

SUPPLEMENT



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11 GEORGE V, CHAP. 22

An Act to amend the act respecting the Quebec Public Service Commission

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 736 of the Revised Statutes, 1909, as enacted by the act 10 George V, chapter 21, section 1, is amended by replacing the figures: "\$7,000.00", in the fourth line thereof, by the figures: "\$8,000.00".

2. Article 740 of the Revised Statutes, 1909, as enacted by the act 10 George V, chapter 21, section 1, is amended by replacing paragraph *j* thereof, by the following:

"*j.* in all cases arising upon the complaint of any corporation, partnership or person respecting the exercise of its or his right to float timber down any river, lake or stream, and the exercise of the same right, or any other right, on the same river, the same lake or the same stream, by another corporation, partnership or person; and, after hearing the parties, the Commission may fix the conditions upon which each party may float his timber or exercise any other rights; and may issue any order it may deem necessary in the interests of all the interested parties;".

3. Article 768*i* of the Revised Statutes, 1909, as enacted by the act 10 George V, chapter 22, section 1, is amended by adding thereto the following paragraph:

“Nevertheless, if the president of the Commission, after having held such office for one or more ten-year terms, be not appointed for another term,—provided that such failure to be appointed be not due to a refusal on his part to continue to hold such office,—he shall be entitled to a grant, from His Majesty, by letters patent under the Great Seal, of a pension equal to two-thirds, or to the aggregate, as the case may be, of the annual salary which he was receiving at the time he ceased to hold such office.”

4. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 24

An Act respecting alcoholic liquor

[Assented to, 25th of February, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

NATURE AND APPLICATION OF THE ACT

1. This act may be cited under the name of: “The Alcoholic Liquor Act”.

2. 1. The act shall apply to the whole Province, but its application shall be suspended in every municipality where the Canada Temperance Act is in force.

2. Nothing in this act must be interpreted as forbidding or regulating any transaction which is not subject to the legislative authority of the Province.

INTERPRETATION

3. For the interpretation of this act, unless the context indicates a different meaning,—

1. The word “alcohol” means the product of distillation of any fermented liquid, rectified either once or oftener, whatever may be the origin thereof, and includes synthetic ethyl alcohol;

2. The word “spirits” means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, and includes, among other things, brandy, rum, whiskey and gin;

3. The word “wine” means any alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits (grapes, apples, etc.) or other agricultural product containing sugar (honey, milk, etc.);

4. The word “beer” means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley malt and hops in drinkable water;

5. The words “alcoholic liquor” include the four varieties of liquor above defined (alcohol, spirits, wine and beer),

and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties above defined is considered as belonging to that variety which has the higher percentage of alcohol, according to the order in which they are above defined;

6. The word "meal" means the consumption of food of a nature and quantity sufficient for the maintenance of the consumer, in one of the following places,—

a. in the dining-room of a hotel not only licensed for the reception of travelers but where full meals are regularly served;

b. in the dining-room of a restaurant situated in a city or town, and equipped for the accomodation of fifty guests at one time, and which is not only licensed for the reception of travelers but where full meals are regularly served;

c. in the dining-room of a club not only organized and authorized as such, but where full meals are regularly served to the members and their guests;

d. in the dining-room of a boat or the dining-car of a train, provided that it be while passengers are being carried;

7. The word "club" means a corporation created by competent authority—other than that mentioned in articles 7233 to 7248 of the Revised Statutes, 1909, or any provision replacing any of such articles,— which is the owner, lessee or occupant of an establishment operated solely for objects of a national, social, patriotic, political, or athletic nature, or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members;

8. A "member of a club" is a person who, whether as a charter member or admitted in accordance with the by-laws of the club, has become a member thereof,—who maintains his membership by the payment of his annual dues in the manner established by such rules and by-laws, and whose name and address is entered on the list of members supplied to the Commission at the time of the application for a permit under this act, or, if admitted thereafter, within eight days after his admission;

9. The word "tavern" means an establishment specially adapted for the sale by the glass and consumption on the premises of beer as hereinabove defined, or, in a hotel, the room specially adapted for such purpose;

10. The word "Commission" means the commission created by this act under the name of "The Quebec Liquor Commission" or "*Commission des liqueurs de Québec*";

11. Whenever they refer to anything forbidden under this act, and relating to alcoholic liquor, the words: "to sell" include: to solicit or receive an order for; to keep or expose for sale; to deliver for value or in any other way than purely gratuitously; to peddle; to keep with intent to sell; to keep or transport in contravention of section 44 of this act; to traffic in; or, for any onerous consideration, promised or obtained, directly or indirectly, or under any pretext or by any means whatsoever, to procure or allow to be procured for any other person;—and the word: "sale" includes every act of selling as above defined;

12. The word "person" includes partnership, corporation and club;

13. The word "whosoever" when used in reference to any offender under this act, includes every person who acts for himself or for any other person, and includes also such other person;

14. The word "residence" means the place where a person resides either permanently or temporarily, and includes not only the premises occupied by him, but also every annex or dependency thereof held by him under the same title as the premises in which he resides;

15. The word "bottle" means any vessel intended to contain liquids, and having a capacity of not more than forty-three ounces;

16. The words "to peddle" when used in reference to alcohol, spirits, wine or beer, mean to carry on one's person or to transport with one with intent to sell the same outside any establishment where the sale thereof is allowed;—and the word "peddling" means the act of doing as aforesaid;

17. The word "establishment" means any place where alcoholic liquor of one or more varieties is sold or used under the authority of this act, or manufactured by virtue of any act of the Parliament of Canada;

18. The word: "traveler" means a person who, in consideration of a given price per day, or fraction of a day, on the American or European plan, or per meal, *à table d'hôte*, or *à la carte*, is furnished by another person with food or lodging, or both;

19. The word: "restaurant" means any establishment, provided with special space and accommodation, where, in consideration of payment, food (without lodging), is habitually furnished to travelers;

20. The word: "hotel" means any establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to travelers;

21. The word "vehicle" means any means of transportation by land, by water or by air, and includes everything made use of in any way whatsoever for such transportation;

22. The words "disorderly house" have the meaning given them by Part V of the Criminal Code.

4. Every delivery of alcoholic liquor in a disorderly house shall be a delivery for value, and shall constitute a sale.

Every other delivery of alcoholic liquor made otherwise than by purely gratuitous title, shall constitute a sale.

In any proceeding instituted under this act, the burden of proving that such delivery was by purely gratuitous title shall be upon the defendant.

THE COMMISSION

5. A Commission composed of five members is by this act created under the name of "The Quebec Liquor Commission," or "*Commission des liqueurs de Québec*", and shall constitute a corporation, vested with all the rights and powers belonging generally to corporations.

6. The Lieutenant-Governor in Council shall appoint the members and the chief attorney of the Commission, who shall hold office during good pleasure; he shall indicate

the members of the commission who shall act as the chairman and vice-chairman, and shall fix the salary of each such appointee. The chairman of the Commission shall follow no other occupation whatsoever.

7. No vacancy among the members of the Commission shall have the effect of dissolving it, and the Lieutenant-Governor in Council may fill every such vacancy.

8. The head office of the Commission shall be in the city of Montreal. The quorum at meetings of the Commission shall be three members.

9. The functions, duties and powers of the Commission shall be the following:

- a. to buy, have in its possession and sell, in its own name, alcoholic liquor in the manner set forth in this act;
- b. to lease or occupy any building or land required for its operations;
- c. in accordance with the regulations made under section 15, to borrow sums of money, guarantee the payment thereof and of the interest thereon, by the transfer or pledge of goods or in any other manner required or permitted by law and particularly by the Bank act;—to issue, sign, indorse and accept cheques, promissory notes, bills of exchange and other negotiable instruments;
- d. to control the possession, sale and delivery of alcoholic liquor in accordance with the provisions of this act;
- e. to grant, refuse, or cancel permits for the sale of alcoholic liquor or other permits in regard thereto, and to transfer the permit of any person deceased;
- f. to prevent and investigate every contravention of this act, make every seizure of alcoholic liquor sold, kept or transported in contravention thereof and apply for the confiscation thereof, whenever required by this act, and to prosecute offenders in its own name before any court of competent jurisdiction;
- g. to act, for the purposes of this act, as the competent provincial authority in connection with customs and excise matters;
- h. to appoint every officer, inspector, clerk, or other employee required for its operations, dismiss them, fix their salaries or remuneration, assign them their official titles, define their respective duties and powers, and engage the services of experts and of persons engaged in the practice of a profession.

10. Every member of the Commission and every person appointed to any position by the Commission must, on entering upon his duties, take an oath in conformity with article 818 of the Revised Statutes, 1909.

11. Every person appointed to any position by the Commission, must, if required, on entering upon his duties, give security by means of a guarantee policy to the amount fixed by the Commission, in accordance with articles 609 to 637 of the Revised Statutes, 1909.

12. No member of the Commission may be prosecuted for doing or omitting to do any act in the performance of

his duties as prescribed by this act, unless by the Provincial Government.

The Commission itself may be prosecuted only with the consent of the Attorney-General.

13. Every employee of the Commission shall be a public officer, and the one month's notice required in the case of any action for damages against any such officer, must be served upon the Commission as well as upon the defendant.

14. No member or employee of the Commission may, directly or indirectly, individually or as member of a partnership or corporation or as shareholder of a company, have any interest whatsoever in dealing in or in the manufacture of alcohol, spirits, wine or beer, or in any enterprise or industry in which such alcoholic liquor is required, nor receive any commission or profit whatsoever from nor have interest whatsoever in the purchases or sales made by the Commission or by the persons authorized by virtue of this act to purchase or sell alcoholic liquor.

No provision of this article shall prevent any such member or such employee from purchasing and keeping in his possession, for the personal use of himself or members of his family, any alcoholic liquor which may be purchased or kept by any person by virtue of this act.

15. 1. The Lieutenant-Governor in Council may make any regulation he may deem necessary for the carrying out of this act, and may amend or repeal any such regulation, respecting:

- a. loans made by the Commission;
- b. the keeping of its books and the rendering and auditing of its accounts;
- c. the condition and inventory of the goods it has on hand.

2. The Commission may make any regulation it may deem necessary for the carrying out of this act respecting its internal economy and the conduct of its business, and may amend or repeal any such regulation. It must, whenever required, transmit a copy of every such regulation to the Lieutenant-Governor in Council.

3. If any regulation of the Commission be,—

- a. approved by the Lieutenant-Governor in Council; and

b. published in the *Quebec Official Gazette*,—

every contravention of any provision of such regulation shall be an offence under this act, and shall entail the penalty provided therefor by section 51.

4. No regulation made by the Commission and approved and published as above mentioned, may be repealed or amended save by another regulation of the Commission, approved and published in the same way.

16. Every order given by the Commission for alcoholic liquor must bear the signature of three of its members. A duplicate of every order shall be kept at the head office of the Commission.

17. Loans by the Commission must be made only at such bank or banks as the Provincial Treasurer, at his discretion, shall indicate.

Every sum of money collected by the Commission

must be deposited in the name of the Commission in such bank or banks as the Provincial Treasurer, at his discretion, shall indicate.

18. All property owned by the Commission and all profits earned by it shall be the property of the Province.

Every sum of money collected by the Commission, which the Provincial Treasurer considers available, shall, on demand, be handed over to him, and every such sum of money, after it is so handed over, shall form part of the consolidated revenue fund of the Province.

19. The Commission shall render an account to the Provincial Treasurer, in the manner and at the times indicated by the latter, of its receipts and disbursements, as well as its assets and liabilities.

Its operations shall be subject to examination and audit by persons appointed therefor by the Lieutenant-Governor in Council.

ESTABLISHMENTS OF THE COMMISSION

20. The Commission may have the following stores and warehouses:

1. Its principal store and warehouse in the city of Montreal, in any place indicated by the Lieutenant-Governor in Council;

2. Branches of such principal store and warehouse in such cities and towns as the Commission may choose, and to the number that it decides.

Nevertheless, no such branch may be established in any municipality in which a prohibitory law, applying to such municipality or to the county in which such municipality is situated, is in force, nor in any municipality whose council has, by by-law, enacted that no such branch may be established therein.

TRANSITORY PROVISIONS

21. 1. Every authorized vendor and every licensee under the Quebec Prohibition Law, and every licensee under the Quebec License Law, must, before the expiration of his privilege or license, on the 30th of April, 1921, make a statement to the Commission showing all the alcoholic liquor belonging to him, or in his possession or under his control, by whatsoever title, and put the same under the control and in the possession of the Commission in the manner indicated by the latter.

2. Upon the failure of any such authorized vendor or licensee to comply with the provisions of this section, the Commission may, by virtue of a written order, signed by three of its members, direct the seizure, by any person entrusted with such order, and the confiscation, of such alcoholic liquor not entered in such statement nor put under the control or in the possession of the Commission, with all the vessels containing the same. No proceedings at law shall be required for such confiscation.

3. The Commission shall not be held responsible for any loss of, or damage to, any alcoholic liquor of which it has taken possession under paragraph 1 of this section. It may, in its discretion, sell or otherwise dispose of any of such alcoholic liquor for such price and upon such

terms and conditions as it may deem advisable, and may compensate the owner therefor, less any such costs and charges as it may determine upon. It may also, at its discretion, destroy any such alcoholic liquor or any part thereof, or recover the alcohol therefrom.

22. Every manufacturer of articles for the manufacture or conservation of which alcohol, spirits or wine, is necessary, must, on the 1st of May, 1921, and on the 1st of May of every year thereafter, make a return to the Commission of the quantity of each variety of such liquor at that time in his possession, of the places where it is kept, and, at the same time, advise the Commission of the approximate quantity of each variety that he may require within the twelve months next after such date.

SALE AND DELIVERY OF ALCOHOLIC LIQUOR

23. It is forbidden to sell or deliver in this Province any alcohol, potable or non-potable, any spirits, wine or other alcoholic liquor, with the exception of beer, for which provision is made in section 26.

However, it may be sold or delivered to or by the Commission, or by any person authorized by it, or in any case provided for by this act.

24. 1. Each sale by the Commission of alcohol or spirits, delivered in one of its establishments or shipped by it to a point within the Province, is limited, in quantity, to one bottle, unless such sale be made to a person authorized to resell the same, or for industrial purposes.

2. Whenever the alcohol or spirits sold by the Commission is in a bottle, the latter must bear the special label of the Commission, and be placed in a package sealed by it, and on which is shown the price paid.

3. Every sale by the Commission shall be for cash.

25. If any alcoholic liquor sold by the Commission is to be delivered in any city or town where the Commission has a store or warehouse, the delivery shall be made in the manner determined by the Commission. If it is to be delivered elsewhere, the delivery shall be made by the Commission by parcel post, common carrier or express company.

26. The sale or delivery of beer is forbidden in the province, unless such sale or delivery be made by the Commission or by a brewer, or other person authorized by the Commission under this act, and in the manner hereinafter set forth.

27. No brewer may sell beer or ship it, either into or within the Province or from the Province,—

- a. unless a permit therefor be granted him by the Commission, upon payment to the Commission of a duty of five thousand dollars, and such permit be in force;
- b. unless such sale or delivery within the Province be to a person authorized by the Commission to sell beer, or beer and wine, as the case may be.

28. 1. Every brewer must make to the Commission, every month, in the form that it shall determine, an exact return of all his sales of beer shipped into or within

the Province or from the Province, during the preceding calendar month, showing the gross amount of such sales.

2. Any brewer who fails to make such return to the Commission within the fifteen days following the expiration of any calendar month for which it should be made, shall be guilty of an offence, and shall be liable to a fine of fifty dollars per day, for each day's delay, counting from the expiration of such fifteen days.

29. 1. The Commission may have an examination made of the brewer's books, or may otherwise check the accuracy of any such return.

2. Any brewer who refuses to allow such examination or who fails to make an accurate return according to the instructions of the Commission, shall be guilty of an offence, and shall be liable, in addition to the costs, to a fine of one thousand dollars.

30. 1. No person may purchase from a brewer any beer which he ships either into or within the Province or from the Province, without paying a duty equal to five per cent of the gross amount of his purchase. The brewer selling such beer must collect the duty, in the manner indicated by the Commission, and hand over the same to the Commission, whenever called upon. He shall in such case act as the agent of the Commission, and shall hand over the said duty at such times as it shall fix.

