance room, in a conspicuous place and manner to the satisfaction of the revenue officer, and shall also cause to be painted in legible characters of not less than three inches in height, and of proportionate width, immediately over the door of such house, his name at full length, with the following words in addition, as the case may be: “licensed to retail spirituous liquors,” “licensed to retail wines and fermented liquors,” “licensed to keep a temperance hotel;”—and whenever such house is situate in country parts, the keeper thereof shall also expose or cause to be exposed, and keep so exposed, during the whole time of the duration of his license, a like sign in letters not less than four inches in height, and of proportionate width, in a conspicuous place near the house, to indicate the same to travellers,—and shall, in default of complying with any of the foregoing requirements, incur a penalty of twenty dollars for each offence.

Penalty.

Keepers of inns to keep orderly houses, and prevent gambling therein; certain restrictions on sale of liquors.

**24.** The keeper of every licensed inn, tavern, temperance hotel, or other house or place of public entertainment, shall keep a peaceable, decent and orderly house, and shall not knowingly suffer any person resorting to his house to play any game whatsoever at which money or any thing which can be valued in money shall be lost or won;—No keeper of any house licensed to retail

spirituous liquor, or vinous and fermented liquor, shall keep more than one bar or sell any such liquor in more than one house, or vend at any time any such liquor to any intoxicated person, nor to any soldier, seaman, apprentice or servant, knowing him to be such, on any day after eight o'clock in the afternoon in winter, and nine o'clock in the afternoon in summer, under a penalty of twenty dollars for each offence; and no person licensed to sell spirituous, vinous or fermented liquor shall sell or deliver any such liquor to any minor under the age of sixteen years, or shall allow any such liquor to be sold or delivered to or to be drunk by any such minor in any place or premises kept by such person, under a penalty of fifty dollars for each offence.

**25.** In all places where by law intoxicating liquors or any particular description or descriptions of such liquors, are allowed to be sold by retail, no sale or other disposal of such liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person whomsoever, from the hour of eleven on Saturday evening, till the hour of five on the Monday morning thereafter,—except in cases where a special requisition for medicinal purposes, signed by a licensed medical practitioner, or by a justice of the peace, is produced by the vendee or his agent; nor shall any such liquors be permitted to be drunk in any such place, except by travellers or by persons *bona fide* resident, lodging or boarding thereat during the time prohibited by this section for the sale of the same.

No liquors to be sold between certain hours from Saturday till Monday.

Exceptions as to travellers or medicinal purposes.

2. For every offence under this section, a penalty of not less than ten nor more than fifty dollars, with costs, shall, in case of conviction, be incurred by the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy, of such place or places, and who are found by himself, or herself, or themselves, or his, her or their servants or agents, to have committed or aided in committing such offence.

Penalty for offences against this section.

**26.** No keeper of a tavern, dramshop, saloon or other house or place of public entertainment whatever, whether licensed or unlicensed, shall keep open such tavern, dramshop, saloon or other house or place of public entertainment, or shall permit tipping or drinking of intoxicating liquor therein, after the hour of twelve o'clock at night and before the hour of five o'clock in the morning, between the twenty-first day of March and the first day of October, and after the hour of eleven o'clock at night, and before six o'clock in the morning, from the first day of October to the twenty-first day of March; and upon conviction of such offence, such keeper of a tavern, dramshop, saloon, or other place of public entertainment as aforesaid, shall be liable to a penalty of not less than ten nor more than twenty dollars.

Taverns, &c., to be closed between certain hours.

Penalty for refusing to receive travellers.

**27.** No person holding a license to keep an inn, tavern, temperance hotel, or other house of public entertainment, shall refuse to receive and accommodate any traveller without just cause, under a penalty of twenty dollars for each offence.

Keepers of temperance hotels to prevent spirituous liquors being drunk on their premises.

**28.** If any keeper of a licensed temperance hotel knowingly suffers any spirituous, vinous or fermented liquor to be drunk in the house or on the premises thereto belonging;—or if any keeper of a licensed inn, tavern or other house or place of public entertainment, not licensed to retail spirituous liquors, knowingly suffers to be drunk any spirituous liquor within such house, or any out-building, or in any part of the premises belonging to such inn, tavern, or house or place of public entertainment, he shall be liable to a penalty of twenty dollars for each such offence.

Police officers, &c., duly authorized may enter any licensed tavern, &c.

**29.** Any police officer or constable being thereto authorized in writing, as hereinafter is provided, and any revenue officer, may at any time enter into any licensed inn, tavern, temperance hotel or other house or place of public entertainment, and any person being therein or having charge thereof, who refuses, or after due summons fails, to admit such revenue officer, police officer or constable into the same, or offers any obstruction to his admission thereto, shall be liable to a penalty of not less than ten nor more than fifty dollars for every such offence.

Who may give such authority.

**2.** Any revenue officer or any two or more justices of the peace may grant such authorization to avail within any city, town, township, parish, or incorporated village, or any place or tract therein designated and being within the jurisdiction of such justices, or officer, for any term of time therein specified, not exceeding three months;

How it may be cancelled.

**3.** The justices of the peace, or revenue officer, who granted such authorization, or any one or more of them, may at any time cancel the same, by a written order to that effect under their or his hand, delivered to such police officer or constable; and any police officer or constable acting and assuming to act under any authorization after the same has been so cancelled, shall incur a penalty of forty dollars.

Penalty for acting under it afterwards.

Licenses may be revoked.

**30.** If any person licensed under this act to keep an inn, tavern, temperance hotel, or other house or place of public entertainment, is convicted of any breach or non-fulfilment of the requirements of this act, or of any felony, the convicting justice, if a district magistrate, or the court, or in the city of Montreal, the license commissioners, may cancel and revoke the certificate upon which a license was granted to such person, and the revenue officer when notified to that effect by the justices, or the clerk of the court, or the clerk of the city, as the case may be, shall annul

the said license, and if such person, after being duly notified of such annulment of his license, continues to keep open a house of public entertainment, or retails any spirituous, vinous or fermented liquor, such person shall be liable to the pains and penalties imposed on persons for keeping a house of public entertainment, or for retailing such liquors without license.

### *Stores and Shops.*

**31.** If any person holding any license to sell spirituous, vinous or fermented liquor in any shop, store or place, but not to keep a house of public entertainment, sells any such liquor in quantity less than three half-pints, or allows any such liquor to be drunk within such shop, store or place, or on the premises appertaining to the same, either by the purchaser of such liquor or by any person not residing with or in the employ of the person holding such license,—or sells any such liquor in any quantity less than three gallons in any shop, store or place not designated in such license, or sells or delivers to any minor under the age of sixteen years, any such liquor,—such person shall be liable to a penalty of fifty dollars for every such offence.

Penalty on persons holding shop licenses, selling less than three half-pints, or allowing liquor to be drunk on the premises.

**32.** The owner or keeper of every such shop or store shall cause to be painted in legible characters, immediately over the door of such shop or store, his name at full length, with the addition "LICENSED WINE AND SPIRIT STORE," and shall cause his license to be constantly exposed in a conspicuous place and manner within such shop or store, and shall allow the Revenue Officer, his deputy or deputies to have free access thereto at all reasonable hours, under a penalty of twenty dollars for each offence.

Person holding shop licenses to have signs.

**33.** If any person who has purchased any spirituous, vinous or fermented liquor, in any shop or store, licensed only as mentioned in section thirty-one, drinks the same or any part thereof, or allows the same or any part thereof to be drunk in the said shop or store, or in any house, out-buildings, or premises appertaining thereto, such person shall be liable to a penalty of ten dollars for each such offence.

Penalty on purchaser drinking liquor in shops

### *Steamboats.*

**34.** If the owner, master or person in charge of any steamboat or vessel allows any spirituous, vinous or fermented liquor to be sold on board such steamboat or vessel during the time the same shall be laid up in winter, he shall be liable to a penalty of forty dollars for each offence, notwithstanding his having obtained a license under this act.

Liquor may not be sold on steamboats while laid up in winter.

Municipal by-law; not to affect sale of liquor in steamboats.

2. And such license shall not be effected by any municipal by-law prohibiting the sale of spirituous, vinous or fermented liquor in any municipality through or in which such steamboat or vessel may pass or be.

LIABILITIES RESULTING FROM IMPROPER SALE.

Liability of inn-keepers or persons in their employ, &c., who give liquor to persons who become intoxicated and commit suicide or perish from cold, &c.

**35.** Whenever in any inn, tavern, or other house or place of public entertainment, or wherein refreshments are sold, or in any place wherein intoxicating liquor of any kind is sold, whether legally or illegally, any person has drunk to excess of intoxicating liquor of any kind, therein furnished to him, and while in a state of intoxication from such drinking has come to his death by suicide, or drowning, or perishing from cold, or other accident occasioned by such intoxication, the keeper of such inn, tavern, or other house or place of public entertainment, or wherein refreshments are sold, or of such place wherein intoxicating liquor is sold, and also any other person or persons who, for him or in his employ, delivered to such person the liquor whereby such intoxication was caused, shall be jointly and severally (*solidairement*) liable to an action as for personal wrong, if brought within three months thereafter, but not otherwise, by the legal representatives of the deceased person; and such legal representatives may bring either a joint and several action against them or a separate action against either or any of them, and by such action or actions may recover such sum not less than one hundred nor more than one thousand dollars, in the aggregate of any such actions as may therein be assessed by the court or jury as damages.

Action against them.

Persons who furnish the liquor liable for assault committed by a person thereby intoxicated.

**36.** If a person in a state of intoxication assaults any person, or injures any property, whoever furnished him with the liquor which caused his intoxication,—if such furnishing was in violation of this act, or otherwise in violation of law,—shall be jointly and severally (*solidairement*) liable to the same action by the party injured as the person intoxicated may be liable to; and such party injured, or his legal representatives, may bring either a joint and several action against the person intoxicated and the person or persons who furnished such liquor, or a separate action against either or any of them.

Husband, wife, &c., may notify, sellers of liquor not to furnish it to any person addicted to drinking.

**37.** The husband, wife, parent, brother, sister, tutor, guardian, or employer, of any person who has the habit of drinking intoxicating liquor to excess, or the manager or person in charge of any asylum or hospital or other charitable institution in which such person resides or is kept, or the curator of any interdicted person,—or the parent, brother, or sister, of the husband or wife of such person,—or the tutor or guardian of any child or children of such

person,—may give notice in writing, signed by him or her, to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit; and if the person so notified do at any time within twelve months after such notice, either himself, or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, deliver, or in or from any building, booth, or place occupied by him, and wherein or wherefrom any such liquor is sold, suffer to be delivered, any such liquor to the person having such habit, the person giving the notice may in an action as for personal wrong, (if brought within six months thereafter, but not otherwise,) recover of the person notified such sum not less than ten nor more than five hundred dollars, as may be assessed by the court or jury as damages; and any married woman may notwithstanding article one hundred and seventy-six of the civil code, bring such action in her own name, without authorization by her husband; and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives; provided that the identity of the person to whom such liquor is sold be known to the party selling at the time of such sale and delivery.

Liability of persons so notified.

Married women may bring actions for damages.

**38.** Any payment or compensation for liquor furnished in contravention of this act, or otherwise in violation of law, whether made in money or securities for money, or in labor or property of any kind shall be held to have been received without any consideration, and against law, equity, and good conscience,—and the amount or value thereof may be recovered from the receiver by the party who made the same, or, if he be a minor, by his father or tutor, or, if he be interdicted for any cause whatever, by his curator, and all sales, transfers, conveyances, liens and securities of every kind in whole or part made, granted, or given, for or on account of liquor so furnished in contravention of this act, or otherwise in violation of law, shall be wholly null and void, save only as regards subsequent purchasers or assignees for value, without notice; and no action of any kind shall be maintained, either in whole or in part, for or on account of any liquor so furnished in contravention of this act, or otherwise in violation of law.

Money paid for liquor sold contrary to this act may be recovered.

## AUCTIONEERS.

### PROHIBITIONS AND PENALTIES.

**39.** No person, other than a person licensed for that purpose under this act, shall sell, dispose of, or expose to

No one authorized to sell by

auction unless  
duly licensed.

sale at public auction or outcry in this province, any goods, wares, merchandize or effects which are subject to duty under this act.

Penalty on  
persons acting  
as auctioneers  
without a li-  
cense.

