

28. All moneys arising from penalties, forfeitures and fines imposed by any district magistrate shall, if not directed by law to be otherwise appropriated, be from time to time paid to such district magistrate, or to any clerk authorized by him to receive the same and such district magistrate shall account for the same, and pay over or disburse the moneys arising therefrom, at such times, in such manner, and to such person or persons as the lieutenant-governor may from time to time direct.

Moneys from penalties etc., to whom paid and how paid over.

29. No proceedings or suits before any such district magistrate, or before a magistrate's court held under this act, shall be removed to any other court, by *certiorari* or otherwise, nor shall any appeal lie from any order, judgment or conviction, made or rendered by such district magistrate or magistrate's court.

No *certiorari*.

No appeal.

30. The lieutenant-governor in council may from time to time make a tariff or tariffs of fees to be paid upon proceedings before district magistrates, or before magistrate's courts in virtue of this act and may cause stamps to be issued for the payment of such fees, and may make such regulations and orders concerning such fees and stamps as he may deem expedient.

Tariff of fees to be made.

Stamps to be issued.

31. This act shall come into force on such day as shall be fixed for that purpose by proclamation of the lieutenant-governor in council.

Commencement of this act.

C A P X X I V .

An Act to amend the law respecting Tavern-Keepers, Hawkers, Pedlers and Billiard Tables.

[Assented to 5th April, 1869.]

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

1. It shall not be necessary in any prosecution brought for any contravention of the act chapter six, of the consolidated statutes for Lower Canada, 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.

In suits under C. S. L. C. c. 6, negative matter need not be alleged.

2. 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

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

or vinous or fermented liquors 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.

C. S. L. C. c. 6
s. 36 amended.

3. Section thirty-six of the said act is hereby amended by substituting for the words "one or more justices of the peace, or the inspector and superintendent of police, or a stipendiary magistrate" the words "two justices of the peace, or a judge of the sessions of the peace, or a recorder, or a district magistrate."

What magistrates may sit in such suits.

4. If any such prosecution be brought before any judge of the sessions of the peace, recorder or district magistrate, no other justice shall sit or take part therein:

2. If such prosecution is brought before any two other justices of the peace, the summons shall be signed by both of them; and 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.

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

5. In any prosecution brought for any contravention of the said act, if an application be made on behalf of the defendant, 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.

C. S. L. C. c.
6, s. 16 amended.

6. Section sixteen of the said act is amended by inserting after the word "executed" in the second subsection thereof the words "and endorsed as aforesaid."

C. S. L. C. c.
6, s. 37, §2 repealed.

7. Subsection two of the thirty-seventh section of the said act is hereby repealed and the following is substituted in place thereof.

How payment of penalties may be enforced.

2. In default of immediate payment of the penalty and such costs as are awarded, 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.

8. Sections thirty-eight, thirty-nine, forty-seven, and fifty-one of the said act are hereby repealed. Secs. 38, 39, 47, 50 & 51 of C. S. L. C. c. 6 repealed.

9. Without prejudice to the provisions contained in the act chapter seven of the consolidated statutes for Lower Canada, and over and above any remedy in the said act given, any license officer may seize the goods and chattels of any hawker, pedler, petty chapman or other person trading without a license in contravention of the said last mentioned 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. C. S. L. C. c. 7. Goods and chattels of hawkers etc., may be detained for non production of license.

10. Subsection seventeen of section twenty-seven of the Lower Canada Consolidated Municipal Act is hereby amended so as to read as follows : § 17 of s. 27 of C. S. L. C. c. 24 amended.

17. Every local council may from time to time make, alter or repeal by-laws for the granting of municipal licenses to pedlars and other travelling traders and artists, carters and common carriers, and for fixing a sum of money not exceeding twelve dollars as the price of each such license, and for preventing them by the imposition of a penalty not exceeding twenty dollars or otherwise from carrying on their traffic or practising their art or calling within the municipality without being licensed thereto.

11. Every license officer is hereby empowered to enter into any room or place where one or more billiard tables are kept for hire, profit or gain, and to examine the billiard table or tables therein ; and every person who shall oppose, hinder, or obstruct such license officer in the exercise of the power given him by this section shall incur a penalty of fifty dollars. Power to enter billiard rooms and examine.

12. Every license granted in virtue of the act chapter eight of the consolidated statutes for Lower Canada, 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.

13. Every owner or keeper of a licensed billiard table, shall cause the number of a 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 ; and 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. Number to be painted or engraved on table.

14. All penalties incurred under the next preceding Recovery and