2. Every brewer who fails to collect the said duty from the purchaser in the manner indicated by the Commission, before the delivery of the beer sold, or to hand such duty over to the Commission at such times as it may fix, shall be guilty of an offence under this act, and liable, in addition to the costs and the payment of the duty collected or to be collected, to a fine of one thousand dollars. Every such failure, moreover, shall entail the cancellation by the Commission of the brewer's permit.

31. The following persons may also, in the cases and under the conditions hereinafter set forth, sell certain alcoholic liquor in the manner hereinafter indicated, to wit:

1. Any person in charge of a hospital recognized by the Commission as such, shall have the right to administer alcoholic liquor to its patients, and to charge them the value thereof;
2. Every person having any trading post or industrial or mining establishment in New Quebec or other territory in the northern parts of the Province, designated from time to time by the Lieutenant-Governor in Council, may sell alcoholic liquor at such post or establishment to its employees and to the people living in such territory,—provided that a permit therefor be granted him by the Commission. Such permit may be subject to such conditions and restrictions as the latter may establish or impose;
3. Any person in charge of any hotel, restaurant, steamboat, dining-car, club or other establishment recognized by the Commission as serving meals, may, during any such meal taken by a traveler, a boarder or a member of the club, as the case may be, sell him, by the glass or by the bottle, wine or beer, which must

be consumed on the premises during the meal, by himself and his companions,—provided, however, that a permit therefor be granted to such person by the Commission, upon payment of the duties prescribed by this act, and that such permit be in force;

4. Any person in charge of a grocery or of a store where beer only is sold, may sell beer at such store, on condition: that no quantity of less than one bottle be sold; that such beer be not consumed in such store or any dependency thereof; that it be delivered either at such store, at some other place in the municipality in which such store is situated, or at some place in an adjoining municipality not under a prohibitory law, or that it be delivered outside such municipalities in the manner indicated in section 44; that a permit therefor be granted him by the Commission, upon payment of the duties prescribed by this act; and that such permit be in force. For the purposes of this paragraph, the island of Montreal shall be deemed to be one municipality;
5. Any person in charge of a tavern, but in a city or town only, may sell therein beer by the glass,—provided that it be consumed on the premises, and provided that a permit to that effect be granted him by the Commission, upon payment of the duties prescribed by this act, and that such permit be in force;
6. Any person in charge of a banquet may there sell beer and wine,—provided that it be consumed on the premises, and provided that a permit therefor be granted him by the Commission, upon payment of the duties prescribed by this act, and that such permit be in force. However, if such banquet be held in any place for which a permit for sale during meals has been granted under paragraph 3, and such permit be still in force, no special permit shall be required for such banquet.

In every such case, the alcohol, spirits or wine must have been bought directly from the Commission by the hospital or the holder of the permit, and the beer must have been bought directly by the holder of the permit from a brewer who is also the holder of a permit.

The application for the permit and the permit itself must contain sufficient information to identify the place where such permit may be used.

The brewer may have, at such places and in such a manner as the Commission may determine, establishments other than his brewery, to distribute the beer which he has sold.

32. No permit shall be granted other than to an individual, and in his personal name.

The application must be signed by the applicant before witnesses, and must give his name, surname, age, occupation and residence, the kind of permit required and the place where it will be used, and must be accompanied by the amount of the duties payable upon the application for the permit.

If the permit is to be used on behalf of a partnership or corporation, the application therefor must likewise be accompanied by a declaration to that effect, and duly signed by such partnership or corporation. In such case the partnership or corporation shall be responsible for

any fine and costs to which the holder of the permit may be condemned; and the amount thereof may be recovered before any court having jurisdiction, without prejudice to the imprisonment, if any.

On or before the 20th of January in each year, the Commission shall render its decision upon every application made to it before the 31st of December preceding, for a permit for the year commencing on the 1st of May following.

33. 1. The Commission may determine the manner in which a tavern or a dining-room must be furnished and equipped in order to allow the exercise therein of the privilege conferred by the permit.

2. The Commission may require that every holder of a permit for the sale of beer under section 31, shall make a return of his purchases and sales of beer, in such manner and at such times as may be fixed by the Commission.

34. The Commission may refuse to grant any permit mentioned in section 31.

Nevertheless, the Commission must refuse to grant any permit in any municipality where a prohibitory by-law is in force. It must also refuse to grant any permit, or any certain kind of permit, as the case may be, in any municipality whose municipal council has, by by-law, requested the Commission to refuse to grant any permit or any certain permit;—provided that every such by-law be filed at the office of the Commission. If it has not been filed until after the Commission has granted a permit in such municipality, the Commission may not give effect to such request before the first of May following the date of the filing.

The Commission must also refuse to grant any permit for the sale of alcoholic liquor upon the grounds occupied by any agricultural or industrial exhibition or by any race meeting.

35. 1. Whatever be the date of issue of any permit granted by the Commission, such permit shall expire on the 30th of April following, unless it be cancelled by the Commission before such date, or unless the date at which it must expire be prior to the 30th of April following.

The Commission may cancel any permit at its discretion.

2. Saving the provisions of paragraph 4 of this section, the cancellation of a permit shall entail the loss of the privilege conferred by such permit, and of the duties paid to obtain it, and the seizure and confiscation by the Commission of the alcoholic liquor found in the possession of the holder thereof, without any judicial proceedings being required for such confiscation.

The cancellation of a permit shall be served by means of a bailiff leaving a duplicate of such order of cancellation, signed by three members of the Commission, with the holder of such permit or with any other reasonable person at his domicile or place of business.

The cancellation shall take effect as soon as the order is served.

3. The cancellation of a permit shall not prevent the Commission from instituting any prosecution or action for any offence under any provision of this act by the person who was the holder of such permit, while the same was in force, nor from applying for the confiscation of any alcoholic liquor seized before such cancellation.

No conviction obtained for any offence under one or

more of the provisions of section 50 or 51 of this act shall prevent the Commission from cancelling the permit of any offender nor from making at the same time a seizure and confiscation of the alcoholic liquor.

4. If the cancellation of the permit be not preceded or followed by a conviction for any offence under this act committed by the holder of such permit while it was in force, the Commission shall remit to such holder,—

- a. such part of the duties which such person has paid upon the granting of such permit, proportionate to the number of full calendar months still to run up to the first of May following;
- b. the proceeds of every sale by the Commission, after the seizure and confiscation thereof, of beer having an alcoholic content of not more than five per cent, in weight, less ten per cent of such proceeds;
- c. the value, as determined by the Commission, of the other alcoholic liquor seized and confiscated, less ten per cent of such value.

5. Save in the case where a permit is granted to an individual on behalf of a partnership or corporation, in accordance with section 32, the Commission must cancel every permit made use of on behalf of any person other than the holder.

36. 1. The rights conferred by a permit may not be transferred by the Commission, except in case of the death of the person to whom the Commission granted such permit.

2. The Commission may allow any holder of a permit to move from one premises to another.

3. In case of seizure of alcoholic liquor, under any judgment rendered against the holder of a permit, or in case of the insolvency or abandonment of property of such person, the sheriff or bailiff entrusted with the writ of execution, or, as the case may be, the trustee or curator or the assignee for the benefit of the creditors, must, instead of selling it, deliver to the Commission all alcoholic liquor found in the possession of the said person. The Commission must, within one month after the date of such delivery, hand over to the officer who has made such delivery,—

a. the proceeds of the sale made, by the Commission, of beer so delivered, and the alcoholic content of which is not more than five per cent, in weight, less ten per cent of such proceeds;

b. the value, as established by the Commission, of the other alcoholic liquor so delivered, less ten per cent of such value.

TARIFF OF DUTIES

37. The duties exigible by the Commission and payable to it upon every application for a permit, shall be one-fifth of the amount exigible upon the granting of such permit.

The duties exigible by the Commission and payable to it upon the granting of permits, shall be the following:

1. For every post or establishment mentioned in paragraph 2 of section 31, one hundred dollars;

2. To sell during meals in the dining-room of a hotel or restaurant,—
 - a. three hundred dollars if such hotel or restaurant be in a city;
 - b. one hundred and fifty dollars if it be in a town;
 - c. one hundred dollars if it be elsewhere;
3. To sell during meals in the dining-room of a boat, three hundred dollars;
4. To sell during meals in each dining-car, one hundred dollars;
5. To sell during meals in the dining-room of a club,—
 - a. four hundred dollars if such club be in a city;
 - b. two hundred dollars if it be elsewhere;
6. To sell during meals in the dining-room of any other establishment recognized by the Commission as serving meals,—
 - a. two hundred dollars if such establishment be in a city;
 - b. one hundred dollars if it be elsewhere;
7. To sell in a store,—
 - a. In the cities of Montreal and Quebec, a duty of twenty-five dollars and one hundred and twenty-five per centum of the annual value or rent of the premises for which the permit is required; provided that, in no case, shall the duties on such a permit be less than three hundred dollars or more than five hundred dollars;
 - b. In any other city, three hundred dollars;
 - c. In any town, two hundred and twenty-five dollars;
 - d. In any other part of the Province, one hundred and fifty dollars;
8. To sell in a tavern,—
 - a. In the city of Montreal, a duty of: five hundred dollars, if the annual value or rent of the premises for which the permit is required be five hundred dollars or less,—six hundred dollars, if the annual value or rent be over five hundred dollars and less than nine hundred dollars,—eight hundred dollars, if the annual value or rent be nine hundred dollars and less than two thousand dollars,—one thousand dollars if the annual value or rent be two thousand dollars and less than ten thousand dollars,—thirteen hundred dollars, if the annual value or rent be ten thousand dollars and less than twenty-five thousand dollars,—fifteen hundred dollars, if the annual value or rent be twenty-five thousand dollars or more.

The holder of a permit paying not more than five hundred dollars shall pay one hundred dollars extra if his tavern be in a hotel;

- b. In the city of Quebec, a duty of: five hundred dollars, if the annual value or rent of the premises for which the permit is required be two hundred dollars or less,—six hundred dollars, if the annual value or rent be over two hundred dollars and less than four hundred dollars,—eight hundred dollars, if the annual value or rent be four hundred dollars and less than eight hundred

- dollars,—one thousand dollars, if the annual value or rent be eight hundred dollars and less than ten thousand dollars,—twelve hundred dollars, if the annual value or rent be ten thousand dollars or more;
- c. In every other city,—
if only one permit is issued, four hundred and fifty dollars;
if two permits are issued, three hundred and thirty-eight dollars;
if three permits are issued, two hundred and sixty-three dollars;
if four or more permits are issued, one hundred and eighty-eight dollars;
- d. In every town,—
if only one permit is issued, three hundred and thirty-eight dollars;
if two permits are issued, two hundred and sixty-three dollars;
if three permits are issued, one hundred and eighty-eight dollars;
if four or more permits are issued, one hundred and fifty dollars;
9. To sell at any banquet, ten dollars for each banquet;
10. to sell during meals in the dining-room of a hotel situated in a summer resort, or of a restaurant forming part of an amusement park situated in a city or town, for a period of six months or less, one-half the duties indicated in paragraph 2 of this section;
11. To sell in the tavern of a hotel situated in a summer resort or in a tavern forming part of an amusement park situated in a city or town, for a period of six months or less, one-half the duties mentioned in paragraph 8 of this section.

When any permit is granted, the duties paid upon the application therefor shall be applied on the payment of the duties exigible upon the granting of such permit.

The rent or annual value, upon which the permit duties payable under this section are to be based, shall be taken from the municipal valuation roll then in force, subject to the provisions of this section.

To every application for a permit the duty whereof is regulated by the amount of the rent or annual value, in the cities of Montreal and Quebec, there shall be annexed a certificate of the valuation, contained in the valuation roll, of the house and dependencies or premises for which such permit is sought, which valuation shall include not only the rooms used for the purpose required for such permit, but also all other rooms in the same house, and dependencies which are occupied by the holder of the permit or intended so to be for any purpose whatsoever, delivered by the city clerk, who shall deliver such a certificate, whenever thereto required, under a penalty of fifty dollars for each offence.

In the case of stores in which there is no communication from within between the parts of a building used for the purposes of the permit and the parts of the same building used for other purposes, the valuation shall include only such parts of the building as are intended to be used for the purposes of the permit. But in the case of a tavern in a hotel, the valuation shall be made in accordance with the terms of the preceding paragraph, even though there

be no communication within between the tavern and the other parts of the building.

If the certificate of the clerk of the municipality, annexed to the application for the permit, does not give the actual rent or annual value, and has been obtained owing to incorrect information supplied to the assessors or valuers, the applicant presenting such certificate shall be liable to a penalty of not less than one hundred dollars nor more than two hundred dollars, and to imprisonment for three months in default of payment, and the Commission may further, at any time, cancel the permit granted upon such application.

Every assessor or valuator who knows that the rent or annual value is understated in such certificate, and accepts such valuation, shall also incur a penalty of not less than one hundred dollars nor more than two hundred dollars, and imprisonment for not less than three months nor more than six months, in default of payment.

Whenever the Commission is of opinion that the valuation mentioned in this section is too low, it may have the premises valued by a competent person; and the valuation so obtained shall be submitted to the Commission, who, after summarily hearing the parties and their evidence, shall decide thereupon; and such decision shall be final and not subject to *certiorari*, appeal or other recourse; and, in the event of the discovery of any fraud, the parties guilty thereof shall incur the penalties prescribed by this section, and may be proceeded against in the manner mentioned therein.

38. In case any person commences after the 1st of May to carry on any business for which a permit is required, the Commission may accept an amount of duty proportionate to the number of months of the year still to run, from the first day of the month in which he begins to carry on such business, to the first day of May following.

39. In case any permit ceases to be used, by reason of the death of the person who was the holder thereof, and the refusal on the part of the Commission to transfer the rights granted by such permit to any other person for the benefit of the legal representatives of such deceased person, the Commission shall hand back to such legal representatives a share of the duties received, proportionate to the number of full calendar months still to run, up to the 1st of May following.

SPECIAL PROVISIONS

40. Bottled beer or wine procured by the holder of a permit for the sale thereof, for the purpose of delivering the same to his customers or guests, must, while in the place where he carries on his commerce in liquor, be kept in the bottles in which it was delivered to him. So long as any such bottle bears the mark or label which it bore when delivered, he is forbidden to put therein any other liquor, substance or liquid; and no holder of a permit, nor anyone on his behalf, after the liquor bottled in one of the said bottles has been poured out, may refill such bottle, either wholly or in part, with intent to supply liquor or any other substance or liquid to any customer or guest.

No holder of a permit must use or allow the use of any mark or label on a bottle in which liquor is kept for sale in his place which does not precisely and clearly indicate

the nature of the contents of such bottle, or which might in any way deceive any customer or guest as to the nature, composition or quality of such contents.

No such holder of a permit, nor any other person, must for any reason mix or permit the mixing of or cause to be mixed, any alcoholic liquor which he is not authorized to sell with any alcoholic liquor the sale of which is authorized by his permit.

41. 1. The Commission shall not sell or deliver on any holiday as hereinafter determined, nor before nine o'clock in the morning nor after six o'clock in the evening of any other day. On Saturday, it shall not sell after one o'clock in the afternoon.

2. It is forbidden for any brewer to sell or deliver on any holiday as hereinafter determined, or before seven o'clock in the morning or after six o'clock in the evening of any other day.

3. It is forbidden for any holder of a permit for the sale of beer in a store, or in a tavern, to sell or deliver the same on any holiday as hereinafter determined, or before nine o'clock in the morning or after ten o'clock in the evening of any other day. Outside the days and hours when such sale is allowed, every tavern must be closed.

4. It is forbidden for any holder of a permit for the sale of beer or wine during meals, to sell the same between ten o'clock in the evening of any day and nine o'clock in the forenoon of the following day.

5. For the purposes of this article, the following shall be considered as holidays:

- a. Sundays;
- b. New Year's Day;
- c. Epiphany, Ash Wednesday, Good Friday, Ascension Day; All Saints Day; Conception Day, Christmas Day; and
- d. for any territory where any municipal election or election of a member of the Canadian House of Commons or of the Legislative Assembly is held, the day upon which the polling for such election takes place.

42. It is forbidden to sell any alcoholic liquor,—

1. to any person who has not reached the age of eighteen years;
2. to any interdicted person;
3. to any keeper or inmate of a disorderly house;
4. to any person already convicted of drunkenness or of any offence caused by drunkenness;
5. to any person who habitually drinks alcoholic liquor to excess, and to whom the Commission has, after investigation, decided to prohibit the sale of such liquor upon application to the Commission by the husband, wife, father, mother, brother, sister, curator, employer or other person depending upon or in charge of such person, or by the *curé*, pastor or mayor of the place. The interdiction in such case shall last until removed by the Commission.