**40.** Any person who sells or disposes of, by public auction or outcry, any goods, wares, merchandize or effects on the sale of which a duty is by this act imposed, without having a license, as aforesaid, then in force, shall incur a penalty of not less than two hundred nor more than four hundred dollars, for each offence.

#### CONDITIONS PREVIOUS TO OBTAINING LICENSE.

Formality to  
be observed  
before license  
is granted.

**41.** No license shall be granted to any person to sell by auction as aforesaid, until such person has entered into recognizance to the Queen, with two good and sufficient sureties before the revenue officer, or before some person by him duly authorized to that effect, in such sum not less than five hundred dollars, nor over two thousand dollars, as the revenue officer under the authority of the treasurer may fix, with condition for the payment of the duty hereinafter mentioned, to the proper revenue officer or to some person by him duly authorized to receive the same; and conditioned also that the person so licensed as an auctioneer shall in all things well, truly and faithfully behave and demean himself according to the true intent and meaning of this act; which recognizance the revenue officer or person taking the same shall cause to be made in duplicate, and one duplicate shall be transmitted to the treasurer, and the other shall be left in the office of the revenue officer; and the revenue officer shall cause any such surety to make oath before him of his sufficiency as such surety.

Conditions of  
recognizance.

#### OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

No assistant,  
&c., to be em-  
ployed unless  
named in  
license.

**42.** No licensed auctioneer shall employ any assistant, agent, servant or partner to sell by auction for him, unless his license includes and names such assistant, agent, servant or partner or unless he has obtained a separate license authorizing him to employ such assistant, agent, servant or partner, and any contravention of this section shall be deemed a contravention of section forty and subject him to the same penalty; but any auctioneer changing any assistant, agent, servant or partner named in a license held by him may, on payment of a fee of one dollar to the revenue officer, have the name of such assistant, agent, or partner changed upon his license, and such license shall avail accordingly.

**43.** Except as hereinafter excepted, all goods, wares, merchandize and effects put up to sale at any public auction or

outcry in this province, and sold to the highest bidder, shall be subject to a duty of one dollar for every hundred dollars of the price at which they are sold, and at and after the same rate for every greater or less sum, which duty shall be retained, and paid to the proper revenue officer by the auctioneer by whom the sale is made, out of the proceeds of the sale, in the manner hereinafter mentioned, and at the costs of the seller, unless it be expressly stipulated that the same shall be at the cost of the buyer, and so added to the amount bid by him :

Certain duty to be levied on all goods sold by auction.

But goods or effects belonging to the crown, and all goods or effects seized by any public officer in execution or under process of any court, or as being forfeited, and all goods and effects of deceased persons or appertaining to any dissolution of community, or belonging to any church, or to be sold for religious purposes at any church door, or contributed to any bazaar held for charitable or religious purposes, shall be free from the duty aforesaid, and may be sold by auction without a license ;

Certain goods exempted :

Nor shall any duty be payable on sales by auction for municipal taxes, under the municipal code or any act respecting municipalities ;

Sales for taxes ;

Nor shall such duty be payable on sales by auction, held in the rural districts, but not for trading purposes, either by the inhabitants selling their furniture, grain, cattle and real estate, or chattel property, other than merchandise or stock in trade, when changing their residence or finally disposing of the same ;

Sales in rural districts ;

Nothing in this section shall be held to exempt from the said duty, any sale by auction of goods, effects or property of any kind, belonging to any insolvent's estate, and sold in conformity with the provisions of the Insolvent Act of 1869, or of any act amending or superseding the same.

Insolvent sales subject to duty.

**44.** Every licensed auctioneer shall, under a penalty of one hundred dollars, enter and keep in a book specially reserved by him for that purpose a detailed statement and account of all sales made by him ; which statement and account shall be made in such manner and form, and shall give such information as the treasurer may from time to time determine or require. Such book shall be open at all times to the inspection of the revenue officer or his deputy or any person authorized by the treasurer to inspect the same, and any auctioneer refusing, preventing, obstructing, or failing to afford any such inspection shall incur a penalty of fifty dollars for each such offence.

Book of statement and account to be kept by auctioneers, under penalty.

**45.** Every auctioneer, qualified and licensed as in this act is directed, who sells or disposes, by public auction or outcry, of any goods, wares, merchandize or effects, on the sale of which a duty is imposed by this act, shall, within the first ten days of each of the months of January, April,

Quarterly statement of goods sold, to be rendered by each auctioneer.

July and October in each year, pay over to the proper revenue officer or to some person by him authorized to receive the same, all moneys then due by him for duties under this act, and shall furnish to the said revenue officer, or the person so authorized, a true return in writing, signed by such auctioneer or his chief clerk, agent or partner, stating the amount of all goods, wares, merchandize and effects on the sale of which a duty is imposed, by him sold during the period for which no return has been previously rendered, stating also the amount of each day's sale, the amount of each total sale made for any one person, firm or estate, and the name of each such person, firm or estate.

2. If no sale has been made during the said period by such auctioneer he shall make his return to that effect ;

To be duly  
attested.

3. Such return shall, in either case, be attested by the person making the same, on oath (or affirmation) in the following form :—

Oath.

“ I, \_\_\_\_\_ do solemnly swear (or affirm) that the  
“ return now exhibited by me and to which I have sub-  
“ scribed my name is true and correct in every particular,  
“ that I have not omitted to give an account of the  
“ amount of any goods, wares, merchandize or effects sold  
“ by me (or by \_\_\_\_\_ as the case may be) within the  
“ time mentioned in the said return, and subject to duty  
“ on such sale, and of the days on which the same were  
“ respectively so sold, and that I shall true answers make  
“ to all such questions as may be put to me concerning the  
“ said return ;—So help me God ;”

Before whom.

And the said revenue officer or the person so authorized by him may receive and administer the said oath or affirmation, and may put such questions to the person taking the same as he may think proper touching the said return.

Penalty on  
auctioneers  
neglecting to  
render such  
statement.

46. If any auctioneer refuses or neglects to furnish such return, or to cause the same to be furnished in the manner required by this act, according to the true intent and meaning thereof, or to pay to the proper revenue officer at the times hereby required, all moneys due by him on account of such sales, he shall incur a penalty of twenty dollars for each day during which he shall have so refused or neglected, and the moneys due for any such duties may be recovered with costs, together with and by the same prosecution as the amount of the said penalties; and the said revenue officer may also cause a notice to be inserted in the *Quebec Official Gazette* declaring the person so in default to have forfeited his license as an auctioneer, and such license shall be forfeited accordingly, and shall be thereafter of no effect, nor shall any new license be granted to such defaulter until such forfeiture and debt have been paid and satisfied.

## PEDLERS.

## PENAL PROHIBITIONS.

47. No hawker, pedler, petty chapman, or trading person or persons going from town to town or to other men's houses, and travelling either on foot or with horse or horses, or otherwise within this province, carrying to sell or exposing to sale any goods, wares or merchandise, shall carry on their trade or calling without a license.

Hawkers,  
Pedlers, &c.,  
to take out a  
license.

48. If any hawker, pedler, petty chapman or other trading person travelling as aforesaid, is found so travelling, without such license as aforesaid, or otherwise than as allowed by such license, he shall, for each such offence, incur a penalty of forty dollars.

Penalty on  
Pedlers, &c.,  
trading with-  
out license.

49. Nothing in this act shall render it necessary for persons in the employ of any temperance, benevolent or religious society in this province, to take out licenses as hawkers or pedlers, in order to enable them lawfully to sell and peddle temperance tracts and other moral and religious publications under the direction of such society.

But employees  
of Religious or  
Benevolent  
Societies need  
not be licensed.

2. Nor shall this act prohibit any person from selling any acts of the legislature, prayer books, or church catechisms, proclamations, gazettes, almanacs or other printed papers licensed by authority, or any fish, fruits or victuals, nor hinder any British subject residing within this province who is the real maker or worker of any goods, wares or manufactures, other than drugs, medicaments or patent medicines, or any children, apprentices, agents or servants of such British subject, from carrying abroad, exposing to sale and selling by retail or otherwise, any of such goods, wares and manufactures of his own making, in any part of this province; nor any tinkers, coopers, glaziers, harness menders or other persons whatsoever, usually trading in mending kettles, tubs, household goods or harness, from going about and carrying with them proper materials for mending the same, without having a license as aforesaid; nor shall this act prohibit hucksters or persons having stalls or stands in the markets in the cities or towns, from selling or exposing to sale without having a license as aforesaid, any fish, fruits or victuals, or goods, wares and merchandise, in such stalls or stands, they complying with the rules and regulations of police, established in such towns respecting such stalls and stands by the proper municipal authorities.

The sale of  
certain articles  
exempted from  
the operation  
of this act.

Act not to ex-  
tend to sales in  
town markets,  
police regula-  
tions being  
complied with.

50. Nothing herein contained shall prohibit or prevent any such hawker, pedler or petty chapman from having and employing a servant to accompany him, for the sole purpose of carrying or assisting to carry his packages of goods, wares and merchandise, without taking out or pay-

Pedler, &c.,  
may employ  
servant.

ing for a license for any such servant so accompanying him.

#### CONDITIONS PREVIOUS TO OBTAINING LICENSE.

Every Pedler, &c., to take the oath of allegiance.

Proviso;

**51.** Every person before receiving his license as a hawker, pedler or petty chapman, shall take and subscribe before the clerk of the peace, for the district in which he resides, the oath of allegiance to Her Majesty required by law, which oath the said clerk administers; and for granting a certificate that such oath has been taken, the clerk of the peace shall be entitled to the sum of twenty cents, and no more; but in order to avoid the unnecessary repetition of oaths, if any such person has once taken such oath on receiving a license, he shall not be required to take it again on receiving a renewed license.

#### OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

Penalty on refusal to produce licenses.

**52.** If any person so travelling with a license, upon demand being made by any revenue officer, justice of the peace, officer of militia, constable or peace officer of the district, county, town or place where he so trades, refuses to produce and shew his license for so trading, or has not his license for so trading ready to produce to such revenue officer, justice of the peace, officer of militia, constable or peace officer, then the person so refusing or not having his license, shall incur a penalty of forty dollars.

Proceedings in case Pedler, &c., refuses to produce his license.

**53.** Any revenue officer, officer of militia, constable or peace officer, may seize and detain any such hawker, pedler, petty chapman or other trading person as aforesaid, found trading without a license, or who being found trading, refuses or neglects to produce a license, after being required so to do for a reasonable time,—in order to his being carried, (unless in the meantime he produces his license), before two of Her Majesty's justices of the peace, the nearest to the place where such offence is committed, and to his being forthwith prosecuted for such offence; but he shall not be so detained without warrant for a longer period than forty-eight hours.

Goods and chattels of hawkers, &c., may be detained for non-production of license.

**54.** Without prejudice to the provisions contained in the foregoing section, any revenue officer or any officer of militia, constable or peace officer may seize the goods and chattels of any hawker, pedler, petty chapman or other person trading without a license, in contravention of this act, or who being found trading refuses or neglects to produce a license after being required so to do, and may keep and detain such goods and chattels in his hands until such license is produced, or until the said goods and chattels are seized and sold under a warrant of

distress, issued in any prosecution brought against the owner thereof, for having so traded without a license. But such goods and chattels shall not be detained for a longer time than forty-eight hours, unless within that time the prosecution is commenced.

**55.** If any person lets out to hire or lends any license to him granted as aforesaid, or trades, with or under colour of any license granted to any other person, or of any license in which his own real name is not inserted as the name of the person to whom the license is granted,—the person letting out to hire or lending any such license, and the person so trading, with or under colour of any license granted to any other person, or any license in which his own real name is not inserted as the name of the person to whom the same is granted, shall each of them incur a penalty of forty dollars.

Penalty on hiring or lending a license.

**56.** If any person having a license so to trade, is convicted in Her Majesty's Court of Queen's Bench for Lower Canada, of holding seditious discourses, uttering treasonable words, maliciously spreading false news, publishing or distributing libellous or seditious papers, written or printed, tending to excite discontent in the minds, and to lessen the affections of Her Majesty's subjects, or to disturb the peace and tranquility of this province, his license shall be thenceforth forfeited and void, and he shall be utterly incapable of having any license again granted to him for so trading, and shall also be subject to such other punishment as by law may be inflicted for such offence.