No sale made to any of the persons mentioned in paragraphs 2, 3, 4 and 5 above, shall constitute an offence by the vendor unless the Commission has informed him, by registered letter, that it is forbidden to sell to such person.

43. The Commission may, at its discretion, refuse to make any sale of alcoholic liquor, except for religious purposes.

The Commission must procure and keep constantly on hand for ministers of religion, such wine as is approved by the religious authorities and required for divine service or religious purposes.

44. 1. No alcoholic liquor may be kept in the province, except,—

- a. in stores and warehouses of the Commission or in some other place under its control;
 - b. in an establishment where it is expressly permitted by the Commission to sell such kind of liquor;
 - c. in an establishment where it is expressly permitted by the Commission to keep such variety of liquor;
 - d. in an establishment where, by exception, it is permitted by law to keep the same;
 - e. in the residence of any person, provided such liquor be not kept with intent to sell the same (and one sale shall suffice to establish such intent);
 - f. in a club, as defined in section 3;
 - g. in the baggage of a traveller who is transporting such liquor for his personal use; or
 - h. as to wine, in a church, chapel or dependency,—
- and the keeping of alcoholic liquor elsewhere than in the places mentioned in this paragraph shall constitute an offence under this act.

2. No beer may be transported in the Province, except,—

- a. directly from the establishment of the brewer to an establishment in this Province of any holder of a permit to sell the same, or to a place outside the Province, or,
- b. directly from the store of a holder of a permit to sell the same in a store, to the residence in this Province of any person who has bought the same for his personal use.

Nevertheless, if the beer is to be shipped to a point within the Province, the transportation thereof outside of the municipality in which the establishment of the brewer or the store of the person authorized to sell the same is situated, or outside of an adjoining municipality, must be made only by railway, steamboat, common carrier, express company, or by the purchaser himself, on condition that he transports it in his own vehicle or in a vehicle hired by him, directly to his residence or, if he is the holder of a permit to sell, to his establishment; but such transportation must not be by the vendor nor by any employee, agent or representative of such vendor, nor by any other person interested in the sale.

3. Any alcoholic liquor kept or transported in contravention of paragraph 1 or 2 of this article may be seized without warrant by the Commission, and confiscated.

EXCEPTIONS

45. 1. No provision of this act shall prevent any person practising medicine, surgery or obstetrics in the Province, registered as such under the Quebec Medical Act, or licensed as such by the Montreal Homeopathic

Association, or any person licensed as a dental surgeon, and registered as such in the Province, or any person practising the profession of veterinary surgeon, and registered as such under the Veterinary Surgeons' Act of the Province of Quebec,—from purchasing alcohol in quantities larger than one bottle and using the same for purposes of solution or sterilization in his own practice, or in any preparation for external application administered by himself, or from purchasing brandy, such as defined in the British Pharmacopeia, or rum,—for use in compounding his medicines;—provided, however, that no such person may sell any such alcohol or spirits except when used by him for the purposes above mentioned.

2. No provision of this act shall prevent any person entered as a licenciate in pharmacy in accordance with the Quebec Pharmacy Act, and keeping a drug store,—

a. from purchasing alcoholic liquor in quantities larger than one bottle, for use in medicinal, officinal or pharmaceutical preparations,—provided, however, that no such person may sell such alcoholic liquor except when used by him for such purposes; or

b. from purchasing ethyl alcohol rectified at ninety per cent, mentioned in the British Pharmacopeia, in quantities larger than one bottle, and selling the same for obstetrical or antiseptic purposes only, in quantities not exceeding two ounces, upon prescription of a physician authorized to practise medicine in this Province, or upon the simple certificate of the latter if the sale be made to him personally;—provided, however, that such sale shall take place only at such hours and upon such days during which the Commission cannot sell.

3. Every such person must purchase such alcoholic liquor directly from the Commission. The latter may, at its discretion, refuse to sell the quantity applied for.

46. No provision of this act shall prevent any distiller duly licensed by the Government of Canada for the manufacture of alcohol or spirits in the Province, or any wine manufacturer in the Province, from having or keeping for sale in his establishment in the Province, alcoholic liquor so manufactured by him, or from selling or delivering the same.

However, if such alcoholic liquor is to be shipped to a place in the Province, such distiller or manufacturer may sell it only to the Commission; and such distiller or manufacturer must, in every case, comply with every other provision of this act which may be applicable.

47. 1. No provision of this act shall prevent the Commission from agreeing to the sale and delivery of potable or non-potable alcohol from a distiller direct to a manufacturer of articles requiring such alcohol, provided each quantity of alcohol so sold and delivered be not less than one barrel, and provided such sale and delivery be made subject to such conditions and for such consideration as the Commission may establish.

2. No provision of this act shall, by reason only that such product contains any alcoholic liquor, prevent,—

a. the sale of any perfume, lotion, tincture, varnish, dressing, fluid extract or essence, or vinegar;

- b. the sale of any officinal, medicinal or pharmaceutical preparation, or of any patent or proprietary medicine, intended solely for medicinal purposes,—

provided that such product does not contain alcohol in any greater quantity than the amount required as a solvent or preservative, or provided that it be so compounded as to render it unsuitable for use as a beverage.

48. In order to determine whether any particular preparation, proprietary or patented, contains alcohol in excess of the amount required as a solvent or preservative, or whether it is so compounded as to render it unsuitable for use as a beverage, the Commission may have a sample of such preparation, purchased from any person whomsoever, analysed by such person as it may select.

If it appears from the analysis of such sample that such preparation contains alcohol, in excess of the amount required as a solvent or preservative, or that it is not so compounded as to render it unsuitable for use as a beverage, the Commission may notify the Advisory Board appointed under the Proprietary or Patent Medicine Act, of the result of the analysis, and, if no action be taken by the Board, under the above mentioned act, within thirty days of such notification, the Commission shall prosecute in accordance with the provisions of this act.

OFFENCES AND PENALTIES

49. Whosoever,—

- a. peddles any alcoholic liquor; or
- b. keeps alcoholic liquor in a disorderly house; or
- c. being an employee of the Commission, infringes any of the provisions of this act, otherwise than by purchasing any alcoholic liquor in the manner mentioned in section 60 of this act, or
- d. not being the holder of a permit to that effect, still in force, or not being authorized thereto by this act, sells any alcoholic liquor in the Province,—

shall be guilty of an offence under this act, and may be arrested without warrant, provided that, without delay, he be brought before a magistrate having jurisdiction, and shall be liable, in addition to the costs, to imprisonment for a term of three months, which the court may reduce to one month.

50. Whosoever,—

- a. being the holder of a permit, sells any alcoholic liquor of a kind other than that of which his permit or this act authorizes the sale; or
- b. being the holder of a permit, sells the alcoholic liquor which his permit or this act authorizes him to sell, but to any person other than those to whom his permit or this act authorizes him to sell; or
- c. being the holder of a permit to sell beer in a tavern or in a store, receives, directly or indirectly, by exchange or otherwise, anything other than money for such beer; or
- d. being the holder of a permit, keeps or allows the keeping, other than in his residence and for his personal use, of any alcoholic liquor other than that which he is authorized to sell in virtue of his permit; or

- e. being the manufacturer or the agent in this Province for the manufacturer of any liquid or solid containing alcohol, sells such liquid or solid as a patent or proprietary medicine when it contains alcohol in excess of the amount necessary as a solvent or preservative, or when it is not so compounded as to render it unsuitable for use as a beverage; or
 - f. keeps or allows the keeping of any alcoholic liquor in his residence, either for himself or for other persons, on deposit or otherwise, with intent to sell the same,—
- shall be guilty of an offence under this act, and shall be liable, in addition to the payment of the costs, for the first offence to a fine of one thousand dollars, and, on failure to pay such fine and costs, to imprisonment in the common gaol for a term of three months, which the court may reduce to one month; and, for any subsequent offence, to imprisonment in the common gaol for three months.

51. Whosoever,—

- a. being the holder of a permit for the sale of beer, or of beer and wine, as the case may be, sells any beer which has an alcoholic content of over five per cent, in weight; or
- b. being the holder of a permit, sells beer to which wine, spirits or alcohol, or more than one of any such liquors, has been added, or sells wine to which spirits or alcohol, or both, have been added, otherwise than to render possible the importation thereof; or,
- c. being the holder of a permit, sells any alcoholic liquor that his permit or this act authorizes him to sell, but in any place, or in any manner, or in any quantity other than his permit authorizes him to sell; or,
- d. being the holder of a permit to sell beer in a tavern, or beer and wine in a dining-room, has not such tavern or dining-room furnished, fitted up or equipped in the manner or to the extent indicated by the Commission; or,
- e. being the holder of a permit to sell beer, or beer and wine, as the case may be, does not comply with the requirements of section 40 of this act, or any provision of said section; or,
- f. being the holder of a permit, sells any alcoholic liquor which he is authorized by his permit to sell, at any time forbidden by section 41 of this act, or, if his permit be to sell in a tavern, does not close such tavern as required by the said section 41; or,
- g. being the holder of a permit, sells any alcoholic liquor for the sale of which he is authorized by his permit, to any person who has not reached the age of eighteen years, or sells or delivers to any person of the age of eighteen years or more, any alcoholic liquor for the sale or delivery of which he is authorized by his permit, knowing that such liquor is bought for a person whose age is less than eighteen years and is to be drunk by the latter; or,
- h. being the holder of a permit, knowingly sells to any of the persons mentioned in paragraph 2, 3, 4 or 5 of section 42 of this act, after notice sent to him by the Commission in compliance with the said section, any alcoholic liquor for the sale of which he is authorized by his permit; or,

- i.* being the holder of a permit to sell beer in a tavern, employs therein any woman who is not his wife, or allows gambling therein; or,
- j.* being the holder of a permit to sell beer in a store, allows any beer sold therein to be drunk in such store or its dependencies, either by the purchaser or by any other person not residing with the vendor nor in his employ, or delivers the same contrary to the provisions of paragraph 4 of section 31 of this act; or,
- k.* being the holder of a permit to sell beer in a tavern, or beer and wine in the dining-room of any hotel, restaurant, club or steam-boat, or in a dining-car, does not keep his license constantly posted up in view of the public in such tavern, dining-room or dining-car; or
- l.* keeps or transports any alcoholic liquor in contravention of section 44 of this act; or
- m.* having acquired for the purpose of re-sale any liquid or solid containing alcohol, sells it as a patent or proprietary medicine when the same contains alcohol in excess of the amount necessary as a solvent or preservative, or when it is not so compounded as to render it unsuitable for use as a beverage; or,
- n.* being one of the persons mentioned in section 22 of this act, does not comply with the requirements of such section; or,
- o.* not being the holder of a permit, leads the public or travellers to believe, by means of signs, inscriptions, advertisements or circulars, that he is authorized to sell alcoholic liquor; or,
- p.* being of the age of less than eighteen years, is found in any tavern in which any beer is sold, and gives no satisfactory reason for his presence, or who buys any beer for his own use, or performs the duty of clerk in any tavern; or,
- q.* buys or receives, by onerous title, any alcohol or spirits from any person not authorized to sell such variety of liquor, or keeps such alcohol or spirits in his possession; or,
- r.* obtains, even gratuitously, during the time when the sale thereof is forbidden, any beer from any holder of a permit for the sale thereof in a tavern; or,
- s.* causes any disturbance in a tavern or brings thereinto or drinks therein any alcoholic liquor other than beer; or,
- t.* contravenes any provision of this act otherwise than as mentioned in sections 49 and 50 and the foregoing paragraphs of this section,—

shall be guilty of an offence under this act, and shall be liable, in addition to the payment of the costs, for the first offence to a fine of not more than one hundred dollars, and, on failure to pay such fine and costs, to imprisonment in the common gaol for one month; and, for any subsequent offence, to imprisonment in the common gaol for one month.

52. Whosoever interferes with or hinders any officer or inspector authorized by the Commission to investigate any infringement of this act, or to make any search, examination or seizure, in the performance of his duties to that end, shall be guilty of an offence under this act, and shall be liable, in addition to any penalty which may be im-

posed upon him under section 49, 50 or 51, and in addition to the payment of the costs, to a fine of one hundred dollars, for each offence, and, on failure to pay such fine and costs, to imprisonment in the common goal for one month.

53. Whosoever, being the holder of a permit for the sale of beer under section 31, neglects or refuses to make a return to the Commission, within ten days immediately following the date indicated by the Commission, of his purchases and sales of beer, up to such date, shall be guilty of an offence under this act, and shall be liable to a fine of ten dollars per day for each day's delay, to run from the expiration of such ten days.

54. In any case of conviction for any offence under paragraph c of section 50, the court may, in addition to the penalty, issue its warrant for the restitution of the things he has received and the payment of the costs, and ordering that, on failure to make such restitution or payment, an amount sufficient to cover the value of such things, and the costs, shall be levied by the sale of the moveable property of the accused.

55. In any trial for the offence mentioned in paragraph g of section 51, the burden shall be upon the defendant to prove that the person to whom or for whom the alcoholic liquor was sold is of the age of more than eighteen years.

56. Notwithstanding the penalties imposed by section 51, every person who, being the holder of a permit for the sale of beer in a tavern or in a store, sells knowingly, after having been notified by the Commission, in accordance with section 42 of this act, to any person to whom it is forbidden under such section to sell, because he habitually drinks alcoholic liquor to excess,—may be condemned, in an action taken by the person who has made the application mentioned in paragraph 5 of section 42, to pay to the latter a sum of not more than five hundred dollars by way of exemplary damages, and shall, moreover, be responsible jointly and severally with the person to whom he was forbidden to sell, for any act of violence committed, or damage to property caused, by such person while intoxicated by the alcoholic liquor so delivered to him.

57. Notwithstanding the penalties imposed by this act, any holder of a permit for the sale of beer in a tavern, and every person employed by him, shall be jointly and severally liable in damages, towards the representatives of any person who becomes intoxicated in such tavern, by reason of the drinking of alcoholic liquor delivered to him by such holder, or such employee, and who, by reason of such drunkenness, commits suicide or is killed by some accident caused by such drunkenness.

The right of action must be exercised within three months after the death; the representatives of the person who has so died may recover a sum of at least one hundred dollars but not more than one thousand dollars.

58. The provisions of section 57 shall likewise apply to anyone who, not being the holder of a permit, sells any alcoholic liquor causing drunkenness which brings about the consequences therein mentioned.

59. Any married woman may, notwithstanding article 176 of the Civil Code, institute, in her own name, without the authorization of her husband, any action in damages mentioned in section 56 or 57 of this act.

60. No officer, inspector or other person employed by the Commission for the enforcement of this act, when acting in his official capacity, nor any person acting under the instructions of any such officer, inspector or other employee, shall incur any of the penalties enacted by this act for the punishment of those who obtain alcoholic liquor, either from a holder of a permit granted under this act or from a person who is not the holder of a permit.

61. If, within twelve months following the date at which an offence has been committed, the offender be guilty of a new offence, after the prosecution for the previous offence has been served upon him, or after a seizure has been taken against him by reason of such previous offence, such new offence shall constitute a subsequent offence within the meaning of this act, and the court which is seized thereof must punish it as such, provided there was a conviction for the previous offence.

In order to be subsequent, an offence need not be a violation of the same provision of this act as that which was violated by the previous offence.

62. The court before which any proceeding is instituted for any offence under this act must ascertain if the offence is a first offence or a subsequent offence, and, if it be found that the complaint is not according to the facts in that respect, it must order that such complaint be amended accordingly, and render judgment on the complaint as amended.

63. Any payment in money or in objects of pecuniary value on account of the sale of alcoholic liquor supplied in contravention of this act shall be deemed to have been made without consideration, and contrary to law.

A refund of such payment may be obtained from him who received it, by him who made it, or by his wife without the authorization of her husband, or by his father or tutor, if he is a minor; and, saving the rights of third parties, every deed or obligation made and agreed to, in whole or in part, in consideration or by reason of the delivery of alcoholic liquor in contravention of this act, shall be null.

64. No action to recover the price of any alcoholic liquor sold in contravention of this act may be maintained.

Nor may any action be maintained to recover the price of any beer sold by the holder of a permit for the sale of beer in a tavern.

SEIZURES

65. The Commission may, by a document signed by one of its members, authorize, generally or specially, any officer or inspector of the Commission to make searches, examinations, and seizures in connection with alcoholic liquor in every case where such search, examination or seizure is authorized by law; and such document shall be *prima facie* proof before any court.

66. 1. Whenever any alcoholic liquor is transported in this Province in receptacles of any kind, whether or not they be labeled or marked as containing alcoholic liquor or other wares,—

- a. if such alcoholic liquor be in sufficient quantity to give rise to suspicion that it is being transported for the purpose of selling the same; or,
- b. if it be addressed to a person not the holder, under this act, of a permit for the sale of alcoholic liquor of such variety, and if the Commission has reason to believe that such person has already been convicted for any offence under this act; or,
- c. if the said liquor be transported under circumstances justifying the presumption that it is being so transported to be sold without a permit,—

any officer or inspector of the Commission, authorized to that effect, may open any such receptacle wherever it may be, with all the necessary aid and even by force in case of resistance, and may examine the contents thereof; and, if such receptacle contains alcoholic liquor, he shall, without a warrant being required, seize the same, as well as the receptacle containing it, and hand them over to the Commission, which shall keep them in its custody until the court has disposed of them by a judgment.

2. The same powers may be exercised in a case of peddling of alcoholic liquor.

67. Any officer or inspector of the Commission, authorized to that effect, may, even by force if entrance is refused him, go on board any boat or vehicle, and enter any place, lot, or building in which he has reason to suspect that any alcoholic liquor is kept or sold in contravention of this act, make every search, and open, with all the necessary aid and even by force in case of refusal to do so, any cupboard or receptacle in which he thinks such liquor is contained; and, if he discover any alcoholic liquor, he must, without a warrant being required, seize it, as well as every receptacle containing it, and hand them over to the Commission, which shall keep them in its custody until the court has disposed of them by a judgment.

68. Any officer or inspector of the Commission, authorized thereto, may seize, without a warrant, any alcoholic liquor, as well as any receptacle containing it, shipped into a municipality in which a prohibitory by-law is in force, or whose council has decided, in the manner set forth in this act, that any permit or any certain kind of permit shall not be granted, unless each parcel containing such liquor is clearly and visibly addressed to the *bona fide* purchaser. The fact that such parcel is so addressed shall not however prevent the seizure of the liquor, if it be shipped or sold contrary to any provision of this act.

The liquor seized shall be handed over to the Commission, which shall keep it in its custody until the court has disposed of the same by a judgment.

69. Any officer or inspector of the Commission, authorized to that effect, may, without a warrant, seize alcoholic liquor found in a disorderly house, as well as any receptacle containing the same, and hand them over to the Commission, which shall keep them in its custody until the court has disposed of them by a judgment.

70. Every officer or inspector of the Commission, authorized to that effect, may, without a warrant, seize any alcoholic liquor which to his knowledge or that of the Commission is, in any way other than above indicated, kept, transported or sold in contravention of this act, as well as any receptacles containing it, and hand them over to the Commission, which shall keep them in its custody until the court has otherwise disposed of them by a judgment.

71. When any alcoholic liquor is seized in a vehicle, and such vehicle is of such a nature that it can be confiscated by the court if such liquor was being transported in contravention of this act, the officer or inspector effecting the seizure may detain such vehicle and use it, without charge, for transporting the alcoholic liquor so seized, as well as the receptacles containing it, to the custody of the Commission; further, the Commission may seize such vehicle, and it must keep it until the court, by its judgment, declares it confiscated for the benefit of the Commission.

72. Whenever any alcoholic liquor is seized under this act, it must be declared by the court to be confiscated, upon proof of any contravention of the law, save in cases otherwise provided for.

Saving the cases otherwise provided for by this act, the Commission must, within thirty days of the seizure, apply to the court for the confiscation of anything of such a nature that it can be confiscated under this act.

Any judgment inflicting a penalty, under this act, must order the confiscation of the liquor, vessels, vehicles or other things which have been seized.

If the name or the address in this Province of the person at whose residence or in whose possession such liquor, vessels, vehicles or other things have been seized, be unknown to the Commission, such liquor, vessels, vehicles or other things shall be deemed confiscated at the expiry of two months from the date of seizure.

When the confiscation has been ordered by any court, or has taken place as a result of the expiration of the two months' delay aforesaid, the Commission shall sell any beer seized, the alcoholic content of which is not more than five per cent, in weight, with the receptacles containing the same, to a brewer or other person holding a permit for the sale of beer, or of beer and wine, as the case may be, in this Province, and shall take possession, as owner, of all other alcoholic liquor seized, with the receptacles containing the same, and shall dispose by onerous title of the vehicles or other things seized.

PROSECUTIONS

General Provisions and Procedure.

73. Every action or prosecution for any offence under this act shall be instituted in the name of the Commission or in the name of the corporation of the local municipality where the offence has been committed.

74. Whenever there is reason to believe that any offence under this act has been committed and that such pro-

secution will be held to be well founded, the Commission may take action.

75. Whenever any person has called upon the Commission to take any action, it may, in its discretion, either before or during the suit, exact, from such person, the deposit of a sum sufficient to cover the costs in case the proceeding is dismissed.

76. The Commission must prosecute every offender under this act, whenever it is called upon to do so by a municipal corporation, and when such corporation has assumed responsibility for the costs to be incurred.

In any municipality where a prohibitory law is in force, or whose municipal council has decided, in the manner set forth in this act, that permits or certain kinds of permits shall not be granted, the council of the municipality must prosecute every contravention of this act, in which case the municipality shall be responsible for costs and shall receive the fines collected.

If the council refuses or neglects to prosecute any offence, after having been notified thereof, the Commission may prosecute the offender, at the expense of the municipality.

77. Fines and penalties enacted by this act or by the regulations made under its authority, and costs, duties and fees declared by it to be exigible, shall be recovered in the manner and before the courts hereinabove indicated.

78. Every prosecution shall be instituted in the judicial district where the offence was committed, or in that in which the offender resides.

If the offence be committed upon or near the boundary of two adjoining districts, where it is difficult to determine in which of such districts the offence was committed, the prosecution may be instituted in either one or the other.

If the offence was committed on or in a vehicle, the prosecution may be instituted in any judicial district of the Province through which such vehicle has passed in the course of the journey or voyage during which the offence was committed.

79. For every judicial proceeding instituted under this act, the county of Berthier shall form part of the district of Richelieu, and the county of Verchères shall form part of the district of Montreal.

80. Any action or prosecution may, at the choice of the party prosecuting, be instituted before the Circuit Court, before two justices of the peace, the police magistrate, the district magistrate or any other officer having the powers of two justices of the peace, saving the provisions of article 708 of the Criminal Code.

For the purposes of this section, whatever is necessary for the execution of any provision of this act respecting any proceeding against any offender, including the signing of summonses and warrants of arrest, and the adjournments granted, may be done by a single justice of the peace. Nevertheless the hearing and the judgment shall be governed by the provisions of sections 109 to 115, inclusive.

81. The delays upon summonses and all other pro-

cedure in actions and proceedings brought before the Circuit Court shall be governed by the provisions of the Code of Civil Procedure respecting actions between lessor and lessee.

82. Except in proceedings instituted before the Circuit Court, the service of the summons shall be made by any bailiff or constable appointed for the judicial district where the action or prosecution is instituted. A copy certified by the magistrate, judge or official who signed the original or by the plaintiff's attorney, must be left with the defendant personally, or with a responsible person of his family or of his staff; at his domicile or at his place of business, as the case may be.

Nevertheless, in case the defendant evades the service of the summons, or in the case of a person occupying any premises situated on the frontier between this Province and the United States of America, or between this Province and another Province, the judge, magistrate or justice of the peace may, on a return to that effect, prescribe whatever mode of service he deems proper, or order the summary arrest of the defendant.

83. The service, when made by a bailiff, shall be proven by a return under his oath of office, and, when made by a constable, shall be proven by his return duly sworn to before the court or before a justice of the peace of the judicial district in which the proceeding is instituted.

Before the Circuit Court, the service of proceedings and convictions shall be made in the same manner as that of the summons.

84. Before the Circuit Court, the procedure relating to any suit taken according to this act shall be that provided for by articles 1150 to 1162 of the Code of Civil Procedure for actions between lessor and lessee.

85. Except in any case otherwise provided for by this act, in every prosecution other than those instituted before the Circuit Court, the provisions of Part XV of the Criminal Code shall apply. Nevertheless the words in article 722 of the said Criminal Code: "but no such adjournment shall be for more than eight days", shall not apply to the prosecutions instituted under this act. However, no such adjournment during any such prosecution shall be for more than thirty days.

86. The provisions of articles 237 to 250 of the Code of Civil Procedure shall also apply, *mutatis mutandis*, to any prosecution instituted under this act before any district or police magistrate.

87. In every prosecution for any offence under this act, instituted in the name of the Commission, the complaint must be signed in the name of the Commission by one of its members, or by the provincial revenue collector appointed for the revenue district in which the offence has been committed, and duly authorized by the Commission to act on its behalf in the same.

88. Every proceeding instituted by a municipal corporation, and the judgment rendered on the same, shall

become null and of no effect if another prosecution is instituted by the Commission in order to prevent collusion between the parties. Such proceeding or judgment cannot be opposed against such second prosecution unless the amount claimed by the corporation has been paid according to law or the defendant has been imprisoned for the term for which he has been sentenced in default of payment.

89. In every proceeding under this act, the declaration of any person that he is a member of the Commission shall be sufficient proof, saving proof to the contrary, of his appointment and of his having entered upon his duties prior to the date of such declaration.

90. In any prosecution instituted under this act, it shall not be necessary to allege in the declaration, information, complaint or summons, any negative fact, nor any fact the burden of proof of which is upon the defendant.

91. In any prosecution under this act the real offender as well as the owner, lessee or occupant of the premises where the offence was committed, and in the case of a disorderly house any inmate thereof, shall be personally responsible for the fines and penalties which may be imposed for any offence under this act, even if such offence has been committed by another person against whom it cannot be proved that he has so acted under or according to the directions of such owner, lessee or occupant. The proof that such offence has been committed by any person in the employ of such owner, lessee or occupant or present on sufferance in the establishment of such owner, lessee or occupant, shall be conclusive proof that such offence was committed with the authorization and under the direction of the said owner, lessee or occupant. At the option of the party prosecuting, the real offender and such owner, lessee or occupant, may be prosecuted jointly or separately, but both may not be convicted for the same offence, and the conviction of one shall suffice to prevent the conviction of the other for the same offence.

Whenever any person has been convicted, under this act, of an offence committed in a certain place, and when, within the twelve months following the commission of such offence, the lessee, the purchaser or any other person who, in virtue of a lease, a deed of sale or any other contract, verbal or written, replaces the person convicted, commits, in the same place, any offence under this act, such new offence shall be held to be a subsequent offence, notwithstanding the provisions of section 61.

92. In order to prove a sale or consumption of intoxicating liquor in contravention of this act, it shall not be necessary to prove that there has been any actual handing over of money, nor actual consumption of such liquor, if the magistrate or the court hearing the case is convinced that a transaction of the nature of a sale or of any other mode of alienation has actually taken place, or that the consumption of liquor was about to take place. Whenever it is established that, in any premises for which a permit is required under this act, any person, other than the occupant of the said premises, has consumed or was about to consume any alcoholic liquor, it shall, by reason thereof, be presumed, against the holder of the permit,

or the occupant of the said premises that such alcoholic liquor has been sold to the person who has consumed or was about to consume the same, or who took it away or was about to take it away.

93. In any prosecution by the Commission instituted under this act against any person not the holder of a permit, the Commission may, at its option, prosecute such person for the sale of alcoholic liquor without a permit, or for the special offence which he has committed and for which he would be liable to be prosecuted even if he had been the holder of a permit.

94. Whenever any person is prosecuted and found guilty of any offence under this act, the amount of the fine, or the length of the term of imprisonment, to which such person would be otherwise liable, shall be doubled, if, at the trial, it be proved that the alcoholic liquor sold by such person was of bad quality and unfit for consumption.

95. Several offences committed by one person may be included in one declaration, complaint, information or summons, provided the said declaration, complaint, information or summons contain a specific statement of the time and place of the commission of each offence; but the fees allowed the advocates shall be the same as if there had been only one offence.

96. Except before the Circuit Court,—where the ordinary rules of procedure concerning amendments are applied,—any declaration, complaint or summons laid before a court may, on petition of the party prosecuting, be amended, either as to substance or form, without costs.

If the amendment be allowed, the defendant may obtain further delay for the preparation of his defence and of his evidence.

97. Any married man living and residing with his wife at the time of any contravention of this act committed by his said wife, whether she be a public trader or not, may be prosecuted and convicted in the same manner as if he had committed the offence himself.

98. Except before the Circuit Court, where the rules of procedure between lessor and lessee are to be followed, the court may, in any proceeding taken under this act, summon to appear before it any person who is shown to be an important witness in the case. If such person refuses or neglects to appear in obedience to the said summons, and if, by reason of any affidavit filed, or owing to the circumstances of the case, the court is of opinion that the witness is refusing or neglecting to appear in order to defeat the ends of justice, the court may issue a warrant for the arrest of such witness. The witness, if arrested, must be brought before the court; and, if he refuses to be sworn, or to answer any question relating to the case, he may be imprisoned in the common gaol and be therein imprisoned until he consents to be sworn and to give his evidence.

99. If any person summoned to appear to give evidence before a court in connection with any matter arising

under this act, neglects or refuses to appear at the time and place set for the purpose without cause deemed reasonable by the court before whom such proceeding is taken, or if such person at the time of his appearance refuses to be sworn or to give evidence, such person shall be liable, for each refusal or omission, to a fine of not less than five dollars nor more than forty dollars, and, on failure to pay such fine, to imprisonment for not less than ten nor more than thirty days, the whole at the discretion of the court. Such penalty must be imposed even in the event of the case being decided without such person having appeared or having been heard as a witness.

100. On the application of either the prosecution or the defence, the court may, if it sees fit, hear and have taken down in writing the depositions of the witnesses. It may also adjourn the case.

101. 1. Subject to the provisions of paragraphs 2 and 3 of this section, any person other than the defendant, examined as a witness in any action or proceeding brought under this act, shall be obliged to answer all questions put to him and judged pertinent to the issue, even if such answers may reveal facts tending to make him liable to any penalty imposed under the provisions of this act. However such evidence cannot be adduced against him in any prosecution.

2. No witness examined in any proceeding under this act may be compelled to state that he is the informer in such proceeding. Nor shall any question be put to him with the object of showing whether the action was taken on a complaint by an informer, or of revealing the name of the informer.

3. No witness called in any proceeding under this act may be asked whether the deposit mentioned in section 75 has been required or made.

102. In any prosecution for the sale of alcoholic liquor it is not necessary to prove the exact variety, nor to mention the quantity of alcoholic liquor sold, except in the case where the variety or quantity are essential to establish the offence. As regards quantity, it shall be sufficient to allege the sale of a quantity the sale of which quantity is not allowed.

103. In order to obtain a conviction, it is not necessary that the precise time mentioned in the complaint as the time of the commission of the offence be exactly proved. It shall be sufficient to prove that the delay granted by the law for the prosecution of such offence has not expired.

104. The provisions of section 103 shall apply to all proceedings, including proceedings instituted for the sale of alcoholic liquor on days and in hours during which such sale is forbidden.

105. In any proceeding instituted against a person who is not the holder of a permit under the provisions of this act, proof of the correct name of the defendant shall not be necessary to justify a conviction; it shall suffice that the identity of the defendant be established by the sworn testimony of one of the officers of the Commis-

sion, or of a collector of provincial revenue, acting for the Commission. No error in the name of the defendant shall invalidate the conviction or the warrant of imprisonment.

106. If, in any proceeding under this act, evidence be required respecting a permit, a certificate signed by one of the members of the Commission, or by a person authorized thereto by it, or by the collector of provincial revenue authorized by the Commission to act for it in such proceeding, shall be sufficient evidence of the existence of such permit and of the identity of the person to whom it was issued. Such certificate shall be sufficient evidence of the contents thereof and of the authority of the Commission.

107. The production of a permit or of a copy thereof delivered by the Commission, shall be sufficient evidence of the payment of the duty payable thereon, unless the prosecuting party proves that the duty has not been paid, in which case the permit obtained without such payment shall be held to be null.

108. Whenever the court deems it necessary for the purposes of this act that any liquor suspected of being alcoholic be analysed, the costs of such analysis shall be included in the taxed costs of the case.