Penalty on hawkers, &c., holding seditious discourses.

## BILLIARD TABLES.

### INTERPRETATION.

**57.** The word "billiard-table" in this and the five next following sections shall include every pigeon-hole table, Mississippi-board and bagatelle-board; and any sum or value paid, given, promised or payable for playing on any billiard-table by any person, shall be held to be lucre and gain within the meaning of the said sections.

The word "billiard-table."

### PENAL PROHIBITIONS.

**58.** No person, shall, for gain and lucre, erect, set up, continue to keep or maintain, any billiard-table in this province, without being licensed for that purpose, in the manner hereinafter directed; and any person, who erects, sets up or continues to keep and maintain, for lucre or gain, any billiard table, without being licensed as aforesaid, shall incur a penalty of fifty dollars.

Penalty on persons keeping billiard-tables for profit without a license.

**59.** Every such license shall be a license for one billiard table only, and shall bear a distinct and separate number.

Each license to be for one table only.

## CONDITIONS PREVIOUS TO OBTAINING LICENSES.

Recognizance  
to be entered  
into.

60. No such license shall be given to any person, unless he enters into a recognizance to Her Majesty, before the clerk of the peace of the district, with two sufficient sureties (being householders,) jointly and severally, in the sum of two hundred dollars, on the special condition that the person obtaining the license shall not, during the continuance of the said license, knowingly suffer any apprentice, school-boy or servant to play at any billiard-table kept by him, and shall not knowingly suffer any person whatever to play or game at the same for money.

Recognizance  
to remain with  
clerk of the  
peace.

61. The recognizance so taken shall remain with the clerk of the peace of the district where it is entered into, and such keeper of a billiard-table shall be by him prosecuted whenever required by the revenue officer in case the said conditions are not strictly complied with, or in case of forfeiture of the said recognizance.

## OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

Number to be  
painted or en-  
graved on  
table.

62. Every owner or keeper of a licensed billiard-table, shall cause the number of the license, under which he is allowed to keep such table, to be painted or engraved on such table, in such a manner as to remain conspicuously visible; and shall also cause every such license to be hung up in the room in which such billiard-table is placed, so that such license shall at all times be conspicuously visible. Every such owner or keeper of a billiard-table, for every contravention of any of the provisions of this section, shall incur a penalty of fifty dollars, and any person wilfully removing, defacing or concealing any such number so painted or engraved shall incur a penalty of forty dollars.

## FERRIES.

## PENAL PROHIBITIONS.

No one to act  
as a ferryman  
on the St. Law-  
rence without  
a license.

63. No person shall act as a ferryman, or shall convey, or cause to be conveyed by any one in his service, any person across the River St. Lawrence, between the City of Montreal and the Parish of Longueuil, or between the said city and Laprairie, or between Lachine and Caughnawaga, without having received a license under the hand of the lieutenant-governor, or of some person by him duly authorized to that effect, to keep a ferry across the said river, for a certain time, at a place and within limits, to be designated in such license,—nor shall the person having received such license, so act as ferryman, or so convey, or cause to be conveyed,

any person for hire, at any place to which such license does not extend, or beyond the limits mentioned therein, under a penalty of one dollar, for each person so conveyed contrary to the provisions of this act; and of such further penalty as may be fixed by any regulations to be made in the manner hereinafter provided.

**64.** Nothing in the foregoing section shall extend to the owner or master of any vessel plying between two ports in this province, or regularly entered or cleared by the officers of Her Majesty's customs at any such port, or in any way to affect any privilege granted by the legislature either of the late province of Lower Canada or of this province, to the proprietor of any bridge or to any railway company, or other road company.

Foregoing section not to affect certain persons and privileges.

CONDITIONS PREVIOUS TO OBTAINING LICENSE AND OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

**65.** The lieutenant-governor in council may make, and may from time to time repeal or alter such regulations as he deems expedient, for any of the following purposes, that is to say:

Lieut.-gov. may make regulations fixing:

*Firstly.* For establishing the extent and limit of all or any such ferries as aforesaid;

The limits;

*Secondly.* For defining the manner in which the conditions (including any duty or sum to be paid for the license) under which, and the period for which, licenses shall be granted in respect of all such ferries, or any one or more of them;

The conditions;

*Thirdly.* For determining the size and description of the vessels to be used on any such ferries by the persons holding licenses in respect thereof, and the nature of the accommodation and conveniences to be provided for passengers carried in such vessels;

Description of vessels;

*Fourthly.* For fixing the tolls or rates at which persons and chattels shall be carried over such ferries, and the manner and places in which such tolls or rates shall be published or made known;

The tolls;

*Fifthly.* For enforcing the payment of such tolls or rates by the persons carried, or for whom chattels are carried, over such ferries;

And for enforcing the same;

*Sixthly.* For regulating the conduct of persons holding licenses in respect of such ferries, and for fixing the times, and hours and parts of hours, during and at which vessels employed on such ferries shall cross and recross, or depart from either side of any such ferry, for that purpose;

Times of crossing;

*Seventhly.* For annulling and declaring the forfeiture of any such ferry license in consequence of the conditions thereof, or any of them, not having been fulfilled;

Forfeiture of license;

*Eighthly.* For imposing penalties not exceeding ten dol-

Penalties.

lars in any case, for the violation of any such regulation ;— and all such regulations shall, during the time for which they are intended to be in force, have the same force and effect as if contained and enacted in and by this act.

Regulations to be published.

**66.** The provincial secretary shall cause all regulations made as aforesaid to be published in the English and French languages in the *Quebec Official Gazette*, at least three times during the three months following the date thereof, and any copy of the said gazette containing a copy of such regulations, or any of them, shall be evidence of such regulation or regulations.

No license for more than 12 months, except &c.

**67.** No license for any such ferry shall be granted for a longer period than twelve months, except by public competition, and to parties giving such security as may be 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 no newspaper is published in such district, then in the nearest district in which a newspaper is published ; nor shall any such ferry be leased or a license therefor granted for a longer term than ten years at any one time.

Liability of person in charge of ferry.

**68.** The owner, master or person in charge of any vessel used for the purpose of carrying any person or chattel over any such ferry as aforesaid, shall be deemed to have acted as a ferryman within the meaning of this act, and shall be liable to all the penalties hereby imposed if he contravenes this act in so acting.

## P A W N B R O K E R S .

### PENAL PROHIBITIONS.

Pawnbrokers to be licensed, under penalty.

**69.** No person shall exercise the trade of a pawnbroker in this province without a license, and every pawnbroker contravening this section shall incur a penalty of two hundred dollars for every pledge he takes without such license.

Pawnbroker defined.

**70.** Every person who receives or takes, by way of pawn, pledge or exchange, any goods for the repayment of money lent thereon, otherwise than in the ordinary business of banking or the usual course of commercial dealings between merchants or traders, shall be deemed a pawnbroker within the meaning of this act.

### OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

A single license.

**71.** No person shall, by virtue of one license, keep more than one house or shop, or place for taking in goods to pawn.

**72.** Any number of persons carrying on trade as pawn-brokers in partnership in the same house, shop or place, need only take out a license for one house. Partners.

**73.** Every pawnbroker shall have a sign, with his name and the word "pawnbroker" in large legible characters thereon, placed over the door outside of the shop, or other place used by him for carrying on such business. To exhibit a sign.

**74.** In case any pawnbroker neglects to have such sign so placed, he shall incur a penalty of forty dollars for every shop or place made use of for one week without having the same so put up. Penalty in case of neglect.

**75.** Every pawnbroker shall cause to be painted or printed in large legible characters the rate of profit by law allowed to be taken, and also the various prices of the notes or memorandums to be given according to the rates hereinafter mentioned, and an account of such as are to be given *gratis*, and of the expense of obtaining a second note or memorandum where the former one has been lost, mislaid, destroyed or fraudulently obtained, and shall place the same in a conspicuous part of the shop or place where the business is carried on, so as to be visible to and legible by persons pledging goods. Rates to be exhibited.

**76.** Every pawnbroker who takes any goods by way of pawn or pledge whereon a sum above one dollar is lent, shall, before he advances or lends the money thereon, enter in a fair and regular manner in a book to be kept by him for that purpose, a description of the goods received in pawn, pledge or exchange, and the sum lent thereon, with the day and year, and name of the person by whom pawned, and the name of the street and number of the house, if numbered, where such person abides, and whether he be a lodger in or the keeper of such house, by using the letter L if a lodger, and the letter H if a house-keeper, and also the name and place of abode of the owner, according to the information of the person pawning the goods, into all which circumstances the pawnbroker shall enquire of the party before any money is advanced, and if the sum lent does not exceed one dollar, a similar entry shall be made within four hours after the goods have been pawned. Entries to be made by pawn-brokers.

**77.** Every pledge upon which there is lent above two dollars, shall be entered in a book to be kept for that purpose, and to be kept separate from all other pledges, and every such entry shall be numbered in the book progressively as such goods are pawned in the following manner, viz: the first pledge that is received in pawn No. 1, the second No. 2, and so on until the end of the month, and so on in every succeeding month throughout the year, and upon every note respecting such pledge shall be written the number of entry of the pledge so entered in the book aforesaid. If above two dollars lent.

Note to be given to the pawner.

**78.** At the time of taking any pawn, a note or memorandum, written or printed, shall be given to the person pawning, pledging or exchanging the same, containing a description of the goods pawned, pledged or exchanged, and also of the money advanced thereon, with the day of the month and the year, and the names and places of abode, and numbers of the houses of the parties, and whether lodgers or housekeepers by using the letters aforesaid, and upon such note or memorandum, or on the back thereof, shall be written or printed the name and place of abode of the pawnbroker, which note or memorandum the party pawning the goods is required to take, and unless he takes the same, the pawnbroker shall not receive and retain the pledge.

Fees therefor.

**79.** When the sum lent is under one dollar, the note aforesaid shall be given *gratis* ;

If the sum lent is one dollar or more, and under two dollars, the pawnbroker may take one cent ;

If two dollars or more, and under five dollars, he may take two cents ;

If five dollars or more, and under twenty-five dollars, he may take four cents ;

If twenty-five dollars or more, he may take seven cents.

No charge to be made for storage of pawns.

**80.** No pawnbroker shall make any charge or receive any money or value for the warehouse-room or storage of any property pawned ; and every pawnbroker contravening this section shall incur a penalty of twenty dollars.

The note to be afterwards produced,

**81.** The note shall be produced to the pawnbroker before he is obliged to re-deliver the goods, except as hereinafter provided.

A duplicate to be affixed to the goods.

**82.** A duplicate of the said note or memorandum shall be affixed to the goods pledged, and in all cases where goods pawned are redeemed, the pawnbroker shall write or endorse, or cause to be written or endorsed on every duplicate, the profit taken by him for the pledge, and shall keep the duplicate in his custody for one year next following.

If goods are redeemed within a year and pawnbroker refuses to restore.

**83.** In case within one year after any goods have been pawned or pledged for securing money lent, the pawner, or other person on his behalf, tenders to the person who lent the money, the note or memorandum required to be given by this act, and also the principal money borrowed, and the profit according to the rates allowed by-law, and the person who took the goods in pawn neglects or refuses, without reasonable cause, to deliver back the goods so pawned, the pawner may make oath thereof before two justices of the district or county where the offence has been committed, and such justices shall cause such person to come before them, and shall examine on oath the parties

themselves, and such other credible persons as appear before them touching the premises, and if tender of the note or memorandum, with the principal sum lent, and all profit thereon, is proved on oath to have been made within the time aforesaid, then on payment by the borrower of such principal money and the profit due thereon to the lender, and in case the lender refuses to accept thereof on tender before the justices, such justices shall thereupon, by order under their hand, direct the goods so pawned forthwith to be delivered to the pawner, and if the lender neglects or refuses to deliver up or make satisfaction for the goods as such justices order, the justices shall commit him to the common gaol of the district or county where the offence was committed, until he delivers up the goods according to the order, or makes satisfaction for the value thereof to the party entitled to the same.

**84.** The person who produces the note or memorandum aforesaid and requires a delivery of the goods mentioned therein, shall be deemed the owner, so far as concerns the person who has the goods in pledge, and the pawnbroker, on receiving the principal and profit aforesaid, shall deliver the goods to the person producing the note or memorandum, and he shall be indemnified, unless he has had notice in writing from the real owner not to deliver the goods to the person producing the note or memorandum.