In any proceeding instituted under this act, the production by the Commission, or by one of its officers or by the collector of provincial revenue authorized by the Commission to act in such proceeding, of a certificate as to such analysis, signed by the analyst of the Commission, shall constitute *prima facie* evidence of the facts contained in such certificate, provided that a copy of such certificate be served upon the defendant with the proceeding. The costs of such analysis shall also be included in the taxed costs of the case.

JUDGMENTS.

109. The judgment rendered in any proceeding instituted in virtue of this act, and tried before two justices of the peace, may be delivered by one of them in the absence of the other, provided that such judgment be drawn up in writing and that it be signed by the two justices of the peace.

110. Whenever any proceeding has been heard by two justices of the peace, and they do not agree as to the judgment to be rendered, either of such justices may sign a certificate to that effect, and transmit the same to the Commission. The latter, on receipt thereof, may institute a new proceeding for the same offence. Prescription shall not run between the service of the first proceeding and the date at which the certificate is transmitted to the Commission.

111. If he does not pay the fine imposed or the sum he has been condemned to pay, by virtue of this act, the offender shall be imprisoned and held during a term of three months in the common gaol, unless some other term of imprisonment has been provided for in this act.

112. Unless otherwise provided for, the penalty for

any subsequent offence, for any person already convicted of two offences under this act, shall be imprisonment for six months if the new offence be of a similar nature and kind as that of which he was previously convicted.

113. In the cases mentioned in sections 111 and 112, and in other cases where a similar provision of law exists, the judgment or sentence shall contain a provision condemning the defendant to the said imprisonment.

114. Whenever a judge, magistrate or justice of the peace who has heard a case is unable, on account of sickness, absence or any other reason, to himself deliver judgment, he may transmit his judgment in writing, duly certified by him, to the clerk of the court, of the magistrate, or of the justice or justices of the peace, to whom the matter appertains, with instructions to register the judgment, and, on request, to deliver or communicate it to the parties or their attorneys on the day fixed by him for the purpose.

The clerk, on receipt of such written judgment, and the instructions which accompany it, must comply with such instructions. The judgment thus registered shall have the same effect as if it were delivered by the judge, the magistrate, or the justice of the peace at the trial.

115. Every conviction under this act shall, in the fifteen days which follow the date of the judgment, be brought, under penalty of a fine of twenty dollars, to the knowledge of the Commission by the clerk of the court before whom the action was taken, or, failing a clerk, by the justice of the peace or magistrate before whom such conviction was had.

116. The judgment rendered in any proceeding instituted under this act, shall apply only to the offences alleged in the complaint, and to no other offence which might have been committed before the date of such judgment.

COSTS.

117. The Lieutenant-Governor in Council may make, amend, replace and repeal the tariff of fees which may be granted to any clerk, bailiff, peace officer, constable, advocate, witness, inspector or officer of the Commission, in any suit or action instituted under this act.

118. In any action or proceeding instituted under this act, the Commission may not be condemned to pay costs. Nevertheless, upon the recommendation of the court, the Commission, if judgment has been rendered against it, may, in its discretion, pay, to the person in whose favour judgment has been given, such costs or such indemnity as it may deem just to pay him.

119. In every proceeding under this act, or under section fifteenth of chapter fifth of title fourth of the Revised Statutes, 1909, (articles 1316 to 1328 inclusive), if the collector of provincial revenue authorized to act for the Commission, or an officer or inspector of the Commission, be present at the sittings of the court, as a witness, and in order to attend the sittings of such court travels a distance of over three miles from his domicile,

the magistrate, justice or justices of the peace seized with the trial of the case may then tax against the defendant, if he be found guilty, as costs in the case, the following amounts, to wit,—

1. if he travels by railway or stage, the sum he has had to pay;
2. if he travels in a hired vehicle, the sum actually charged for such horse and vehicle, and the tolls;
3. if he travels in his own conveyance, twenty cents a mile for a trip one way only;
4. to cover all other expenses, an additional sum of two dollars a day.

In the event of the trial being adjourned at the request of the defendant, the latter may be condemned to the payment of like additional costs when such collector, officer or inspector is actually present at the sitting of the court.

Travelling and other expenses shall be attested under oath by such collector, officer or other person.

120. In every proceeding instituted under this act or under section fifteenth of chapter fifth of title fourth of the Revised Statutes, 1909 (articles 1316 to 1328 inclusive), the cost of evidence taken in writing, stenography or otherwise shall be included in the taxed costs of the action.

EXECUTION OF JUDGMENT.

121. In default of the immediate payment of the fine and costs, the prosecuting party may, at the time of the rendering of the judgment or of the conviction, or at any time during the delay, if any be granted to the defendant, make option for the imprisonment of the defendant during the time mentioned in the judgment or the conviction, or for the immediate issue of a seizure against his property.

In the latter case the amount of the fine and costs shall be levied by a warrant of seizure and sale of the furniture and effects of the defendant. Failing any furniture and effects, or in case the amount realized by the sale be insufficient to cover the sums due, the defendant shall be imprisoned. However, in either case he may free himself from such imprisonment by paying in full the fine, the costs incurred up to the conviction, and the subsequent costs.

122. Save in the case of payment in full as above mentioned, no defendant imprisoned under any provision of this act shall be set free by reason of any defect of form in the warrant of imprisonment, nor without a notice of the application being duly served upon the prosecuting party. No partial payment shall affect or modify the terms of the judgment pronounced against him in so far as the imprisonment is concerned.

123. Whosoever, knowing or having reason to believe that a warrant of imprisonment has been issued against any person under this act, hinders the arrest of the defendant, or procures the means of or facilitates, by advice, action or in any other manner, the avoiding of arrest by the defendant, shall be guilty of an offence under this act, and liable to a fine of forty dollars.

124. The execution of a judgment upon any prosecu-

tion or action instituted under this act may take place forthwith. If the judgment condemns the offender to imprisonment only, it must be executed immediately.

125. When coercive imprisonment lies to enforce a judgment of the Circuit Court, it shall be granted by one of the judges of the Superior Court or of the Circuit Court, or by the clerk of the Circuit Court, on summary petition alleging that the defendant has not paid in full the fine or the sum recovered, and the costs of the prosecution.

It shall not be necessary to give notice to the defendant of such petition.

126. Every term of imprisonment under this act shall run from the date of incarceration.

127. If the conviction be for having sold or allowed the sale of alcoholic liquor on board a boat or a railway car, without a permit, the fine and costs may likewise be levied by the seizure and sale of the fittings and furniture of the boat or car on board which such liquor was sold.

128. In the case of a first offence committed by the holder of a permit under this act, the court may, in its discretion, if the fine and costs are not paid forthwith, fix a later date for such payment. It may also order that the defendant be arrested, unless he binds himself to appear on the day set, by giving security, to the satisfaction of the court, for the payment of a sum equal to the amount of the fine and costs. The court is hereby authorized to receive the security, in the form of a bond or otherwise, at its discretion. If, on the day so fixed, such fine and costs are not paid, the complainant may exercise his right of option, as provided in section 121, and the defendant shall be dealt with according to the terms of such section.

129. When a married woman, living habitually with her husband, has been convicted in any proceeding instituted under this act, the complainant may cause the seizure of the goods of such married woman, or of her husband. In case the goods of one should be found insufficient, he may exercise his recourse against the goods of the other.

130. Upon conviction of a member of any partnership under this act, the prosecuting party may, in case the goods and effects of the defendant are found insufficient, cause the seizure and sale of the goods and effects of the partnership which are found in the place where the offence was committed.

APPEALS AND OTHER REMEDIES

131. 1. No writ of *quo warranto* may be granted with respect to the office held or any power exercised by the Commission or by any member thereof.

2. No writ of *mandamus* may be issued to order the Commission or any member thereof to discharge any duty or to do any act.

3. No writ of injunction may be granted to prevent, either temporarily or permanently, the Commission or any

of its members doing anything or carrying out any operation, or continuing to do anything or to carry out any operation.

4. No writ of *certiorari* may be granted to evoke any action or proceeding instituted under this act.

5. No writ of prohibition may be issued with respect to anything done or proposed to be done under this act.

6. There shall be no appeal from any judgment rendered in any prosecution or action instituted under this act, except,—

- a. in any case wherein the court which rendered the judgment has exceeded its jurisdiction;
- b. in case the offence in respect of which the prosecution or the action was instituted, renders the offender liable to imprisonment only; or
- c. in case any alcoholic liquor has been seized under this act, when, under any of the provisions thereof, the court must order confiscation.

In each such case the appeal must be taken, by petition, before a judge of the Superior Court in the judicial district in which the judgment was rendered. It must be taken within eight days of the date of the judgment. The subsequent proceedings shall be summary, and must be followed up from day to day.

The appeal may be taken by either party to the prosecution or action. If it be taken by the defendant, he must at the same time make a deposit of three hundred dollars in the hands of the prothonotary for the district. If the appeal be dismissed, such deposit shall be confiscated and forfeited to the Commission, and the defendant shall be liable, in addition, to the penalties and costs to which he has been condemned.

Such appeal shall be final.

7. The judge of the Superior Court before whom the appeal is taken must hear the witnesses upon the questions of fact, if the evidence of such witnesses has not already been taken in writing, in accordance with section 100 of this act. He must decide the question on the merits, without taking into account any defect, either as to form or matter, provided that it appears by the judgment that conviction has been had for an offence against any provision of this act, before the Circuit Court, two justices of the peace, a police magistrate, district magistrate, or other officer having the powers of two justices of the peace, acting within his jurisdiction, and that it appears moreover by such judgment that the penalty or punishment applicable to that offence has been applied. If it appears that the case has been decided on the merits and that the conviction is valid, under this act, such conviction shall not be set aside.

If the original record of the case has been submitted to the judge of the Superior Court, it shall be sent back to the court below, after the judgment in appeal.

FINES.

132. Whenever any proceeding is taken by the Commission or in its name, the fine and costs shall be paid to the clerk of the peace, or to the clerk of the justices of the peace, district magistrate or police magistrate before whom such proceeding has been brought, or, if there be no such

clerk, then to the justice of the peace or to the magistrate himself, or to the clerk of the Circuit Court.

133. Every clerk, justice of the peace or magistrate who has collected any fine or costs, under section 132, must hand the same over to the Commission within fifteen days from the date of their collection, if no appeal be taken from the judgment rendered, under section 131 of this act, and, in case of appeal, within fifteen days from the date of the final judgment. On failure so to do, the said clerk, justice of the peace or magistrate shall be liable to a fine of one dollar for every day he neglects to make such remittance after the expiration of such delay of fifteen days.

134. Whenever, in accordance with the provisions of the second paragraph of section 76, any proceeding is taken by a municipal corporation, the fine recovered shall be employed as follows:

- a. if the fine and costs have been recovered in full, one-half of the fine shall belong to the Commission, and the other one-half to the municipality. The municipality shall be obliged to give to the informer one-half of the amount it receives;
- b. if the fine and costs have not been recovered in full, the amount recovered shall first be applied to the payment of the costs, and the balance divided in the manner and proportion indicated in paragraph a of this section.

135. No remission of any fine imposed under this act may be made, nor any suspension, before or after judgment, of the proceedings instituted under it, saving any delay the court may see fit to grant in the interests of the parties.

The power to remit certain fines, conferred upon the Lieutenant-Governor in Council by article 900 of the Revised Statutes, 1909, shall not apply to any fine imposed under this act.

PRESCRIPTION

136. Unless otherwise provided, every proceeding taken under this act shall be begun: within two months of the commission of the offence if it took place in either of the cities of Quebec or Montreal; within twelve months, if it occurred in the revenue district of Saguenay, and within four months of the commission of the offence if it occurred in any other part of the Province.

Nevertheless, the above limitation of time shall not apply to the confiscation of the alcoholic liquor seized before judgment; the judgment of the court confiscating such liquor may be applied for and rendered at any time.

RESTRICTIONS RESPECTING THE AMOUNTS MUNICIPALITIES MAY LEVY UPON HOLDERS OF PERMITS

137. Notwithstanding any special act to the contrary, no municipality may, by by-law, resolution or otherwise, levy, in the same year, from any holder of a permit under this act, any license, tax, impost, or duty exceeding two hundred dollars in cities and towns, or fifty

dollars in other municipalities, for the purpose for which the said person holds such permit. Any municipality which levies or receives directly or indirectly any amount greater than as allowed by this section for the above purposes, may be compelled to reimburse the overcharge, at any time, to the holder of such permit or to his legal representatives.

AMENDMENTS

138. In section fifteenth of chapter fifth of title fourth of the Revised Statutes, 1909, comprising the articles from 1316 to 1328, inclusive, and the forms following article 1328, and in every amendment to such section and to such articles and forms, the words "Quebec License Act" shall mean "The Alcoholic Liquor Act",—the words "Revenue Collector for the Revenue District" shall mean "The Quebec Liquor Commission",—the word "license" shall mean "permit",—and the word "intoxicating" shall mean "alcoholic".

139. In every special act, the words "Quebec License Law", when they refer to the first division of the said Quebec License Law, shall mean "The Alcoholic Liquor Act", and the words "intoxicating liquor" shall mean "alcoholic liquor".

140. Every provision in any general or special act which is incompatible with this act is declared not to apply thereto.

REPEALS

141. The first division of section fourteenth of chapter fifth of title fourth of the Revised Statutes, 1909, comprising the articles from 904 to 1175, inclusive, and all the amendments to such division and such articles, are repealed.

Every confirmation of a certificate obtained under any provision of such first division above-mentioned, for the issue of a license commencing on or after the 1st of May, 1921, shall be without effect and shall confer no right whatsoever.

Section sixteenth of chapter fifth of title fourth of the Revised Statutes, 1909, comprising the articles from 1329 to 1333, inclusive, and all the amendments to such section and articles, are repealed.

142. Section 3 of the act 8 George V, chapter 23, is repealed.

143. Sections 1 to 26, inclusive, of the act 9 George V, chapter 18, are repealed.

144. No repeal made by this act shall affect pending cases.

145. Sections 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 32, 33, 34 and 37 of this act shall come into force on the day of its sanction, and the other sections on the first day of May, 1921.

11 GEORGE V, CHAP. 25

An Act respecting the possession and transportation of alcoholic liquor

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. This act may be cited as "The Alcoholic Liquor Possession and Transportation Act".

2. This act shall apply to the whole Province.

3. No alcoholic liquor, as defined in the Alcoholic Liquor Act, shall be kept, possessed, or transported in the Province, except:

a. by or for the Quebec Liquor Commission;

b. in accordance with the provisions of the Alcoholic Liquor Act, by those who have acquired it from the Quebec Liquor Commission, or who have acquired the same upon the authorization of such Commission in accordance with section 47 of the said act;

c. in the residence of any person, for personal consumption and not for sale, provided it has been acquired by and delivered to such person, in his residence, previous to the 1st of May, 1921, or has been acquired by him, since such date, from the Quebec Liquor Commission;

d. by any distiller licensed by the Government of Canada for the manufacture of alcohol or spirits, or by any wine manufacturer, who may keep for sale in his manufacturing establishment or warehouse in the Province any alcoholic liquor manufactured by him, and may ship the same out of the Province or sell it to the Quebec Liquor Commission, as provided in the Alcoholic Liquor Act; or

e. by a brewer holding a permit, as to beer manufactured by him; and by those lawfully purchasing such beer.

4. Nothing in this act or the Alcoholic Liquor Act shall be construed as forbidding the continuous transportation, with or without transshipment, of alcoholic liquor through the Province from any place outside the Province to any other place, also outside the Province, provided that the transportation of any alcoholic liquor without a bill of lading showing shipment from one place outside the Province to another place also outside the Province, shall create a conclusive presumption that the said liquor is intended for delivery within the Province.

5. Whosoever contravenes any provision of this act shall be liable, in addition to the costs of prosecution, for the first offence, to a fine of one thousand dollars, and, on failure to pay such fine and costs, to imprisonment in the common gaol for the term of three months, which the court may reduce to one month, and, for any subsequent offence, to imprisonment in the common gaol for three months.

6. The provisions of sections 65 to 136, both inclusive, of the Alcoholic Liquor Act, shall apply to the offences created by this act as if the said act was part of this act.

7. This act shall come into force on the 1st of May, 1921.

11 GEORGE V, CHAP. 26

An Act to amend the Revised Statutes, 1909, respecting licenses

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section fourteenth of chapter fifth of title fourth of the Revised Statutes, 1909, comprising the articles from 903 to 1315 inclusive (of which division I, arts. 904-1175, is already repealed by the Act George V, Chapter 24), and the forms following article 1315, are replaced by the following:

“SECTION XIV

“LICENSE ACT

“§ 1.—*Name and application of Section*

“**903.** This section may be cited as the “Quebec License Act”.