Holder of note to be considered owner.

**85.** In case a pawnbroker has had such previous notice, or in case the note or memorandum has been lost, mislaid, destroyed, or fraudulently obtained from the owner, and the goods mentioned therein are unredeemed :

Proceedings if pawnbroker notified not to deliver.

1. The pawnbroker with whom the goods have been pledged, shall, at the request of the person who represents himself as the owner thereof, deliver to such person a copy of the note or memorandum, with the form of an affidavit of the particular circumstances attending the case written thereon, as the same are stated to him by the party applying for the goods ;

2. The person receiving such copy and form of affidavit shall thereupon prove his property in or right to the goods to the satisfaction of some justice of the peace, and shall also make oath to such affidavit, before such justice, of the truth of the particular circumstances attending the case therein mentioned ;

3. The pawnbroker shall then suffer the person proving such property to redeem the goods on leaving such copy of the note or memorandum, and the affidavit with him the pawnbroker ;

4. In case the money lent does not exceed one dollar, the pawnbroker may receive for such copy and affidavit two cents ; if above one dollar, and not exceeding five dollars, four cents ; and if above five dollars, five cents.

When goods  
may be sold.

**86.** All pawned goods shall be deemed forfeited, and may be sold at the expiration of one year from the time of pawning the same, exclusive of the day on which they were pawned.

At public  
auction.

When the sum lent exceeds two dollars, the pawnbroker shall cause the goods to be sold at public auction, and not otherwise.

Before sale,  
goods to be ex-  
posed to view.

**87.** Before such public sale, the goods shall be exposed to public view, and a catalogue thereof published, containing the name and place of abode of the pawnbroker, a description of the goods separately, the month the goods were received in pawn, and the number of the pledge; and an advertisement giving notice of such intended sale, and containing the name and abode of the pawnbroker, and the month the goods were received in pawn, shall be inserted on two several days in some public newspaper, two days at least before the day of sale.

Penalty for not  
properly des-  
cribing.

**88.** In case the goods be not described separately in the catalogue, the pawnbroker shall forfeit to the owner of the pledge not less than eight dollars nor more than forty dollars, to be recovered in the same manner as penalties under this act.

Account of  
sales to be  
kept and  
booked.

**89.** Every pawnbroker shall enter in a book, to be kept for that purpose, a just account of the sale of such goods by auction, expressing therein the day of the month the same were pledged, the name of the person who pledged, the day when, and the money for which each pledge was sold, and the name and abode of the auctioneer.

Disposal of  
surplus.

**90.** In case such goods have been sold for more than was due thereon, and in case of demand within three years after the sale, the overplus shall, after deducting the necessary costs and charges of the sale and catalogues, be paid to the person by whom or on whose account the goods were pawned.

Pawner may  
inspect entries.

**91.** The person who pawned such goods, or the person for whom they were pawned, shall be permitted to inspect the entry made of such sale, on paying five cents for the inspection.

Consequence  
of refusal to  
permit.

**92.** In case the pawnbroker refuses an inspection of such entry to the person who pawned the goods, or to his executor, administrator or assignee, upon the production of the letters testamentary, letters of administration or assignment, or in case the goods were sold for more than the sum entered in such book, or in case the pawnbroker did not make such entry, or did not *bonâ fide* sell the goods according to this act, or refuses to pay the overplus on demand, he shall incur a penalty of forty dollars, and forfeit treble the sum the goods were originally pawned for, to the person by whom or on whose account they were pawned, the whole to be recovered under this act, in the same manner as penalties.

**93.** No pawnbroker having goods in pledge shall, either by himself or by any other person for him, except at public auction, purchase such goods during the time they remain in his custody, as a pledge. Pawnbrokers not to purchase goods except at public auction.

**94.** No pawnbroker shall,—

Restrictions.

1. Purchase, receive or take any goods in pledge, from any person who appears to be under the age of fifteen years, or to be intoxicated with liquor;

2. Nor purchase or take in pawn, pledge or exchange, the note or memorandum aforesaid of any other pawnbroker;

3. Nor employ any servant or other person under sixteen years of age to take any pledge;

4. Nor receive any goods by way of pawn, pledge or exchange, on any Sunday or holiday at any hour, nor, on any other day before eight o'clock in the morning, or after eight o'clock in the evening, except on Saturday evenings, and the evenings preceding Good Friday and Christmas-day, at which last times the pawnbroker may keep his place of business open until ten o'clock in the evening.

**95.** In case it appears or is proved on oath before two justices of the peace, that the goods pawned were sold before the time limited, or have been embezzled or lost, or have become of less value than when pawned, through the neglect or wilful misbehaviour of the pawnbroker or his servants, the justices shall award a reasonable satisfaction to the owner in respect of such damages. If goods lost or damaged. Award.

**96.** In case the sum so awarded does not amount to the principal and profit due to the pawnbroker, the pawner may pay or tender the balance; and on so doing, the justices shall proceed as if the pawner had paid or tendered the whole money due for principal and profits as aforesaid. Terms of redemption of such goods—tender of difference.

**97.** In case the satisfaction allowed is equal to or exceeds the principal and profit as aforesaid, the pawnbroker shall deliver the goods so pledged to the owner without being paid any thing for the principal or profit, and also the excess, if any, under a penalty of forty dollars, the whole to be recovered together in the same manner as penalties under this act. When without any tender.

**98.** When the justices think the production of any pawnbook, note, voucher, memorandum, duplicate or other paper necessary, which is or ought to be in the hands, custody or power of any pawnbroker, they shall summon him to attend with the same, and the pawnbroker shall be bound to produce the same in the state in which it was when the pawn was received, and in case the pawnbroker neglects or refuses to attend or to produce the same in its true and perfect state, he shall, unless he shews good cause to the satisfaction of the justices, incur a penalty of not less than twenty dollars nor more than forty dollars. Pawnbroker bound to produce.

Books of entry to be open to inspection of revenue officer.

**99.** Every book which any pawnbroker is required to keep by this act and every entry therein shall be open to the inspection of the revenue officer to whom they shall be produced, on demand, by such pawnbroker; and such revenue officer may at any time during business hours enter the shop or office of any pawnbroker and inspect the same and the books therein.

Penalty for pawning goods of others.

**100.** If any person knowingly and designedly pawns, pledges or exchanges, or unlawfully disposes of the goods of any other person, not being employed or authorized by the owner so to do, any two justices of the peace resident nearest to the place where the offence has been committed, may grant their warrant to apprehend the offender; and if he is thereof convicted, he shall incur a penalty of not more than twenty dollars, nor less than four dollars, and shall also forfeit the value of the goods pawned, which value shall be paid to the owner of the goods and may be prosecuted for and recovered, together with and in the same manner as the penalty.

Consequences of taking goods in pawn from journeymen.

**101.** If any person knowingly buys, or takes in pawn, or exchange, from any journeyman mechanic, any goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials plainly intended for manufacturing any goods after such goods or materials have been put into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials have been finished for the purpose of wear or consumption, or any goods, materials, linen or apparel which have been entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up, and is convicted thereof, he shall forfeit the sum lent thereon, and forthwith restore the said goods or materials to the lawful owner.

Proceedings by owners of goods illegally pawned.

**102.** If the owner of goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials plainly intended for manufacturing any goods, after such goods or materials have been put into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials have been finished for the purpose of wear or consumption, or of any linen or apparel which has been entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up as aforesaid, or any other goods whatsoever, which have been unlawfully pawned or exchanged, makes out either on his oath or by the oath or solemn affirmation of one witness, before two justices where such offence has been committed, that there is just cause to believe or to suspect that any person has taken to pawn or exchange any such goods without the owner's knowledge, and makes appear probable grounds for such

suspicion, such justices may issue a warrant for searching Search warrant. within the hours of business, the books, house, warehouse or any other place of the person so charged as suspected of having received the same without the privity of the owner, and if the occupier of such place, upon request made to him by any peace officer authorized to search, refuses to exhibit his pledge books, or to open such place as required, to permit search to be made, the peace officer may break open the house, warehouse or other place on the said premises within the hours of business, and search as he may think fit for the goods suspected to be there, taking care to do no wilful damage, and no person shall oppose the same.

**103.** If after such refusal and upon forced search, any goods so pawned or exchanged as aforesaid are found, and the property of the owner is made out to the satisfaction of the justices, by the oath or solemn affirmation of one witness, or by the confession of the person charged, the justices shall cause the goods to be forthwith restored to the owner, and the occupier shall incur a penalty of not less than eight nor more than twenty dollars. If goods found concealed.

**104.** The provisions of this act in so far as they relate to pawners and pawnbrokers, shall extend to the executors, administrators and assigns of every deceased pawnbroker, and also to the tutor, curator, executors, administrators and assigns of the pawner, but such tutor, curator, executor, administrator or assign shall not be answerable for any penalty personally or out of his own estate, unless incurred by his own act. Act to extend to executors, administrators, &c.

**105.** Every pawnbroker contravening any of the provisions of this act shall, if no other penalty is herein expressly imposed, incur for every such contravention, a penalty of forty dollars. Penalty on pawnbrokers contravening.

## GUNPOWDER.

### PENAL PROHIBITIONS.

**106.** No person shall keep or use any powder-magazine for the storage of gunpowder, without previously obtaining a license; and any person keeping or using any powder-magazine without such license shall incur and pay a penalty of five hundred dollars. License required for keeping powder-magazine.

**107.** Every building used for the storage or keeping of any quantity of gunpowder exceeding twenty-five pounds in weight shall be deemed a powder-magazine within the meaning of this act. What shall be deemed a powder-magazine.

**108.** No powder-magazine shall be kept within the limits of the cities of Quebec and Montreal, nor within five miles thereof. Distance of powder-magazine.

License for  
selling gun-  
powder;

**109.** No person shall sell, or keep for sale, any gunpowder, unless he has previously obtained a license; and any person who shall at any time sell or keep for sale any gunpowder without such license shall incur and pay a penalty of fifty dollars.

Penalty.

Provisions as  
to powder kept  
by persons for  
their own use.

**110.** No person shall keep for his own use and not for sale, or storage in any building other than a powder-magazine, a larger quantity of gunpowder than ten pounds in weight; and every person so keeping any less quantity of gunpowder shall keep the same locked up in a metal box, or case, and at a safe distance from any lamp, candle, gaslight, stove, stove-pipe, fire-place or fire; and any person contravening this section shall be liable to a penalty not exceeding twenty dollars.

Act not to ap-  
ply to Her  
Majesty.

**111.** This act shall not apply to nor affect any magazines belonging to Her Majesty, nor to the conveyance of gunpowder and stores to and from Her Majesty's magazines by Her Majesty's forces on military service.

#### CONDITIONS PREVIOUS TO OBTAINING LICENSE.

No license un-  
less magazine  
is of the re-  
quired descrip-  
tion.

**112.** No license shall be granted for the storage of gunpowder unless the officer granting the same shall know by personal inspection that the magazine in which the same is to be kept is of the description required by the following section.

Description of  
powder-maga-  
zine.

**113.** Every powder-magazine shall be of the following description:—

1. It shall be built of stone, of the thickness of at least two feet, and be covered with a fire-proof roof, made of metal and attached to the building by no other means than its own weight;

2. It shall be surrounded, at a clear distance of at least ten feet, by a wall of stone or brick at least ten feet high, coped with stone, and having but one opening, the door in which shall be covered with brass, copper or zinc, and shall be so located as not to face any public road or the side of the magazine in which its entrance is situated;

3. No other material shall have been used in its construction nor in that of the surrounding wall, than stone, brick, copper, brass, wood, glass, tin, slate, zinc, or leather;

4. It shall have but one entrance to which two doors shall be fixed with copper fastenings, one on the inside and the other on the outside of the wall, and both made of or covered with brass, copper or zinc;

5. The floors shall be tongued and grooved, close-jointed and tight, and every portion thereof that can be walked on or stepped upon shall be covered with hides;

6. It shall be furnished with two lightning-rods to be approved of by the revenue officer.

## OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

**114.** No person shall, at any one time, keep for sale or storage in any building other than a powder-magazine a larger quantity of gunpowder than twenty-five pounds in weight; and every person keeping gunpowder for sale shall continually keep designated in a conspicuous manner the part or parts of the building in which gunpowder is placed, and shall keep placed over the entrance to such building a sign bearing conspicuously the words "licensed to sell gunpowder;" and for every day during which any person shall fail to comply with any requirement of this section he shall incur and pay a penalty of fifty dollars.