“§ 2.—*General provisions*

“**904.** The licenses granted by the Government of the Province, under this section, are issued by the collector of provincial revenue for the revenue district in which the applicant intends to do business or has his establishment, in the manner and with the formalities hereinafter established and upon payment to such collector of the duties hereinafter mentioned, except in such cases as hereinafter otherwise provided for.

“**905.** The Lieutenant-Governor in Council may, from time to time, appoint at his discretion one or more persons whom he may authorize to sign and deliver such licenses to the proper collector of provincial revenue, and may also establish their form and the time of their delivery, and such licenses shall be issued for one year only, or for a part thereof, as provided for in this section.

“**906.** The license year begins on the first day of May, in each year, and ends on the 30th day of April following. Except for licenses which are expressly given for a period of time less than the license year, the licenses are granted for the license year or for a fraction thereof, and expire on the 30th day of April following the date of their issue.

“**907.** Whenever, in the course of a license year, any

person begins to do a business for which a license is required for the year, the Provincial Treasurer may authorize the collector to accept for the license an amount of duty proportionate to the number of months still to run, from the first of the month during which he begins to do such business.

“908. Any license issued shall be valid only:

a. for the person and the period of time therein mentioned, and,

b. in the establishment, or, if none, in the territory therein mentioned, or,

c. for the vehicle, automatic distributor or vessel, as the case may be, therein mentioned.

“909. The Provincial Treasurer may authorize the transfer of any license issued hereunder from the holder thereof to another person, or from one territory to another, or from one establishment to another, or from one vehicle or vessel to another, upon payment by the transferee to the collector of an additional duty equal, in proportion to the number of calendar months which have still to run before and including the 30th of April following, to one-half of the duties so paid for the license, provided that such additional duty for the transfer be not less than five dollars.

“910. In addition to the duties payable to the Province for the issue or for the transfer of a license, the person applying for the issue or transfer thereof shall pay a fee of five dollars to the collector who makes such issue or transfer. However, in the case of an automatic distributor, the fee shall be only one dollar.

“911. Except in the case of a peddler or of a person in charge of a ferry, or of a person in charge of an automatic distributor, every person holding a license shall cause his license to be displayed, in a prominent and visible manner, in the principal room of the establishment where the rights conferred by the license are exercised.

In the case of a peddler, if the license be taken for a vehicle, the plate issued therefor must be displayed on the vehicle.

In the case of a person holding a license for a ferry, the plate issued therefor must be displayed on the boat or other vessel used.

In the case of a person holding a license for an automatic distributor, the plate issued therefor must be displayed on the automatic distributor.

Upon failure to display such license, or plate, as the case may be, in the manner above indicated, for and during the whole of the period for which the license is granted, such person shall be deemed to have no license, and shall be punishable accordingly.

“912. Whenever an offence is committed under this section, by a partnership, a corporation or a club, whether while the holder of a license under this section or not, and whenever a judgment is rendered under this section against such partnership, corporation or club, such judgment may, in default of payment of the fine and costs by such partnership, corporation or club, be executed: in the case of a partnership against each member of

the partnership, in the case of a corporation, or a club, against the president thereof if in the Province, otherwise against the manager or the representative thereof in the Province, and the sentence of imprisonment may be imposed on such members, officers or representative, as the case may be.

“**913.** The collector of provincial revenue or any person appointed by him or any revenue officer authorized by the Provincial Treasurer may enter at a reasonable hour, and free of charge, if any made, into any establishment for which a license is required by virtue of this section, in order to ascertain if the provisions of this section are complied with, and for the purpose of collecting any duty due by virtue of this section.

“**914.** Each collector of provincial revenue, personally or by his deputy or by any other person appointed by him for that purpose, shall, within his district, make a careful search for infringements of this section, and, for that purpose, he shall visit at least once a year every establishment situated in his revenue district for which a license is required or has been issued under this section; and every person in charge of such an establishment who hinders the visit and inspection in question or who molests the officer in the execution of his duty relative to such objects, shall be liable, in addition to the costs, to a fine of fifty dollars for each offence, and, in default of payment of the fine and costs, to imprisonment for a term of thirty days in the common gaol.

“**915.** Every infringement of the provisions of this section not otherwise provided for, is punishable by a fine of not less than twenty dollars nor more than one hundred dollars, and costs, for each offence, and, in default of payment of the fine and costs, by imprisonment for not more than one month in the common gaol.

“**916.** Every person,—

- a. who obtains a license under a fictitious name, or under a name which is not his own, or a license in which his own name is not inserted as the name of the person to whom such license has been granted; or,
- b. who, holding a license, lends or leases his license to any other person, or traffics in such license; or
- c. who makes use of a license issued to another person, without having the same transferred to him, in accordance with the provisions of this section,—

shall commit an offence against this section, and be liable, in addition to the costs, to a fine equal to double the amount of the duty payable to obtain a license of that character, and, in default of payment, to imprisonment for one month in the common gaol.

“**917.** Any sum that may become due to the Crown, in virtue of this section, shall constitute a privileged debt, ranking immediately after law costs.

“**918.** The deputy collector of provincial revenue shall exercise the same powers and perform the same duty as the collector of whom he is the deputy.

“919. The word “person” includes partnership, corporation and club.

“§ 3.—*Hotels, restaurants and lodging-houses*

“920. The following words and expressions shall, for the purposes of this subsection, have the following meaning:

1. A “hotel” is an establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to travellers;

2. A “restaurant” is an establishment, provided with special space and accommodation, where, in consideration of payment, food (without lodging) is habitually furnished to travellers,

3. A “lodging house” is an establishment, provided with special space and accommodation, where, in consideration of payment, lodging (without food) is habitually furnished to travellers;

4. A “traveller” is a person who, in consideration of a given price per day, or fraction of a day, on the American or European plan, or per meal, *à table d’hôte*, or *à la carte*, is furnished by another person with food or lodging, or both.

“921. It is forbidden to keep and operate a hotel, a restaurant or a lodging-house without having previously obtained a license for that purpose.

“922. Such a license shall be issued upon production of the certificate of inspection required by articles 3866a and following of the Revised Statutes, 1909, and upon payment of the duties mentioned hereinafter.

“923. In the case of a license to keep and operate an hotel or a lodging-house, the duties shall be based upon the number of bedrooms which the establishment has at the disposal of travellers, and in the case of a license to keep and operate a restaurant, they shall be based upon the annual rental value of the restaurant, and shall be as follows:

1. On every license to keep a hotel:

a. in any city, five dollars per bedroom, provided always that, whenever the number of bedrooms exceeds one hundred in any one hotel situate in a city having more than 100,000 population, or exceeds twenty in any one hotel situate in a city having less than 100,000 population, the duty shall not, in the first case, exceed five hundred dollars, or, in the second case, one hundred dollars;

b. in any town or village having a population of two thousand or more, three dollars per bedroom;

c. in any town or village having a population of less than two thousand, two dollars per bedroom;

d. in any other territory, one dollar per bedroom; provided always that the duty shall not be less than five dollars.

2. On each license to keep a lodging-house:

One-half of the duty exigible for a license to keep a hotel having the same number of bedrooms in premises situated in the same class of municipality;

provided, always, that the duty for a license to keep a lodging-house shall be not more than four hundred dollars nor less than five dollars.

3. On each license to keep a restaurant:
 - a. in the city of Montreal, five per cent of the annual value or rent of the premises for which the license is required;
 - b. in the city of Quebec, four per cent of the annual value or rent;
 - c. in every other city, three per cent of the annual value or rent;
 - d. in every town, two per cent of the annual value or rent;
 - e. in every other municipality, one per cent of the annual value or rent;—

provided, always, that the duty for a license to keep a restaurant shall not be more than two hundred dollars nor less than five dollars.

4. On each license to keep a hotel, lodging-house or restaurant in a summer resort or in a place of pilgrimage, for a period of three months or less, one-quarter, or for a period of more than three months but not exceeding six months, one-half, of the duty exigible for an annual license of the same character in the same class of municipality; provided, always, that the duty exigible under this paragraph 4 shall not be more than one-quarter, or, as the case may be, one-half, of the maximum established for such an annual license, nor less than five dollars.

5. On each license to keep a restaurant in an amusement park situated in a city or town, during a period of six months or less, one-half of the duty exigible for one year for a license of the same nature in the same class of municipality.

924. The application for a license to keep a hotel or a lodging-house must set forth the total number of bedrooms which form part of the hotel or lodging-house, whether situated in the same building or not, and the total number thereof required for the family and the employees. The collector of provincial revenue shall determine the number of bedrooms which, in his opinion, are available for travellers, and which shall determine the amount of duties.

925. The application for a license to keep a restaurant shall be accompanied by the certificate of the secretary-treasurer or clerk of the municipality in which are situated the premises for which the license is required, showing the annual value or rental value of such premises, as per the last valuation roll, collection roll or other books of the municipality.

If, for any municipality, the valuation roll, collection roll or other books do not show the annual value or rental value of the premises, or if the certificate produced does not, in the opinion of the collector of provincial revenue, give the true annual value, or if the certificate produced shows the annual value of the whole property, while the premises for which the license is applied for do not comprise the whole of the property,—in all and any of such cases, the collector of provincial revenue may fix the amount of such annual value.

If the applicant for such a license claims that the amount of the annual value fixed by the collector of provincial revenue does not represent the true annual value of the premises for which such license is applied for, the Provincial Treasurer may, upon application, appoint a commissioner to fix such true annual value, and the decision of the commissioner shall be final.

“926. In fixing the annual value of the premises for which the license is applied for, such premises shall be made to include, not only the rooms used for the purpose required for such a license, but also all other rooms in the same house and dependencies and all the vacant land thereto belonging, which are occupied by the applicant or intended so to be, for the purposes of his establishment.

“927. Every person who keeps or operates a hotel, a restaurant or a lodging-house, without a license to that effect, still in force as by law prescribed, shall be guilty of an offence under this subsection, and liable, for each offence, to a fine equal to twice the amount of the license duty, and costs, and, on failure to pay the said fine and costs, to imprisonment for not more than three months.

“928. Every person who, without being the holder of a license to keep or operate a hotel, a restaurant or a lodging-house, induces the public or the travellers, by means of advertisement or otherwise, to believe that he keeps a hotel, a restaurant or a lodging-house, or solicits or accepts the patronage of travellers, shall be guilty of an offence under this subsection, and shall, in addition to the payment of the costs, be liable to a fine of not more than twenty-five dollars for each offence, and, in default of payment of such fine and costs, to imprisonment for a term of not more than thirty days.

“929. Any person may, without contravening the provisions of this subsection, furnish, in consideration of payment, a traveller with lodging or food, or both, in a private house situated in a municipality where there is no hotel or no restaurant or no lodging-house, or where the hotels or restaurants or lodging-houses are not provided with sufficient space and accommodation for all the travellers.

“930. Each hotel, situate in a village or in the country parts, shall, in addition to the lodging apartments of the family, contain at least three bedrooms having each a good bed, for the use of travellers.

“931. The keeper of such an hotel shall keep in an out-house, near the main building, stalls for at least four horses, and shall always be provided with edibles and provisions for travellers, and hay and grain for their horses.

“932. Every hotel or restaurant in a city or town, shall contain a kitchen of sufficient dimensions, all the utensils necessary to prepare meals for at least ten persons, a dining room sufficiently large to seat such ten persons, with a suitable table whereon to lay the cloth, and, if an hotel, at least five bedrooms in addition to the lodging apartments of the family.

“933. No licensee for an hotel may refuse without just cause to give lodging or food to travellers.

“934. No licensee for a restaurant may refuse, without reasonable cause, to give food to travellers.

“935. Notwithstanding any special act to the contrary, no municipality may, by by-law, resolution or otherwise, levy any tax, impost or duty for keeping a hotel, a restaurant or a lodging-house.

“§ 4.—*Amusements*

“936. The following terms and expressions shall, for the purposes of this subsection, have the following meaning:

1. The words “place of amusement” mean and include every theatre, concert hall, music hall, moving picture hall, hall for dancing or for other amusements, circus, equestrian show, menagerie, caravan of wild animals, side-show, show, baseball park, athletic park, amusement park, skating rink, or other place or hall, where, in consideration of a payment made for that or any other purpose, a person attends or participates in an exhibition or an entertainment given or a game played.

2. The words “film exchange” mean any person selling, leasing or exchanging films or devices for exhibitions of moving pictures by means of cinematographs, moving picture machines or other similar means.

3. The words “travelling exhibitor” mean any person giving successively exhibitions, concerts or other entertainments in more than one place or locality either for himself or for others.

“937. For the purposes of amusements, annual or daily licenses may be granted.

An “annual license” is one beginning on the first day of May or thereafter, for more than thirty days, and ending with the license year, to wit: on the 30th day of April following.

A “daily license” is one issued for one calendar day or more, but not exceeding thirty days in any one license year.

“938. It is forbidden to keep or operate a place of amusement unless a license therefor be issued upon payment of the following duties:

1. On every license to open and exhibit a circus or equestrian show, menagerie or caravan of wild animals:

a. in the cities of Quebec and Montreal, and within three miles of each of such cities, five hundred dollars for each day the same are shown or exhibited;—and for every side-show thirty dollars for each day;

b. in every other part of the Province, two hundred dollars for each day;—and for every side-show, fifteen dollars for each day.

2. On each annual license to keep or operate any other place of amusement:

a. in the cities of Quebec, Montreal, Outremont, Verdun and Westmount, fifty cents for each seat for one person;

b. in all other cities, thirty cents for each seat for one person;

c. elsewhere, twenty cents for each seat for one person.

3. On each daily license to keep or operate any place of amusement other than those mentioned in paragraph 1 of this article, one cent per seat per day if the admission fee be one dollar or less, and three cents per seat per day if the admission fee be over one dollar,— provided always that the duty shall not be less than five dollars.

“939. It is forbidden to carry on a film exchange business, unless a license therefor be issued, upon payment to the collector of provincial revenue, for the revenue district of Montreal, of a duty of two hundred dollars.

“940. It is forbidden to carry on the business of travelling exhibitor, unless a license therefor be issued, at the discretion of the Provincial Treasurer, by the collector of provincial revenue for the revenue district of Quebec, upon payment to the Revenue Branch, at Quebec, of a duty which may, in the discretion of the Provincial Treasurer, be based upon the number of days or tents or operators or vehicles composing the exhibition, or the number of seats available for the public, and be at such a rate as he may determine.

“941. In the case of a circus, equestrian show, menagerie or caravan of wild animals, with or without side-shows, the license shall be issued in the discretion of the Provincial Treasurer, and it shall include the circus, equestrian show, menagerie or caravan of wild animals, but a separate license shall be issued for side-shows.

“942. Every person opening or exhibiting a circus, equestrian show, menagerie or caravan of wild animals, or side-show, shall show his license to the collector of provincial revenue, or to one of his deputies, or to any person duly authorized thereto by the collector of provincial revenue, on a simple demand, verbal or written, on his part, and, in default of so doing, such person shall be held to have no license and shall be punishable accordingly.

“943. Every person who opens or exhibits any circus, show, menagerie or side-show without a license to that effect, still in force, shall be guilty of an offence under this subsection, and liable, in addition to the costs, to a fine of one thousand dollars for each representation or exhibition.

“944. The collector of provincial revenue or one of his deputies or any other person authorized to that effect by such collector may, on a warrant obtained on satisfactory proof by affidavit, and signed by a judge of the Superior Court, a district magistrate, or a justice of the peace, seize the animals, goods and effects forming part of a circus, show or menagerie, for the opening or exhibition of which no license has been taken, or for which there has been a refusal to show the required license; and may, without any other preliminary judgment or formality, sell and adjudge at public auction the animals, goods and effects so seized for the amount of the fine incurred, and costs of sale.

“945. Every person who keeps or operates any other

place of amusement, without a license to that effect, still in force as by law prescribed, shall be guilty of an offence under this subsection, and liable, for each offence, to a fine equal to twice the amount of the license duty, and costs, and, on failure to pay the said fine and costs, to imprisonment for not more than three months.

“946. No license shall be required for a place of amusement in a township or parish municipality or in a village or town having a population of less than one thousand souls, or for a hall in an educational building or a church, provided no moving pictures are shown in such place or such hall; but such license shall be required for a moving picture hall in any such municipality or such village or town.