As to powder kept elsewhere than in magazines.

**115.** The lieutenant-governor in council shall, from time to time, make all necessary regulations, consistent with the provisions of this act, for the receipt, conveyance, storage and delivery of gunpowder.

Lieut.-Gov. in council to make regulations for gunpowder.

**116.** No gunpowder shall be stored, kept, conveyed, received or delivered, except in accordance with the provisions of this act and with the regulations made or to be made in virtue of the last preceding section.

All gunpowder to be subject to such regulations.

**117.** The regulations to be made in virtue of section one hundred and fifteen of this act may impose penalties for all infractions thereof, or for any infractions of the provisions of this act relating to gunpowder, for which penalties are not already imposed.

Regulations may impose penalties; how they may be recovered.

**118.** Every proprietor and every lessee of any powder-magazine shall be personally liable for any penalties imposed for the contravention of any regulation made in virtue of this act, in respect of the conveyance of powder to or from such magazine.

Responsibility of proprietors and lessees of magazines.

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## PART SECOND.

### GENERAL PROVISIONS AND PROCEDURE.

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#### LICENSES, DUTIES AND FEES.

**119.** The lieutenant-governor in council may, from time to time, appoint and authorize any person or persons to sign, or to furnish to the revenue officer any licenses on which any duty or sum of money is payable to or for the benefit of the province, and may in like manner determine the time, manner and form in which such licenses shall be prepared and furnished.

Lieut.-Gov. in council may appoint persons to furnish licenses.

Licenses to be issued by revenue officer.

**120.** All licenses shall be granted under the authority of the lieutenant-governor in council, and the duties 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 used or by his deputy, and for steamboats and other vessels, by the revenue officer or the deputy of the revenue officer of the district in which the owner, master or person in charge of such steamboat or vessel resides, or, in case such steamboat or vessel is owned by a company, of the district in which such company has its principal office or place of business.

Expiration of licenses issued under this act.

**121.** Licenses issued under this act shall expire on the first day of the month of May in each and every year, except such ferry licenses as may have been granted for a longer period under the provisions of section sixty-seven of this act.

Expiration of licenses in force at the time of the passing of this act.

All licenses in force at the time of the passing of this act shall expire on the first day of May next, but every holder of such expiring license, upon taking out a license under this act, shall be entitled to a deduction from the amount payable for the new license, equal to one-twelfth of the sum paid for the expiring license for every whole month during which such expiring license would, without this act, have continued in force.

Lieut.-Gov. may annul licenses in certain cases.

**122.** The lieutenant-governor in council may, at any time, upon complaint made and just cause shewn to his satisfaction, revoke and annul any license granted under this act, and upon being notified through the revenue officer of such annulment, the person holding such license shall be held, in so far as regards the same, to be without license.

Effect of license.

**123.** Every license issued under this act shall specify some certain place or limits, or some certain vessel, within which it shall have force and shall not avail elsewhere.

Fee to revenue officer.

**124.** For every license issued by a revenue officer there shall be paid to such revenue officer, over and above the duty payable therefor, a fee of one dollar, by the person to whom it is issued.

Duties to be paid for licenses :

**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 :

Tavern for sale of spirituous 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 fifty-five dollars within the municipal limits of any city, except the cities of Quebec and Montreal, and eighty dollars within each of the said cities ; the sum of forty-four dollars within the municipal limits of any incorporated town ; the sum of thirty-nine dollars, within any organized

portion of the province not within any such city or town, and the sum of nineteen dollars in any unorganized tract not within the limits of any municipality;

And if the moneys appropriated by the act thirteenth and fourteenth Victoria, chapter ninety-four, towards defraying the cost of the court house at Montreal, should at any time yield less than the amount produced from the same when the fund was so appropriated, the lieutenant-governor in council may increase the rate of duty to be paid for every license to keep an inn, tavern or other house or place of public entertainment for retailing spirituous, vinous or fermented liquors within the county and city of Montreal, to any amount not exceeding, in the whole, one hundred dollars, for each license.

Increase of duties on licenses within county of Montreal.

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-one dollars; and in any unorganized tract not within the limits of any municipality, the sum of nineteen dollars;

Taverns for sale of wine and beer.

3. For every license to keep a "Temperance Hotel" for the reception of travellers and others, but not for retailing brandy, rum, whisky or other spirituous liquors, nor wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of nine dollars;

Temperance Hotel.

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 twenty-four dollars, and in any unorganized tract not within the limits of any municipality, the sum of twelve dollars;

For retailing in a store or shop spirituous liquors.

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 thirty-nine dollars;

For retailing in steamboats, &c., spirituous liquors.

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-one dollars;

For retailing on steamboats wine and beer.

7. For every auctioneer's license the sum of twenty-five dollars, together with an additional sum of fifteen dollars for every assistant, agent, servant or partner named therein;

Auctioneers.

8. For every separate license taken out by an auctioneer for one or more assistants, agents, servants or partners, the sum of fifteen dollars for every such assistant, agent, servant or partner named therein;

Auctioneer's assistant.

9. For every hawker's or pedler's license, for one judicial district only, the sum of ten dollars; and for every additional district, the sum of five dollars;

10. 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, seventy-five dollars each, and when more than two are so kept, for a third and a fourth table sixty dollars each, for a fifth and a sixth, fifty dollars each, and for every table beyond six, thirty dollars each;

11. For every bagatelle-board, pigeon-hole table or Mississippi table, twenty-five dollars;

12. For every pawnbroker's license seventy-five dollars;

13. For every license to keep or use a powder-magazine fifty dollars, and for every license to sell or to keep for sale gunpowder, twenty dollars;

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.

Lieut.-Gov.  
may reduce  
license duty.

**126.** The lieutenant-governor in council, whenever he deems it expedient, may, by regulation, fix a smaller sum to be paid for any license mentioned in the last preceding section, provided no smaller sum be payable than that imposed by the fifth section of the imperial act, fourteenth George the Third, chapter eighty-eight.

Duty under  
imperial act  
included—

**127.** Any person paying the duty required by this act for keeping a house or place of public entertainment or a temperance hotel, or for retailing wine or brandy, rum or other spirituous liquors, shall be held to have paid the duty imposed by the said fifth section of the imperial act, fourteenth, George the Third, chapter eighty-eight; but if at any time the said imperial act is repealed, no duty imposed by this act shall be reduced by the effect of such repeal.

In case of re-  
peal of impe-  
rial act.

Persons licens-  
ed under this  
act exempt  
from taking  
municipal  
license.

**128.** From and after the passing of this act, and notwithstanding any act of incorporation or any amendment thereof, or any other act whatever, no person licensed under this act shall require to be licensed by any corporation or municipal council, in respect of any act, matter, business or thing which, under this act, he has been licensed to do or carry on.

#### APPLICATION OF DUTIES.

Duties to form  
part of the con-  
solidated re-  
venue fund,  
except:

**129.** All duties collected under this act shall be paid over by the revenue officers to the treasurer of the province, and, saving the provisions of the two next following sections shall form part of the consolidated revenue fund, and any such proportion or amount thereof as the lieutenant-governor in council may, from time to time, allow or order, may be applied, under the direction of the treasurer, for defraying expenses incident to the enforcement of this act or of any act amending the same, and to any prosecutions for breaches thereof.

**130.** Out of every sum received by him for any license mentioned in either of the paragraphs, one, two or three of section one hundred and twenty-five of this act, in favor of a person residing in a township and within a municipality, the treasurer of the province, at such times and in such manner as shall be directed by the lieutenant-governor in council, shall pay over to the treasurer of such municipality the following sum, that is to say, if the license be one mentioned in the said paragraph one, the sum of eighteen dollars, if in paragraph two, the sum of nine dollars, and if in paragraph three, the sum of three dollars and sixty cents.

A certain portion payable to municipalities;

**131.** The application to any fund or purpose whatever of moneys derived from the licenses mentioned in the said paragraphs, one, two and three, shall be subject as to those collected in the county and city of Montreal, to the charges thereon for the court-house at Montreal.

And a certain portion to Montreal court house fund.

## REVENUE OFFICERS.

### THEIR DUTIES, POWERS, &C.

**132.** It shall be the duty of the revenue officer appointed for that purpose, within the revenue district assigned to him, to issue to any person applying for the same, any license authorized by this act whenever such person shall have paid to him the duty and the fee hereinbefore mentioned for such license, and shall have complied with all other previous conditions and requirements prescribed by this act.

Revenue officer to issue licenses when previous conditions are fulfilled.

But the provisions of this section shall be subject to such restrictions upon the granting of such licenses as aforesaid as have been lawfully imposed in any municipality by any by-law not inconsistent with this act, then in force; and no revenue officer shall grant any such license, contrary to the provisions of such by-law, provided a copy thereof has been transmitted by the proper municipal officer to such revenue officer.

Subject, however, to certain municipal restrictions.

**133.** When any by-law, prohibiting the sale of intoxicating liquors, shall have been annulled by a competent tribunal, the revenue officer, for the division concerned, shall not, during the thirty days next after the rendering of the judgment to that effect, grant any of the licenses which were or were intended to be prohibited by the by-law so annulled.

Provision in case any by-law be annulled.

**134.** Notwithstanding anything contained in this act, or in any municipal by-law or resolution, the lieutenant-governor in council may, upon the application of any railway company, authorize the proper revenue officer to issue to such person, at any railway station, as the railway com-

Lieut.-Gov. in council may grant licenses at railway stations.

pany may designate a license to retail spirituous, vinous and fermented liquors to passengers travelling by such railway, but to no one else; and no such person shall be liable to any penalty for anything done under the authority and within the terms of such license.

Provisions applicable to such licenses.

Sections seven to seventeen inclusively, twenty-two, twenty-five, twenty-six and twenty-seven, of this act, shall not apply to such persons or licenses, but all other provisions of this act shall apply in so far as they are applicable and are not inconsistent with this section.

One license only for any station.

No more than one person shall be so licensed at any station on such railway.

List of licensed persons to be published annually.

**135.** A classified list of all persons licensed under this act shall be published by the several revenue officers once a year, or oftener, at such time or times and in such newspapers as may be directed by the treasurer.

Revenue officers to pay over moneys to treasurer.

**136.** Every revenue officer shall account for and pay over to the treasurer of the province at such times and in such manner and form as the said treasurer shall direct, all moneys received for duties under this act, and all other moneys which, by law, are made payable to the said treasurer or which belong to or form part of the provincial revenue.

Certain statement to be furnished by revenue officer.

**137.** In rendering his accounts to the treasurer, every revenue officer, in addition to such other information as he may have been directed to give, shall furnish a statement shewing what moneys he has received for auction duties, and also how many of each of the different kinds of license enumerated in section one hundred and twenty-five of this act have been issued by him, distinguishing those which have been issued to persons residing in unorganized tracts not within any municipality, and those issued to persons residing in townships, and giving in the latter case, the names of such townships.

Revenue officer may have a deputy.

**138.** Every revenue officer may, with the consent and approval of the treasurer, appoint one or more deputy or deputies for the performance of the duties relating to his office under this or any other act;—and every such deputy as well as such revenue officer, shall take and subscribe the oath prescribed by the ninth section of the treasury department act in the manner provided by the said section.

Oath.

Revenue officer to perform yearly visits.

**139.** Every revenue officer, either in person or by his deputy, or by some person authorized by him in writing for that purpose, shall visit, once at least in each year, every powder-magazine or place where gunpowder is kept for sale or storage, every pawnbroker's or auctioneer's shop or place of business, every room or place where a billiard-table, pigeon-hole table, Mississippi-board or bagatelle-board is kept for lucre or gain, every steamboat or vessel in which

spirituous, vinous or fermented liquor is sold, every inn, tavern, temperance hotel, and every other house or place of public entertainment within the revenue division for which he is appointed, shall examine the same, and shall endeavour to detect any and every contravention of this act.

**140.** It shall be the duty of the revenue officer to prosecute for such contraventions, whenever the corporation of the municipality shall require it and shall have assumed liability for all costs to be incurred, and it shall also be his duty to bring such prosecution whenever he shall have reason to believe that any offence has been committed against this act, that a prosecution can be sustained, and at least the costs thereof recovered, and he may require or receive from any person desiring him to prosecute a sufficient deposit of money in his hands to cover the probable costs of the prosecution whenever it appears to him probable that his costs could not be recovered from the defendant.

When he shall be bound to prosecute.

**141.** Any revenue officer, or his deputy, may, at all seasonable hours, go on board any steamboat or vessel to examine whether a license be exhibited, and to ascertain whether all other requirements of this act are complied with.

Revenue officer may also inspect steam-boats.

**142.** It shall be the duty of every policeman, and every constable or person authorized in writing by a revenue officer, or by a justice of the peace, is hereby empowered to enter all unlicensed taverns, saloons, dram-shops, houses or places of public entertainment and other like places of common resort, wherein it is suspected that spirituous, vinous or fermented liquors, are kept for sale by retail, and to search for the same, and upon discovery thereof to seize and remove the said spirituous, vinous or fermented liquors, and the vessels containing the same, in order that after conviction had, they may be forfeited and destroyed under the provisions of section five.

Policemen, &c., may enter and examine places suspected of containing Liquors.

**143.** Every revenue officer or his deputy, or any person authorized by him in writing, is hereby empowered to enter into any room or place where any billiard-table is kept for hire, profit or gain, and to examine such room or place and the billiard-table or tables therein.

Power to enter billiard rooms and examine.

**144.** If the owner, keeper or person in charge of any place subject to be visited, inspected or entered under this act, refuses admittance to the revenue officer, or to his deputy, or to any person duly authorized by him, or if any person in any way resists, opposes or hinders, obstructs or molests the revenue officer, or his deputy, or such authorized person, or any policeman, in the execution of his duty, such owner, keeper or person shall be liable to a penalty of not more than forty dollars, nor less than eight dollars for each such offence.

Penalty for refusal to admit revenue officer, or molesting him in the exercise of his office.

Protection of revenue officer in suit brought against him for things done by him in discharge of his duty.

**145.** No action or prosecution shall be maintainable against any revenue officer for anything done by him in the exercise of his office, unless the same is brought within six months after the cause thereof; and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff is non-suited, or discontinues the action, or judgment is given against the plaintiff, the defendant shall receive costs;—and if judgment be given for the plaintiff, and the judge or court before whom the action or prosecution has been tried, certifies that the revenue officer had reasonable grounds for the act or proceeding complained of, the plaintiff shall not be entitled to any costs of suit, nor to more than nominal damages.

His right of appeal.

**146.** In every action or prosecution instituted or commenced against any revenue officer for anything done in pursuance of this act, such revenue officer may appeal from the judgment given therein, within three months thereafter, to any court having competent jurisdiction.

Travelling expenses may be allowed to revenue officer.

**147.** The lieutenant-governor in council may grant to any revenue officer over and above his salary or remuneration an allowance not exceeding one hundred dollars annually for travelling expenses.

## PROSECUTIONS, &c., FOR OFFENCES AGAINST THIS ACT.

### GENERAL PROVISIONS.

Fees, forfeitures, &c., recoverable as penalties.

**148.** All penalties lawfully imposed by any regulations made in virtue of this act, and all duties, fees, forfeitures and damages payable or recoverable under this act or under any such regulations may be sued, or prosecuted for and recovered in the same manner and before the same tribunal as the penalties imposed by this act, unless some other mode of prosecution and recovery has been herein expressly provided.

Limitation of suits.

**149.** Any prosecution under any of the provisions of this act, against any auctioneer or pawnbroker, shall be commenced within twelve months, and any other such prosecution within six months after the alleged offence, unless some other limitation is expressly provided by the terms of this act.

C. S. C. c. 193 to apply to certain prosecutions.

**150.** In all such prosecutions brought before two justices of the peace, a judge of the sessions, a recorder, sheriff or district magistrate, the provisions of chapter one hundred and three of the Consolidated Statutes of Canada, in so far as the same have not been repealed by the parliament of Canada, and as they are not inconsistent with the provisions of this act shall apply to all matters not herein expressly provided for.

In all actions or prosecutions under this act brought before the superior court or the circuit court, the law and procedure applicable in such courts to ordinary actions shall, in so far as they are not inconsistent with the provisions of this act, apply to all matters not herein expressly provided for.

Suits before Superior or Circuit Court subject to ordinary rules.

#### WHO MAY PROSECUTE.

**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.

Who shall prosecute.

But no such action or prosecution brought by any municipal council, 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, and shall have been paid over to the revenue officer of the district, or unless the defendant has undergone the term of imprisonment required by law in default of such penalty being paid.

Revenue officer may prosecute notwithstanding any other prosecution, unless, &c.

#### BEFORE WHAT TRIBUNAL.

**152.** Unless by the express terms of this act some other tribunal is prescribed, every action or prosecution under this act, when the sum or penalty demanded, or such sum and penalty combined, exceed one hundred dollars shall be brought before the circuit court or the superior court, according to the amount sought to be recovered and the jurisdiction of the said courts, and all other suits or prosecutions may be brought before any two justices of the peace for the district, or a judge of the sessions of the peace, or a recorder, or a police magistrate, or a district magistrate, or, except in the districts of Quebec and Montreal, before the sheriff of the district.

Before whom suits under this act, shall be commenced and prosecuted.

**153.** If any such prosecution be brought before any judge of the sessions of the peace, recorder, sheriff or district or police magistrate, no other justice shall sit or take part therein during the term of office of such judge, recorder, sheriff or magistrate, except with the consent of such judge, recorder, sheriff or magistrate.

No other justice to sit.

2. If such prosecution is brought before any two other justices of the peace, the summons may be signed by one

Signing of summons.

of them ; but no other justice shall sit or take part therein, unless by reason of their absence, or the absence of one of them, nor yet in the latter case, unless with the assent of the other of them.

District magistrates, &c., to have powers of two justices.

**154.** All powers and jurisdictions which under this act are vested in justices or two justices of the peace are likewise vested and may be fully exercised by any one judge of the sessions of the peace, recorder, police magistrate, district magistrate or sheriff, other than the sheriffs of Quebec and Montreal, and, in so far as may be consistently with the terms of this act, all the provisions of this act applicable to justices or to two justices of the peace shall be equally applicable to any one judge of the sessions of the peace, recorder, district magistrate or sheriff, other than the sheriffs of Quebec and Montreal.

In what district suits shall be brought.

**155.** Every action or prosecution under this act must be brought either within the district in which the offence was committed, or in that in which the offender resides, or it may be brought within any district whatever, if the offence has been committed on board any steamboat or other vessel.

#### SERVICES.

How services shall be made.

**156.** Every summons or other process, proceeding or paper, in any such prosecution may be served, by any bailiff, constable or peace officer duly appointed for the district in which the same is brought or by any literate person, by leaving a copy thereof certified and signed by the magistrate or officer who signs the original, with the defendant in person or with a reasonable person of his family at his domicile ; and such service if made by a bailiff, may be certified and proved under his oath of office, and if it has been made by any other literate person, may be proved by a certificate sworn to before any justice of the peace within the district, or by verbal oath before the justices before whom the case is brought.

#### INFORMATION OR COMPLAINT.

In suits negative matter need not be alleged.

**157.** It shall not be necessary in any prosecution brought for any contravention of this act to allege in the information, complaint, or declaration any negative matter, or any matter, fact or thing, the proof of which lies with the defendant.

Several offences may be included.

**158.** Two or more offences, by the same party, may be included in any such complaint, provided the time and place of each offence is stated ; and in that case, any form appended to this act may be altered, so far as need may be, accordingly ;

Proviso : total

2. But whatever may be the number of the offences so

included in one complaint, the maximum of penalty im-<sup>penalty limit-</sup> possible for them all shall in no case exceed one hundred ed. dollars.

**159.** Any such complaint may be amended before final <sup>Amendment of</sup> hearing, in any matter of form or substance, upon applica- <sup>complaint.</sup> tion to that effect, by or for the prosecutor, and without costs, and on such amendment being made, the defendant (should he require it) may have a further delay to plead to the merits, or for plea and proof, as may be ordered; and if the complaint, in the opinion of the jus- <sup>If adjudged</sup> tices, is so defective that a legal conviction cannot be based <sup>too defective.</sup> upon it, and is not amended, the justices may dismiss the case.

**160.** No such prosecution shall otherwise be dismissed <sup>Not to be dis-</sup> for any defect, informality, error or omission; but if it <sup>missed for</sup> appears that the defendant has been, or may have been, <sup>other informa-</sup> materially misled thereby, the justices may, on such terms <sup>lity, &c., but</sup> as they think fit, adjourn the further proceedings in the <sup>adjoined in</sup> case to a future day. <sup>certain cases.</sup>

MODE OF TRIAL.

**161.** All prosecutions under this act, when brought be- <sup>Prosecutions</sup> fore justices of the peace, shall be heard and determined <sup>disposed of</sup> in a summary manner. <sup>summarily.</sup>

PROOF AND WITNESSES.

**162.** Such prosecutions may be heard and determined <sup>Prosecutions,</sup> either upon view of the offence by the justices, or upon <sup>how heard and</sup> confession of the defendant, or upon the evidence of one <sup>determined.</sup> or more credible witnesses.

**163.** Any husband may be prosecuted for any contra- <sup>Husband may</sup> vention of this act committed by his wife, whether she be <sup>be prosecuted</sup> a public trader or not, in the same manner and form as if <sup>for offence of</sup> he himself had contravened this act, and proof of the offence <sup>his wife.</sup> having been committed by the wife shall be deemed to be proof of its having been committed by the husband, pro- vided at the time they habitually resided together.

**164.** Every offence prosecuted for under this act, and <sup>The offence</sup> proved to have been committed, shall, unless the contrary <sup>shall be pre-</sup> is proved by the defendant, be held to have been committed <sup>sumed com-</sup> within the district in which the prosecution is brought <sup>mitted in the</sup> and in an organized part of the province. <sup>district, &c.</sup>

**165.** It shall not be necessary, in any action or prosecu- <sup>Proof of pre-</sup> tion under this act, to prove that the offence was com- <sup>cise date of</sup> mitted on the precise day specified, to obtain a convic- <sup>offence not</sup> tion; provided it be proved that the same was committed <sup>necessary.</sup> on or about such day, and before the date of the com- <sup>Proviso:</sup> plaint.

Possession to be presumptive evidence of purpose to sell.

**166.** In prosecutions for any contravention of section four of this act, the possession of any spirituous, vinous or fermented liquor, in such places of common resort, shall in the discretion of the justices be deemed sufficient evidence of its having been kept for sale by retail, without further proof.

License of no effect, if duty not paid.

**167.** No license shall be of any effect if the duty thereon shall not have been paid, and the party holding such license shall be held to be unlicensed and be liable accordingly ; but the holding of the license shall be evidence of the payment of the duty unless the non-payment is proved by the prosecutor.

In certain cases evidence may be partly taken and the trial completed on a future day.

**168.** In any such prosecution brought before justices, if an application be made on behalf of the defendant, or of the prosecutor, upon sufficient cause, to adjourn the case to a future day, the court in its discretion may receive, and cause to be reduced to writing, the evidence of such witnesses for the prosecution or for the defence, as are then present, or can be produced, and may thereupon discharge such witnesses from further attendance and continue the case for the completion of the trial to such further day as it may fix for that purpose.

Certain proof to be *prima facie* evidence of keeping house of public entertainment.

**169.** If in any such prosecution it be proved that any person has exposed, or caused or suffered to be exposed, in any window, door, or other opening of his house, or premises, or in, on, or near such house or premises, any article, sign, painting, printing, writing, or thing whatever, of a description or character to induce travellers or others, to believe or suppose such house to be a duly licensed house or place of public entertainment, or that spirituous or vinous or fermented liquors are or might be sold, vended or bartered by retail therein, such proof shall be held to be *prima facie* evidence that such person kept a house or place of public entertainment.

Delivery of liquor in other than private houses or to non-residents to be deemed evidence of a sale.

**170.** The delivery of any spirituous, vinous or fermented liquor of any kind in or from any building, booth or place, other than a private dwelling-house or its dependencies, or in or from any dwelling-house or its dependencies, if any part thereof is used as a tavern, eating-house, grocery-shop, or other place of common resort—such delivery, in either case being to any one not *bonâ fide* a resident therein—shall *prima facie* be deemed evidence of and punishable as a sale in violation of the first and second sections of this act ; and any such delivery in or from a private dwelling-house or its dependencies, or in or from any other building, booth or place whatever, to any one whether resident therein or not, with payment or promise of payment, either express or implied, before, on or after such delivery, shall *prima facie* be deemed evidence of and punishable as a sale in violation of the said sections.