“947. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient for the purpose of:

- a. carrying into effect the provisions of this subsection;
- b. reducing by one half the annual license duties for a place of amusement which, by reason of the nature of its construction or the nature of the amusement there carried on, cannot be made use of during a certain period of the year;
- c. reducing or remitting the daily license duties for places of amusement when used for patriotic, agricultural, religious, educational or charitable purposes, or for the encouragement of the arts;
- d. defining what constitutes a seat or the equivalent thereof, in a place of amusement.

“§ 5.—Race meetings

“948. 1. No person shall operate a race track or race meeting, in this province, unless a license to that effect has been issued to him by the proper collector of provincial revenue, upon payment to the latter, in advance for the whole meeting, of the following duties:

- a. in the city of Montreal or within a radius of thirty miles of the said city, ten dollars for each day of such race meeting;
- b. in the city of Quebec or within a radius of five miles of the said city, eight dollars for each day of such race meeting;
- c. in any other place, five dollars for each day of such race meeting.

2. But if any wager, bet or pool be recorded, received or sold, under the *pari mutuel* system, at the said race meeting, the duty shall be:

- a. for each track, generally known as a one-mile track, one thousand dollars per day;
- b. for each track, generally known as a one-half mile track, five hundred dollars per day;
- c. for each other track, three hundred dollars per day;

3. But if any wager, bet or pool be recorded, received or sold by any other method than that generally known as the *pari mutuel*, the duty shall be double that prescribed by the above paragraph 2 of this article.

No such license shall be issued unless such person is the owner of the race track upon which the meeting takes

place and unless it be incorporated under a law of the Dominion of Canada or of this Province.

The Lieutenant-Governor in Council may alter the tariff established by this article, and increase the rates of the duties exigible hereunder.

“949. No person shall attend a race meeting or enter upon the ground occupied for a race meeting, in this Province, unless, before attending or entering, such person has paid to the proper collector of provincial revenue, or to the proper officer in charge appointed by the latter or by the Provincial Treasurer, an entrance duty to the following amount:

- a. if the track be one generally known as a one-mile track, thirty cents for each attendance or entry;
- b. if the track be one generally known as a one-half mile track, twenty cents for each attendance or entry;
- c. if the track be one generally known as of shorter length, ten cents for each attendance or entry.

“950. Every person betting at a race-meeting under the *pari mutuel* system shall pay to the Provincial Treasurer a duty equal to the difference between ten per cent of the amount deposited by him for his bet and the percentage which the operator of the race-meeting has a right to retain, under the act of the Parliament of Canada 10-11 George V, chapter 43, section 6. In case such difference exceeds four per cent of the amount deposited by such person for his bet, the duty shall be limited to four per cent.

The operator who has received the money deposited for a bet shall collect such duty for the Province, in the manner indicated by the Provincial Treasurer, and shall remit such duty so collected by him daily to the Provincial Treasurer. The operator in such a case shall act as the agent of the Provincial Treasurer.

Such operator shall furnish daily to the Provincial Treasurer a duplicate sheet of all his calculations concerning the amounts deposited as bets and the amounts retained by the operator for each race, showing at the same time the number and denomination of tickets sold for each race.

For the purposes of this article, the word “operator” means any person or association who operates a track or holds a race-meeting or is in any manner the depository of the money that is deposited or given as a bet, during the actual progress of a race-meeting conducted by and on the race course of such a person or association, upon races being run thereon.

“951. No person may record, receive or sell any wager, bet or pool in this Province, outside of the grounds where a race meeting is held, by means of any other system than that generally known as the *pari mutuel*, unless a license to that effect has been issued to him by the proper collector of provincial revenue, upon payment of a duty of one thousand dollars for each day.

“952. Every person receiving, recording or selling bets, wagers or pools under the system known as the *pari mutuel*, shall register every device or apparatus used in connection with such bets, wagers or pools, and shall

pay to the collector of provincial revenue a fee of five dollars for every such device or apparatus, per race meeting.

The collector of provincial revenue or any person duly authorized by such collector or by the Provincial Treasurer, may, at any time, enter upon the grounds where any race meeting is held, and make a careful examination of such device or apparatus, and make report of such investigation to the Provincial Treasurer.

“953. Every person who intends to operate a race track or hold a race meeting during any license year shall file with the Provincial Treasurer, at Quebec, on or before the first day of May, a notice indicating:

- a. the dates on which his race meetings will begin and terminate, during the license year;
- b. the length of the track;
- c. the location of the track;
- d. whether betting will be permitted or not;
- e. whether the betting, if any, will be under the *pari mutuel* system or not;
- f. if it be a company, association or club, the name and address in this Province of its president or other representative.

“954. If the period of time indicated as that during which a race meeting is to be held, overlaps the period of time indicated for another race meeting, the Provincial Treasurer shall have the right to change such dates, and, in so doing, shall give preference to a race meeting on the longer track.

“955. If any notice required under article 953 be given after the first day of May, the dates of the race meeting mentioned in such notice, may be changed by the Provincial Treasurer, if they interfere with the dates of the race meetings for which a notice has been filed on or before the first day of May.

“956. No betting shall be carried on under the *pari mutuel* system, unless there be one individual recording device facing the public, at each wicket where betting tickets are sold, and unless the face value of the ticket be recorded and added on such device as soon as it is sold.

“957. The Provincial Treasurer shall determine the class to which a track belongs, if its length differs from the length attributed to any class.

“958. Every person holding a license to operate a race track or to hold a race meeting, shall be bound to make a return within five days after the close of each race meeting to the proper collector of provincial revenue, stating the number of days on which races were held, the number of recording devices used, the total gross amount of all the bets, wagers and pools received, and giving such further information as the Provincial Treasurer may require. In default of so doing, such person shall be guilty of an offence and be liable to a fine of twenty-five dollars for every day during which such person neglects to make such return, and costs, and, on failure to pay such fine and costs, to imprisonment for not more than three months.

“959. Every person who operates a race track or holds a race meeting without a license to that effect, shall be guilty of an offence, and liable, in addition to the payment of the costs, to a fine equal to twice the amount of the license duty, for each day during which such race track is operated or such meeting held, and, on failure to pay such fine and costs, to imprisonment for not more than three months.

“960. On failure of any person operating a race track or holding a race meeting,—

- a. to take out a license and pay the duties therefor; or,
- b. to pay daily the tax imposed on the gross amount of the bets,—

any collector of provincial revenue or any person duly authorized by such collector or by the Provincial Treasurer, may stop all racing on his track and seize the goods, effects, moneys and books belonging to him, and may sell such goods and effects at public auction without any other preliminary judgment or formality, and remit the moneys, if any, to the Provincial Treasurer; said moneys to form part of the consolidated revenue fund of the Province.

“961. The issuing of a license under this subsection shall not be considered as indicating that the Government or any of the officials thereof are of the opinion that any bet, wager or pool recorded, received or sold by any person is not prohibited by the Criminal Code, or otherwise; and should any holder of a race meeting license be convicted in the Criminal Courts for an offence in respect of any such bet, wager or pool so recorded, received or sold, then his license shall, *ipso facto*, become null and void.

“962. No license is required for races held on the track of any official county agricultural society during the continuance of any exhibition held by such society, nor for races for which no admission fee is charged and at which no bets, wagers or pools are received, recorded or sold.

“963. The Lieutenant-Governor in Council may, by regulation, impose such restrictions or conditions as he may determine upon the issuing of licenses to operate a race track or hold a race meeting.

“964. Notwithstanding any special act to the contrary, no municipality may, by by-law, resolution or otherwise, levy any tax, impost or duty for the operating of a race track or the holding of a race meeting.

“§ 6.—*Auctioneers*

“965. No person shall act as auctioneer in this Province, unless a license has been issued to him, upon payment of the duties hereinafter established and upon furnishing security to the Provincial Treasurer, by means of a guarantee policy.

The guarantee policy shall be for an amount of not less than one thousand dollars, nor more than five thousand dollars, in the discretion of the collector, and shall guarantee the payment of all moneys for duties which the applicant for license shall or ought to receive, and for the faithful execution of the obligations imposed by this subsection upon the assured.

No licensed auctioneer shall employ an assistant, agent, servant or partner as crier, in this Province, unless a license to that effect be issued to the auctioneer, upon payment of the duties hereinafter established.

An auctioneer's license may be issued for a year or by the day; but a license by the day cannot be issued in a city or a revenue district where an annual license has been issued and is in force.

"966. The duties payable for such licenses are the following:

1. On each annual auctioneer's license:
 - a. in each of the cities of Quebec and Montreal, one hundred and thirty dollars;
 - b. in the revenue district of Quebec, except the city of Quebec, and in the revenue district of Montreal, except the city of Montreal, and in each other revenue district, one hundred dollars.
2. On all separate annual licenses, taken out by an auctioneer, for the employment of an assistant, agent, servant or partner as crier:
 - a. in each of the cities of Quebec and Montreal, fifty dollars;
 - b. in the revenue district of Quebec, except the city of Quebec, and in the revenue district of Montreal, except the city of Montreal, and in each other revenue district, forty dollars.
3. On each daily auctioneer's license, including the employment of an assistant, ten dollars per day.

"967. Any property sold by auction and outcry in this Province, and adjudged to the highest and last bidder, or lowest and last bidder, therefor, must be sold by a licensed auctioneer, except:

- a. any property of the Crown, of a deceased person, of minors when sold by forced or voluntary licitation;
- b. any property belonging to a dissolution of community, or to any church;
- c. any property sold by authority of justice, by reason of confiscation, at any bazaar held for religious or charitable purposes, for religious purposes, in payment of municipal taxes, for non-commercial purposes by a farmer removing from the locality;
- d. farm animals exhibited by agricultural societies at an exhibition, and sold during such exhibition.

"968. Except in the case of trade sales of fruit and live stock, every sale which, under article, 967, must be made by a licensed auctioneer, shall be subject to the duty hereinafter established, which duty shall be paid by the auctioneer to the proper collector of provincial revenue out of the proceeds of the sale, at the cost of the seller unless an express stipulation be made, in the conditions of sale, that such duty shall be paid by the buyer, in which case the duty shall be added to the price.

"969. The duties payable on the gross amount of the sale by auction are:

- one per cent on the first one hundred thousand dollars or fraction thereof, plus
- one-half of one per cent on the next additional one hundred thousand dollars or fraction thereof, plus

one-third of one per cent on the next additional one hundred thousand dollars or fraction thereof, plus one-fourth of one per cent on the next additional one hundred thousand dollars or fraction thereof, plus one-fifth of one per cent on the next additional one hundred thousand dollars or fraction thereof,— and so on, increasing the denominator of the fraction of the rate by one, for each next additional one hundred thousand dollars, or fraction thereof, in the gross amount of the sale.

For the purposes of this article, when an auction sale lasts more than one day, it is considered as one sale.

“970. Any person without a license, making a sale which under article 967 must be made by a licensed auctioneer, shall, in addition to the costs and penalties hereinafter established, pay the duties on such sale, in the same manner as if the sale had been made by a licensed auctioneer.

“971. Every auctioneer holding an annual license shall, within the first ten days of each of the months of February, May, August and November of each year, pay to the collector of provincial revenue or to his deputy the amount of duties levied on the sales made by him, and not paid over.

If no sale has been made by the holder of an annual license, during any period, he shall make a sworn statement to that effect.

Every auctioneer holding a daily license shall, within eight days from the date any sale is made, pay to the collector of provincial revenue the amount of duties levied on the sale made by him.

Every such auctioneer shall at the same time furnish to the collector a sworn statement, stating, for each sale, whether the property sold was moveable or immovable, the name of the person, firm or estate for which he made the sale, and the gross amount thereof, and containing such other information as may be determined by the Provincial Treasurer.

“972. Every person,—

- a. who, without a license to that effect, acts as an auctioneer, or as his assistant, agent, servant or partner as crier; or,
- b. who, whether holding a license or not, neglects or refuses to pay over to the collector of provincial revenue the duty or to furnish his statement, within the delay fixed by law; or,
- c. who, without being the holder of a license, advertises as an auctioneer or advertises any sale which should be made by a licensed auctioneer; or,
- d. who neglects to keep a book where all the information required for his statements are entered, or to give access to such book to the collector of provincial revenue, or to any person authorized by him or the Provincial Treasurer,—

shall be guilty of an offence under this subsection, and liable, in addition to the costs and the payment of the duty for a license and of the duty on the sale, if any be due, to a fine of not less than fifty dollars nor more than two hundred dollars, and, in default of payment, to imprisonment for one month in the common gaol.

“973. The amount of duties received, and not paid over, may be recovered with costs, in the same prosecution as that for the penalties.

The person so in default shall have his license declared cancelled, and such license, from the day a notice to that effect is inserted by the collector of provincial revenue in the *Quebec Official Gazette*, shall be revoked, null and void; and no new license may be granted to such defaulter until payment be made of the amount due in principal and costs.

“974. In any action or prosecution against a defendant accused of having carried on the business of an auctioneer, without the license required therefor by this subsection, the following shall be *prima facie* evidence of the auction sale:

1. The fact of having placed publicly, to be bid upon, any article, merchandise, or property, moveable or immoveable, before an assemblage of persons in order to induce them, or any of them, to purchase the same;
2. The publishing, in any newspaper or hand-bill, of a notice of an auction sale by the defendant;
3. The exhibition in, on or near his house or dependencies, of any sign, printed matter, painting or writing, indicating, or of a nature to indicate, that he is desirous of acting as an auctioneer, or the fact that such has been exhibited with his knowledge or consent.

“§ 7.—*Peddlers*

“975. The word “peddler” means any person who carries on himself or who transports with him goods, wares or merchandise, with intent to sell the same, and includes not only one who goes from one municipality to another, but also one who peddles within a municipality.

“976. No person shall peddle in this Province, unless a license has been issued to him, upon payment of the duty hereinafter established. Such license entitles him to employ a servant to accompany and assist him in carrying about his bales of goods or merchandise, without being obliged to take out a second license for such servant.

“977. No peddler shall use a vehicle in this Province, unless a license has been issued to him, upon payment of the duty hereinafter established.

“978. The duties are:

1. On each license for a peddler, for each revenue district, fifty dollars; but any peddler taking out a license for either of the revenue districts of Quebec and Montreal, who wishes to peddle within the limits of the city of Quebec or of the city of Montreal, as the case may be, shall pay a further duty of one hundred and fifty dollars;
2. On peddler's vehicles: for one vehicle, fifty dollars; for each additional vehicle, ten dollars.

When a license is required for more than one revenue district, the Provincial Treasurer may, upon application made before taking out the license, reduce the duty on the license for each additional revenue district to not less

than one-quarter of the duty for each additional revenue district.

“979. Every person who peddles without a license to that effect, still in force as by law prescribed, is guilty of an offence under this subsection and is liable, for each offence, to a fine equal to twice the amount of the license duty, and costs, and, on failure to pay the said fine and costs, to imprisonment for not more than three months.

Every person who refuses to exhibit his license shall be guilty of an offence under this subsection and be liable, in addition to the costs, to a fine of not less than ten dollars nor more than fifty dollars, and, in default of payment, to imprisonment for a period of not less than one month nor more than three months.

“980. In case a peddler is found to be infringing any provision of this subsection while travelling with one or more vehicles, the fine and penalty shall be double the one established by article 979, and such vehicle or vehicles may also be seized, confiscated and sold at the same time and in the same manner as the goods, wares and merchandise of the peddler.

“981. Any collector of provincial revenue or person authorized by him or by a revenue officer, any mayor or other municipal officer of any municipality, or any constable or officer of the peace, may demand that a peddler exhibit his license, and may, in case of refusal or in case he has otherwise infringed any provision of this subsection, arrest and detain him without a warrant, provided that within a reasonable delay he be brought before a magistrate having jurisdiction; or such collector or person may, at his option, seize the goods, wares and merchandise found in the possession of such peddler, subject to the confirmation of such seizure by the court, without arresting the peddler, and the goods and wares so seized shall, under such confirmation by the court, be sold by private sale or by auction, according to the instructions given by the Provincial Treasurer.

“982. The following persons need not take out a peddler's license:

1. Persons peddling and selling temperance tracts or other moral and religious publications under the direction of a temperance society or a benevolent or religious society in the Province, and persons employed by any such society to peddle and sell such tracts or publications under the direction of such society;

2. Persons peddling and selling:

Acts of the Legislature;

Prayer books and catechisms;

Proclamations, gazettes, almanacs or other documents printed and published by authority;

Fish, fruit, fuel (firewood, coal and coal oils), and provisions, excepting tea and coffee;

Goods, wares and merchandise other than drugs, medicines and patent medicines, when they are peddled and sold by the actual maker or worker, being a British subject and a resident of this Province, or by his children, apprentices, agents or servants.