Any delivery with payment or promise thereof deemed evidence of sale.

**171.** In prosecutions for the sale or barter of intoxicating liquor of any kind, without the license therefor by law required, or contrary to the true intent and meaning of the law in that behalf, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered, or the precise consideration therefor, or to the fact of the sale or barter having taken place with his participation, or to his own personal and certain knowledge, but the justices trying the same, so soon as it may appear to them that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence and in default of his rebuttal of such evidence, shall convict him accordingly.

In prosecutions for sale without license certain presumptions sufficient to put defendant on his defence, and convict him in default of rebuttal.

**172.** In actions and prosecutions under this act for selling by public auction or outcry, without license, the following shall be deemed *prima facie* evidence of such sale:

What shall be deemed evidence of sale by auction.

1. Publicly offering for sale any article, goods or property before an assemblage of persons with the view of inducing some one amongst them to buy the same;

2. Causing to be printed in any newspaper or upon handbills any notice purporting to announce an intended sale by auction;

3. The exhibiting or exposing to view by any person in or near his house or premises of any sign, printing, painting or writing indicating, or of a nature to lead to the belief, that he acts or is willing to act as an auctioneer, or his allowing the same to remain exposed to view.

**173.** The proof that any person exhibits, or exposes to view, or allows to remain exposed to view, in or near any house or premises, owned or occupied by him, any sign, painting, writing or printing indicating, or of a nature to lead to the belief that a billiard-table, pigeon-hole table, Mississippi-board, or bagatelle-board, is kept in such house or premises, shall be *prima facie* evidence that such person keeps and maintains for gain and lucre a billiard-table, a pigeon-hole-table, a Mississippi-board, or a bagatelle-board, as the case may be.

Certain proof to be *prima facie* evidence of keeping billiard-tables, &c.

**174.** The proof that any billiard-table, pigeon-hole table, Mississippi-board, or bagatelle board is kept in any hotel, tavern or other house or place of public entertainment shall be held to be evidence that the same is so kept for gain and lucre.

Billiard tables in taverns, &c., presumed to be for lucre.

**175.** In every prosecution, under this act the justices may summon any person represented to them as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the justices may issue their warrant for the arrest of such person; and he shall thereupon be brought before the justices, and if he refuses to be sworn or to affirm, or to answer any

Witnesses summoned and not appearing may be brought up by warrant.

question touching the case, he may be committed to the common gaol, there to remain until he consents to be sworn or to affirm, and to answer.

Penalty on witnesses for not appearing.

**176.** If any person is summoned as a witness, to give evidence before any justices of the peace touching any of the matters relative to this Act, and neglects or refuses to appear at the time and place for that purpose appointed, without reasonable excuse to be allowed by such justices, or appearing, refuses to be examined on oath and to give evidence before the justices, before whom the prosecution is depending, such person shall incur, for each such refusal or neglect, a penalty of forty dollars.

Witnesses, in certain cases, may be held to bail to give evidence.

**177.** In any prosecution under this act in which it shall be made to appear by affidavit that any person whose testimony is necessary will be unwilling or will probably fail to attend as a witness if merely summoned so to do, the justices before whom the case is brought, may, upon application made by the revenue officer or his deputy, issue a warrant to apprehend such person, and to hold him to bail to appear and give evidence at the time fixed for the trial; but in no case shall such person be detained under such warrant for a longer period than forty-eight hours.

Interest no ground of incompetency.

**178.** No person shall be incompetent on account of interest in the event of any action or prosecution under this act, to give evidence therein, but no person who has been convicted of fraud or felony shall be a witness in any such action or prosecution.

Defendant not to be examined

**179.** No defendant shall be examined as a witness in any action or prosecution under this act.

Witnesses bound to answer all questions.

**180.** Any person, other than the defendant, examined or called as a witness on any action or prosecution under this act shall be bound to answer all questions put to him which are deemed pertinent to the issue, notwithstanding any declaration on his part that his answer may disclose facts tending to subject him to any penalty imposed by this act; but such evidence shall not be used against him in any prosecution.

#### J U D G M E N T .

Judgment may be rendered by one justice.

**181.** Whenever any prosecution under this act has been tried before two justices of the peace, judgment may be rendered by one of them in the absence of the other, provided such judgment be written, and that it be signed by both of the said justices.

Disagreement of justices provided for.

**182.** Whenever any such prosecution has been tried before two justices of the peace and they cannot agree upon the judgment to be rendered, either of such justices may sign a certificate to that effect, and deliver the same to the revenue officer, who may thereupon bring another prosecution for the same offence.

**183.** Every judge of the sessions, justice of the peace, recorder, district or police magistrate and sheriff, other than the sheriffs of Montreal and Quebec, shall, in the months of April and October of each year, furnish to the treasurer of the province a statement of all prosecutions under this act brought before him and determined 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 name of the other justices, if any, before whom each case was brought, the name of every defendant, the date of each judgment, and the amount of the penalty or other condemnation in each case.

Justice to furnish treasurer with a semi-annual statement of prosecutions.

#### APPLICATION OF PENALTIES.

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

Applications of penalties :

1. If the whole of the penalty and the amount of the costs have been recovered, two-third parts of the penalty shall belong to and be retained by the revenue officer,—but subject to the obligation of paying over one of such two-third parts to the informer ; and the remaining third part shall, by the revenue officer, be paid over to the treasurer, and shall form part of the consolidated revenue fund.

If whole amount has not been recovered :

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 be retained by the revenue officer, 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.

If whole amount has been recovered :

3. In the case of convictions on view one-third shall be retained by the revenue officer and the remaining two-thirds, shall be paid over to the treasurer to form part of the consolidated revenue fund.

In case of conviction on view.

**185.** No penalty or forfeiture incurred under this act shall be remitted except with the authorization of the lieutenant-governor in council.

Who may remit penalties.

#### COSTS.

**186.** No fee shall be taken for any summons or warrant granted by any justice under this act, so far as the same relates to goods pawned, pledged or taken in exchange.

No fee on certain summonses,

**187.** No costs shall be awarded against the revenue officer in any action or prosecution under this act, but upon the recommendation of the justices, or of the revenue officer, the treasurer of the province may in his discretion pay to any party in whose favor judgment has been rendered against the revenue officer, such costs or indemnity as he may deem that such party equitably deserves.

No costs against revenue officer.

## EXECUTION.

How payment  
of penalties  
may be enforced.

**188.** In default of immediate payment of the penalty and such costs as are awarded, and if no delay is granted under section one hundred and ninety-two hereinafter, the prosecutor may declare his option, either to have the defendant imprisoned, or to have him proceeded against by distress. In the former case the defendant shall be imprisoned for a period of not less than three months, and not exceeding six months. In the latter case the amount of such penalty and costs shall be levied by warrant of distress out of the goods and chattels of the defendant, and in default of such goods and chattels, or in case of their being insufficient, the defendant shall be imprisoned for a period of not less than two months, and not exceeding six months. But in either case the defendant may obtain his liberation from such imprisonment by making full payment of such penalty, and of all costs, whether incurred upon or after conviction.

Commence-  
ment of term  
of imprison-  
ment.

**189.** Every term of imprisonment under this act shall be reckoned from the day of the arrival of the party as a prisoner at the common gaol.

Billiard-tables  
liable for  
penalty.

**190.** If the conviction be for keeping a billiard-table, Mississippi table, pigeon-hole table or bagatelle-board, without a license, or for any contravention of section sixty-two of this act, the penalty and costs may be levied by distress and sale of any billiard-table in the possession of the defendant at the time of the conviction, whether the defendant is the owner thereof or not.

Tackle, &c.,  
of steamboats  
liable for  
penalty.

**191.** If the conviction be for retailing or allowing to be retailed or vended any spirituous, vinous or fermented liquor on board any steamboat or vessel without having previously obtained a license, the penalty and costs may likewise be levied by distress and sale of the tackle and furniture of the steamboat or vessel, on board of which such spirituous, vinous or fermented liquor has been retailed or vended.

Power of jus-  
tice to grant  
delay and take  
security.

**192.** Nevertheless, the justices may, in their discretion, if such penalty and costs are not immediately paid, appoint some future day for the payment thereof, and may order the offender to be detained in safe custody until the day so appointed, unless such offender gives security for his or her appearance on such day, to the satisfaction of the said justices, who are hereby empowered to take such security by way of recognizance or otherwise at their discretion;—and if at the time so appointed the penalty is not paid the prosecutor may declare his option and the offender may be dealt with according to the terms of section one hundred and eighty-eight of this act.

Liability of

**193.** Whenever any married woman has been convicted

upon any prosecution under this act, it shall be at the option of the prosecutor to proceed by distress and sale against the property either of the married woman or of her husband, and further, in the event of such property of the one proving insufficient, against the property of the other provided they habitually reside together.

**194.** Whenever a member of any partnership is convicted under this act the prosecutor's right to proceed by distress and sale, may, in the event of the goods and chattels of the defendant proving insufficient, be exercised against the goods and chattels of the partnership which may be found within the premises where the offence was committed.

#### APPEAL.

**195.** Unless, within forty-eight hours after any conviction, judgment or order, in any case under this act, the defendant deposits in the hands of the clerk of the justices, or court, the full amount of the penalty, or sum, and all costs, no such suit, prosecution, conviction, judgment or order shall be removed by *certiorari* or otherwise, into any of Her Majesty's courts of record; nor shall any notice of application for *certiorari* suspend, retard or affect the execution of any such conviction, judgment or order, nor, unless such deposit has been made, shall any appeal whatever be allowed from any such conviction, judgment or order to any court of general or quarter sessions.

#### INTERPRETATION.

**196.** In construing this act, unless it is otherwise provided, or there be something in the context or other provisions thereof indicating a different meaning or calling for a different construction:

1. The word "district" shall mean a revenue district created by the lieutenant-governor in council under the provisions of section ten of the Treasury Department Act;

2. The term "revenue officer" shall mean the revenue officer assigned by the lieutenant-governor in council for each revenue district respectively, whatever particular name of office may be hereafter assigned to him;

3. The words "temperance hotel" shall mean any hotel, inn or tavern in which neither spirituous, vinous or fermented liquors are sold;

4. The verb "to retail" shall mean to sell in quantities less than three gallons, or one dozen bottles, of at least three half pints each, at one and the same time, and the noun "retail" shall mean sale in such quantities;

5. Each of the words "goods," "effects" and "chattels," means and comprises all movable property, but this inter-

pretation shall not be held to render liable to seizure any property exempted therefrom by law ;

“ Vessel ;”

6. The word “ vessel ” shall mean any steamboat, boat, or craft whatever, and any scow, raft or float whatever ;

“ Fermented liquors ;”

7. The term “ fermented liquors ” shall not include ginger-beer, spruce-beer, root-beer or other like beverages known as “ temperance drinks ;”

“ Unorganized tract ;”

8. The term “ unorganized tract ” or “ unorganized part ” shall mean any tract or part of this province which does not constitute or form part of a municipality, notwithstanding the fact of such tract or part being comprised within any county or judicial district ;

“ Gunpowder ;”

9. The word “ gunpowder ” means and includes any explosive powder, whether gunpowder or mining or other powder, and whether the same be encased or not in cartridges or canisters ;

“ Informer ;”

10. The word “ informer ” shall mean a person who shall have given information on which the revenue officer shall have brought a prosecution, and who, not being incompetent by reason of any conviction for fraud or felony, shall have given material evidence at the trial of such prosecution ;

“ Spirituous, vinous or fermented liquors ;”

11. The words “ spirituous, vinous or fermented liquors ” shall respectively include any mixed liquid capable of being used as a beverage, and a part of which consists of spirituous, vinous or fermented liquor ;

“ Intoxicating liquor ;”

12. The words “ intoxicating liquor ” shall mean and include any spirituous, vinous or fermented liquor or any mixed liquid capable of being used as a beverage and a part of which consists of spirituous, vinous or fermented liquor ;

“ Person.”

13. The word “ person ” shall include any married woman, whether she be or be not a public trader, or separated or not as to bed and board or as to property only.

### REPEALING CLAUSES.

**197.** The following acts and parts of acts, in so far as the same relate to this province, and to matters within the control of the legislature of Quebec, are hereby repealed ;

Act of Lower Canada, 39 Geo. III, c. 5, s. 23.

1. The twenty-third section of the act of the late province of Lower Canada, thirty-ninth George the Third, chapter five ;

C. S. C., c. 20.

2. The act chapter twenty of the consolidated statutes of Canada ;

C. S. C., c. 61, except sections 10, 11, 12, 13, 14, 24, 25, 26, 27, and 56.

3. The act chapter sixty-one of the consolidated statutes of Canada, except sections ten, eleven, twelve, thirteen, fourteen, twenty-four, twenty-five, twenty-six, twenty-seven, and fifty-six ;

C. S. L. C., c. 5.

4. The act chapter five of the consolidated statutes for Lower Canada ;

5. The act chapter six of the consolidated statutes for C. S. L. C., c. 6. Lower Canada ;

6. The act chapter seven of the consolidated statutes for C. S. L. C., c. 7. Lower Canada ;

7. The act chapter eight of the consolidated statutes for C. S. L. C., c. 8. Lower Canada ;

8. The act chapter nine of the consolidated statutes for C. S. L. C., c. 9. Lower Canada, in so far only as regards ferries between <sup>partially.</sup> the city of Montreal and the parish of Longueuil.

9. The act twenty-third Victoria, chapter six, except section five thereof ; 23 V., c. 6, except s. 5.

10. The sub-sections numbered twenty and twenty-one of the fourth section of the act twenty-fourth Victoria, chapter twenty-nine ; §§ 20, 21 of s. 4, of 24 V., c. 29.

11. Sections one, two, four and seven, of the act twenty-fifth Victoria, chapter six ; Secs. 1, 2, 4, 7, of 25 V., c. 6.

12. The act twenty-seventh and twenty-eighth Victoria, chapter eighteen, except the first ten sections, the second sub-section of section eleven, section thirty-four, the second sub-section of section thirty-five, sections thirty-seven and thirty-eight, sub-section three of section forty-four, and sections forty-seven, fifty, fifty-one, fifty-two and fifty-three ; 27, 28 V., c. 18, except first ten secs. ; § 2 of s. 11, s. 34, § 2 of s. 35 ; ss. 37, 38, 83 of s. 44 ; and ss. 47, 50, 51, 52 and 53.

13. The act twenty-seventh and twenty-eighth Victoria, chapter forty-eight ; 27, 28 V. c. 48.

14. The act twenty-ninth Victoria, chapter fifty-four ; 29 V., c. 54.

15. Sections three, four and five of the act twenty-ninth Victoria, chapter fifty-eight ; Ss. 3, 4 and 5, of 29 V., c. 58.

16. The following parts of the act twenty-ninth and thirtieth Victoria, chapter thirty-two, namely : so much of section four as would otherwise apply to any revenue officer ; sub-sections one, two and three of section five, section nine, so much of section ten as would otherwise apply to any revenue officer, and section thirteen ; Parts of 29, 30 V., c. 32, viz. : part of s. 4, §§ 1, 2, 3, of s. 5, s. 9, part of s. 10, and s. 13.

17. The act twenty-ninth and thirtieth Victoria, chapter thirty-five ; 29, 30 V., c. 35.

18. Sections forty-eight and sixty-five of the act twenty-ninth and thirtieth Victoria, chapter fifty-seven ; Ss. 48, 65, of 29, 30 V., c. 57.

19. The act of this province, thirty-first Victoria, chapter three ; Q., 31 V., c. 3.

20. The act of this province, thirty-first Victoria, chapter twenty-seven ; Q., 31 V., c. 27.

21. Sections ten, eleven, twelve and thirteen of the act of this province thirty-first Victoria, chapter thirty-seven ; Ss. 10, 11, 12, 13 of Q., 31 V., c. 37.

22. The act of this province, thirty-second Victoria, chapter twenty-four ; Q., 32 V., c. 24.

23. Sections two, three, four, five, six, fourteen, fifteen and sixteen of the act of this province, thirty-second Victoria, chapter seventy ; Ss. 2, 3, 4, 5, 6, 14, 15, 16 of Q., 32 V., c. 70.

24. The act of this province, thirty-third Victoria, chapter three ; Q., 33 V., c. 3.

Q., 33 V., c. 27. 25. The act of this province thirty-third Victoria, chapter twenty-seven ;

Q., 33 V., c. 37. 26. The act of this province thirty-third Victoria, chapter thirty-seven ;

All inconsistent provisions. 27. All acts or parts of acts or provisions of law whatever contrary to or inconsistent with any provision of this act.

Provisions repealed by former acts not to revive. **198.** 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.

Acts repealed to continue to apply to things done or begun before repeal. **199.** 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 warrant and other instrument duly made or granted 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 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.

## FINAL PROVISIONS.

Ss. 7, 8, of 31 V., c. 21, not effected.

**200.** Nothing contained in this act shall affect or interfere with sections seven and eight of the gold mining amendment act of 1868, but no monthly license shall be granted under the said section seven to any person who has not previously obtained a license under this act to sell spirituous, vinous and fermented liquors.

This act shall prevail against all other acts of this session.

**201.** None of the provisions of this act shall be superseded or affected by any act passed during the present session of the legislature, and all provisions of the act passed in the said session, intituled : "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 act or by any regulations made in virtue thereof.

Name of this act.

**202.** This act shall be known, and may be designated and cited as "The Quebec License Act."

Copies of this

**203.** The treasurer of the province shall cause to be

prepared and printed, at the public expense, a pamphlet containing this act, the treasury department act, and such other acts and portions of acts, regulations of the lieutenant-governor in council, and instructions from the treasury department as are connected with any of the several subject matters of this act, and the publication of which the said treasurer may deem conducive to the proper administration of the revenue laws of this province and the effective carrying out of this act.

The distribution of the said pamphlet shall be regulated by order of the lieutenant-governor in council, and a sufficient number of copies thereof shall be printed in the French language, and in the English language.

FORMS.

204. The forms contained in the following schedule, or other forms to the like effect, shall be sufficient for the purposes for which they are intended.

SCHEDULES.

(A)

FORM OF AFFIDAVIT TO BE MADE BY A PERSON DESIROUS OF OBTAINING A LICENSE TO KEEP A HOUSE OR PLACE 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 a subject of Her Majesty, and 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

NOTE.—At the mark \* insert “a house or place of public entertainment for retailing spirituous liquors, &c.,” or “a house or place of public entertainment, and for retailing vinous and fermented liquors,” as the case may be. At the mark †, describe the exact locality as nearly as possible.

The Note is common to the forms A, B. and C.

(B)

FORM OF CERTIFICATE FOR OBTAINING A LICENSE TO  
KEEP AN INN OR TAVERN.*(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 a subject of  
Her Majesty, is honest, sober, and of good repute, and is a  
fit and proper person for keeping a house of public enter-  
tainment, *(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.)*

*If in country parts, add: We further certify that a house  
of public entertainment 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 \_\_\_\_\_

The foregoing certificate having been this day submitted  
to the municipal council of *(or to the 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.*WHEN THE CERTIFICATE IS CONFIRMED UNDER THE PROVI-  
SIONS OF THE TWELFTH OR OF THE THIRTEENTH  
SECTION.

The foregoing certificate having been this day submitted  
to us, conformably to the *twelfth* or *thirteenth* section of the  
Act thirty-fourth Victoria, chapter \_\_\_\_\_ we do hereby  
confirm the same,

*(Signatures.)*

(C)

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 four hundred dollars of good and lawful money of the Province 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 one hundred dollars, and the said X. Y. in the sum of one 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, 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 law relative to houses of public entertainment now or hereafter to be in force, 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 \_\_\_\_\_.

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

Signed, Sealed and Delivered, }  
 in the presence of us }

(D)

FORM OF DECLARATION.

Province of Quebec, }  
 District of \_\_\_\_\_ }

Before *(name and designate the justices.)*

*(Name of Revenue Officer,)* of the city, (town, township or parish) of *(name of the city, town, township or parish,)* in the district of *(name of the district,)* Revenue Officer in behalf of our Sovereign Lady the Queen, prosecutes, *(name of defendant,)* of the city, (town, township, or parish) of \_\_\_\_\_ n the district of \_\_\_\_\_

For that whereas the said (*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 force of the said statute, the said \_\_\_\_\_ hath become liable to pay the sum of \_\_\_\_\_ dollars \_\_\_\_\_ cents.

Wherefore the said Revenue Officer prays judgment in the premises, and that the said (*name of defendant*,) may be condemned to pay the sum of \_\_\_\_\_ dollars \_\_\_\_\_ cents, for the said offence, with costs.

O. Z.,

Revenue Officer,  
Prosecutor.

(E)

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† of the Peace for the said district, at (*name of place*,) on the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, to answer to the complaint made against you by (*name of Revenue Officer*,) Revenue Officer, (*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 aforesaid.

J. P.

*If the prosecution is brought by a Municipality, vary the form accordingly*

*\*In any of these Schedules say "defendants," instead of "defendant," if there are more than one.*

*†In any of these Schedules say "Justice," instead of "Justices," when there is only one.*

## CERTIFICATE OF SERVICE.

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 said declaration at the domicile of the said defendant, in the \_\_\_\_\_ speaking to \_\_\_\_\_ of \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

*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 \_\_\_\_\_ 1870.*

J. P. (*Signature of the Justice.*)

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(F)

## 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 defendant,*) 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 Seals.*)  
or Signatures.

NOTE.—*The copy left with or for the Defendant is to be certified as a "true copy" by the Justice, signing the Summons.*

## G.

## FORM OF WARRANT OF DISTRESS.

Province of Quebec, }  
 District of            }

(*Name of Justice*) Esquire,            of Her Majesty's Justices  
 of the Peace in and for the said District.

To any bailiff, constable or other officer of the Peace, 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*) Revenue Officer, (*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 Revenue Officer, (*or as the case may be*) returning to the said       the overplus, the reasonable charges of taking, 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.*)

## (H)

## WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

To all or any of the Bailiffs, Constables and other Peace Officers, in the district of \_\_\_\_\_, and to the keeper of the (house of correction) at \_\_\_\_\_ in the said district of \_\_\_\_\_ :

Whereas, (&c., as in the foregoing distress warrant to the (\*) and then this): And whereas afterwards on the \_\_\_\_\_ in the year aforesaid, I, (or, as the case may be,) issued a warrant to all or any of the bailiffs, constables or other Peace Officers 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, Constables or Peace Officers, or any one of you, to take the said \_\_\_\_\_ and him safely to convey to the (house of correction) at aforesaid, and 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.]

## (I)

## FORM OF COMMITMENT WITHOUT DISTRESS.

PROVINCE OF QUEBEC, ) G. A., Esquire, of \_\_\_\_\_ desig-  
District (or as the case ) nating the official function of the  
may be) of \_\_\_\_\_ ) person issuing the warrant.)

To any bailiff, constable or other officer of the peace in and for the said district (or as the case may be) :

Whereas C. D., of (designate the defendant)  
 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, con-  
 stables or officers of the peace, 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 said  
 distress, and 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, &c., (as in foregoing form G.)

### CAP. III.

An Act further to amend the Act respecting the De-  
 partment of Agriculture and Public Works.

[Assented to 24th December, 1870.]

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

Sec. 36, of 32  
 V., c. 15 and  
 sec. 3 of 33 V.,  
 c. 6, amended.

Organization  
 of agricultural  
 and industrial  
 exhibitions.

1. Section thirty-six of the act thirty-second Victoria,  
 chapter fifteen is hereby amended by striking out the two  
 first sub-sections with the amendments made thereto by  
 section three of thirty-third Victoria, chapter six, and sub-  
 stituting therefor two new sub-sections, which shall read  
 as follows :

“ 1. To organize, jointly with a committee of five mem-  
 bers of the board of arts and manufactures, composed of  
 the president, vice-president, secretary, and two members  
 to be named by the sub-committee of said board, agricul-  
 tural and industrial exhibitions open to such competitors  
 as they shall see fit, once at least in every three years ; and  
 five days notice of all meetings for such purposes shall be  
 sent by the president or secretary of the council of  
 agriculture to the members of the board of arts and  
 manufactures composing the said committee.”