3. Tinkers, coopers, glaziers, harness repairers, or other persons carrying on the trade of repairing kettles, casks,

household furniture and utensils, to go along the highway and carry on their business;

4. Hucksters, or persons having stalls or stands on markets, in cities or towns, for the sale of fish, fruit, victuals, or goods, wares and merchandise, in such stalls or stands, on their complying with the police regulations of the locality.

“§ 8.—*Billiard tables and bowling alleys*”

“**983.** The word “billiard table”, in addition to its proper meaning, also means boards used for the games of pigeon-hole, Mississippi, pool, bagatelle or other like games.

“**984.** All sums of money or value paid, furnished or promised, directly or indirectly, by those who play upon such billiard tables or upon bowling alleys to the keeper of the same, his employees or representatives, for playing on the same, shall be considered gain within the meaning of this subsection.

“**985.** With the exception of the cities of Quebec and Montreal, no billiard table license shall be issued in any municipality unless upon a resolution of the municipal council, of which an authentic copy shall have been filed with the collector of provincial revenue of the district.

“**986.** It is forbidden to keep for gain a billiard table or a bowling alley in this Province unless a license has been issued therefor upon payment of the following duties:

1. For billiard table licenses other than those in a club:
 - a. in cities:
 - i. when only one table is kept by the same person and in the same building, sixty dollars;
 - ii. for each additional table, twenty-five dollars.
 - b. in towns:
 - i. for the first table, forty dollars;
 - ii. for each additional table, twenty-five dollars.
 - c. in every other part of the Province, twenty-five dollars for each table.
2. On each license for a billiard table in a club:
 - a. in cities and towns, thirty-five dollars;
 - b. in any other part of the Province, twenty-five dollars.

Such licenses shall not apply to clubs organized under articles 7233 and following, which do not charge for the use of the tables.

3. For each bagatelle, pigeon-hole or Mississippi board license, twenty-five dollars.
4. On each license for a bowling alley:
 - a. in cities and towns, twenty-five dollars;
 - b. elsewhere, ten dollars.

“**987.** Every person who keeps for gain a billiard table or a bowling alley without a license shall be guilty of an offence, and liable to a fine equal to double the amount of the duties exigible under this subsection and to the costs, and, in default of payment of the fine and costs, to imprisonment for one month in the common gaol.

“988. Every person holding a license for a billiard table or a bowling alley, who,—

- a. knowingly allows any apprentice, school-boy or person under eighteen years of age to play thereon; or,
- b. allows any one to play thereon for money or for any stake whatsoever; or,
- c. allows any person to play thereon at any time during Sundays,—

shall be guilty of an offence and liable, in addition to the costs, to a fine of not less than ten dollars nor more than one hundred dollars, for each offence, and in default of payment of the fine and costs, to imprisonment for thirty days in the common gaol.

“§ 9.—*Public laundries*

“989. The words “public laundry” mean, for the purposes of this subsection, any shop, dwelling or building whatsoever in which linen, brought or sent there by the public, is washed or ironed for a profit.

The words “public laundry”, however, do not include the shop, dwelling or building of a laundress who, either alone or with members of her family, washes or irons therein, for a profit, linen brought or sent there by the public, nor the shops, dwellings or buildings occupied by charitable religious communities, or by incorporated companies paying the provincial tax on corporations, and in which linen, brought or sent there by the public, is washed or ironed for a profit.

The corporations mentioned in this article, and which pay the provincial corporation tax, are exempt from the application of this subsection only if the taxes paid each year, under article 1345 and following, equal or exceed the fees and duties which might be exacted under this subsection.

“990. No person shall carry on or keep a public laundry unless a license to that effect has been issued to him, upon payment of the following duty:

- a. in the cities of Montreal, Westmount and Outremont, fifty dollars;
- b. in the city of Quebec, forty dollars;
- c. in any other city, twenty-five dollars;
- d. in any town, twenty dollars;
- e. elsewhere, fifteen dollars.

“991. Every person who carries on or keeps a public laundry without having a license therefor in force, shall be guilty of an offence under this subsection and shall be liable, in addition to the payment of the license duty and the costs, to a fine of not less than thirty dollars nor more than two hundred dollars, for each offence, and, in default of payment, to imprisonment for two months.

“§ 10.—*Brokers*

“992. 1. Every broker, firm of brokers, or person, whose residence or chief place of business is without the Province, desiring to do business therein through an agent or representative by dealing or taking orders to deal in shares, bonds, debentures or debenture-stock from within

the Province, with any broker or firm of brokers or person outside the said Province, shall take out, for such agent or such representative in a fixed office or place of business, an annual license, upon payment of a duty of two thousand dollars.

2. The taking out of a license under this article shall not exempt the holder of such license from any of the provisions of articles 1360 to 1373, both inclusive.

“993. Every person coming within the purview of paragraph 1 of article 992, who carries on the business therein described, without being the holder of a license for that purpose, then in force, as well as his agent and representative in the Province, shall incur a penalty of two thousand dollars for each offence; and every one who deals with such person in the business described in the said paragraph 1 shall be liable to the Crown for twice the amount exigible upon each such transaction under articles 1360 to 1373, both inclusive.

“994. 1. Every person not residing within the Province, who temporarily comes therein for the purpose of dealing in shares, bonds, debentures, or debenture stock, either in his own name or in the name of any firm or company, having its head office outside of the Province, or of any broker or other person not residing in the Province, shall first obtain a semi-annual license, upon payment of a duty of five hundred dollars.

2. Every person residing in the Province and doing a brokerage business of any kind therein, shall, at such times and in such manner as may be determined by the Provincial Treasurer, register with the stock tax collector, if in the district of Montreal, and with the proper collector of provincial revenue in any other revenue district. The registration fee shall be three dollars, of which two dollars shall belong to the consolidated revenue fund and one dollar to the collector.

3. The taking out of a license under this article shall not exempt the holder of such license from any of the provisions of articles 1360 to 1373, inclusive.

“995. Every person coming within the purview of paragraph 1 of article 994, who carries on the business therein described without being the holder of a license for that purpose then in force, shall incur a fine of not more than one thousand dollars and not less than five hundred dollars, for each offence; and every one who deals with such person in the business described in the said paragraph shall be liable to the Crown for twice the amount exigible upon each such transaction under articles 1360 to 1373, inclusive.

“§ 11.—Loan offices

“996. No person shall keep a loan office, unless a license to that effect has been issued to him, upon payment of the following duty:

- a. in the city of Montreal, two hundred dollars;
- b. in the city of Quebec, one hundred and fifty dollars;
- c. elsewhere, fifty dollars.

“997. The issue of a license to keep a loan office

shall be in the discretion of the Provincial Treasurer, who shall also have the right to cancel the license at any time upon the conviction of the holder thereof before a criminal or civil court.

No license issued under the provisions of this article shall in any way authorize the receiving of money on deposit or the doing of anything in contravention of the Bank Act.

“998. Any company, not coming within the purview of articles 1345 to 1359 inclusive, imposing direct taxes on corporations, and any firm or person other than pawn-brokers, keeping a loan office, without having a license for that purpose—except persons engaged in a profession or business other than that of money lending and who only incidentally so lend money,—shall be liable to a fine of not less than two hundred dollars nor more than five hundred dollars, for each offence, and, in default of payment of such fine, and costs, to imprisonment for three months.

“§ 12.—*Powder*

“999. The word “powder” means every explosive substance, whether powder for cannon, or gunpowder, or mining powder, or other powder, or nitro-glycerine, or any other substance of that nature, however prepared or offered for sale, either loose or in barrels or otherwise, or when combined in any quantity whatever in an article of commerce, as cartridges, fire-crackers, fire-works, rockets or other things.

“1000. No person shall sell or keep for sale any quantity of powder, unless a license to that effect has been issued, upon payment of the following duties:

For each license for the sale of powder or to keep it on sale:

- a. in the cities of Quebec and Montreal:
 1. by wholesale and retail, thirty dollars;
 2. by retail only, twelve dollars;
- b. in every other city:
 1. by wholesale and retail, fifteen dollars;
 2. by retail only, eight dollars;
- c. in every town:
 1. by wholesale and retail, eight dollars;
 2. by retail only, four dollars;
- d. in any other part of the Province:
 1. by wholesale and retail, four dollars;
 2. by retail only, two dollars.

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

“1001. No person shall keep for his own use, and not for sale or storage in any building other than a powder-magazine, any quantity of powder weighing more than ten pounds; and in keeping it he shall store it in a metal box or case, at a sufficient distance from any inflammatory agent, such as a lamp, candle, light, gas, stove-pipe, fire-place, (which enumeration is not exhaustive), or otherwise he shall be liable to a penal prosecution, in which he may be condemned to the payment of a fine of not less

than thirty dollars nor more than one hundred dollars for each offence, in the discretion of the court.

“1002. Every person keeping powder for sale shall at all times render conspicuous the part or parts of the building where the powder is lodged, and shall keep placed, above the entry of such building, a sign bearing the words “Licensed to sell Powder”, under a penalty of a fine of five dollars for each week during which he offends against this article.

“1003. Every person who sells or keeps for sale, whether by wholesale or retail, any quantity of powder, without having obtained a license for that purpose, or who does not comply with the provisions of article 1000, shall be guilty of an offence and be liable to a fine, in the discretion of the Court, of not less than ten nor more than sixty dollars for each sale, and to a similar penalty for keeping powder for sale.

“1004. The Lieutenant-Governor in Council may, from time to time, make the necessary regulations, conformably to the provisions of this subsection, for the reception, transportation, storage and delivery of powder.

“1005. Nothing in this subsection shall apply to the powder required by His Majesty, nor affect the transportation, by the troops of His Majesty on military service, of munitions of war, going into or coming from powder magazines of His Majesty.

“§ 13.—*Pawnbrokers*

“1006. Pawning, within the meaning of this subsection, is the loan of money or anything convertible into money or having a pecuniary value, for a profit, either impliedly or expressly stipulated, in favor of the lender, and the taking of a pledge to secure the return of the money or thing loaned, with or without the profit.

He who lends and who receives the pledge is a pawnbroker; he who receives the sum of money or thing loaned and gives the pledge is the pawner.

The business of pawnbroking is carried on when such loans are habitually made.

To establish that such business is carried on it shall not be necessary that several loans secured by pledge should be proved, although such proof may be sufficient.

A single loan secured by pledge, preceded or followed by one or more loans, or accompanied or preceded or followed by circumstances which, in the opinion of the court seized with the case, establish the habit of making such loans, or the intention of carrying on the business aforesaid, constitutes, for the purpose of this subsection, sufficient proof that the lender follows the business of pawnbroking.

“1007. No person shall carry on the business of pawnbroking, unless a license has been issued to him to that effect, upon payment of the following duties:

- a. in the city of Montreal, one thousand dollars;
- b. in the city of Quebec, five hundred dollars;
- c. in any other municipality, two hundred and fifty dollars.

“1008. Every person who,—

- a. carries on the business of pawnbroking or lends on pawn without having a license to that effect, or
- b. being a licensee, carries on the business of pawnbroking in more than one house, shop or place of business, or
- c. does not display on the outside of his place of business an indication of the business therein carried on, or
- d. does not keep proper books where all transactions made by him as a pawnbroker are entered, or
- e. being a pawnbroker, does not give to the pawner a memorandum containing the description of the articles pawned, the name and address of the pawner, and the amount for which the articles were pawned, or
- f. makes a special charge for the storage of pawned articles,—

shall be guilty of an offence under this subsection, and be liable, in addition to the costs, to a fine of not less than fifty dollars nor more than three hundred dollars, and, on default of payment of such fine and costs, to imprisonment for not less than one month nor more than three months.

“1009. No pawnbroker need return the articles pawned, unless the pawner returns him the memorandum. However, if such memorandum has been lost, destroyed or stolen from the pawner, or fraudulently obtained from him, the pawnbroker shall give to the person who claims to be the proprietor a copy of the memorandum, with the form of an affidavit of the circumstances which are stated to him, which affidavit shall be sworn to by the alleged proprietor before a justice of the peace.

“1010. If the pawnbroker refuses to acknowledge that such person has a right to the article pawned, upon payment of the amount due, the pawner may notify the pawnbroker to go before a justice of the peace, after a delay of at least two days, and the latter shall hear the parties and their witnesses under oath, examine the documents produced, and award the articles claimed to the rightful owner. Such judgment shall be in writing, and shall give the right to keep or redeem the article, as the case may be.

All the above proceedings shall be without costs.

“1011. If any person pawn the property of another, without the authority of the owner, any two justices of the peace may grant a warrant to arrest the offender; and, on conviction, he shall be liable to the penalty mentioned in article 1008, and forfeit the value of the property pawned, which shall be paid to the owner, and may be recovered at the same time and in the same manner as the penalty.

“1012. Every person, who knowingly receives in pawn from a journeyman mechanic any goods of any manufacture, either separate or mixed with others, or materials plainly intended for manufacturing purposes, when such goods or materials are in course of preparation but before being completed and exposed for sale, or any goods, materials, linen, or apparel, which have been entrusted to any person to wash, scour, iron, mend, or manufacture, or for any purpose of a like nature, and is convicted

thereof, shall forfeit the sum lent thereon, and shall forthwith restore the goods to the owner.

“1013. If the pawned goods, or any part of them, are found, and the owner thereof proves, to the satisfaction of the justices of the peace, by the oath or affirmation of a witness or by the admission of the suspected person, that they belong to such owner, the justices of the peace shall cause the same to be forthwith returned to such owner, and the occupant of such house, shop or other place shall be liable to the penalty mentioned in article 1008.

“§ 14.—*Ferries*

“1014. No person shall carry on the business of ferryman, unless a license to that effect has been issued, upon payment of a duty, as hereinafter provided for.

“1015. The Lieutenant-Governor in Council may make, amend and repeal regulations for the following purposes:

1. to establish the location of ferries;
2. to specify how and subject to what conditions such license shall be issued, its duration, and the duty or sum payable therefor;
3. to fix the tariffs and rates for which persons and goods shall be crossed on such ferries, and the manner in which such tariffs and rates shall be published, and the places of such publication;
4. to fix the time, the hours and the fractions of hours, when the vessels employed on such ferries shall cross and recross, or start from one side or the other of such ferry for that purpose;
5. to impose fines for every infraction of such regulations.

Such regulations shall, after publication in the *Quebec Official Gazette*, have the same effect as if they formed part of this subsection.

“1016. No license shall be required to carry on the business of ferryman,—

- a. between the banks of the river St. Lawrence, except between the city of Montreal and the city of Longueuil, between the said city of Montreal and the town of Laprairie, and between the city of Lachine and Caughnawaga;
- b. between the banks of any river forming the boundary line between this Province and any other province or territory.

“1017. This subsection shall not apply to any vessel plying between two ports in this Province or regularly entered at any such port or used under any privilege granted by the Legislature of the late Province of Lower Canada, of the late Province of Canada, or of this Province, to the proprietors of any bridge or to any railway company or other road company.

“§ 15.—*Automatic distributors*

“1018. For the purposes of this subsection, the words “automatic distributor” mean any apparatus, table,

board, rack or device put at the disposal of the public, and operated by the introduction of coins or counters, or the operation of which is governed in any way by the skill or the exercise of judgment of any person, and not being an apparatus used for supplying gas, nor one the use or the keeping of which is prohibited by law as being a gambling device or otherwise.

“**1019.** No person shall keep or make use of any automatic distributor without a license to that effect, upon payment of the sum of four dollars for each automatic distributor.

“**1020.** Every such person shall affix to each automatic distributor a plate furnished by the collector of provincial revenue, keep the plate attached thereto until the 1st of May following, and shall on such day remove the plate from the automatic distributor.

“**1021.** Every person who keeps or makes use of an automatic distributor without a license to that effect, or who neglects to keep the plate on it or to remove it therefrom on the 1st of May following, shall be guilty of an offence under this subsection, and be liable to a fine of not more than twenty dollars and costs, and, in default of payment of such fine and costs, to imprisonment for not more than two months, or both.

“**1022.** The issuing of an automatic distributor license for any apparatus or device shall not be considered as indicating that the Government, or any of the officials thereof, are of the opinion that such apparatus or device is one that is not prohibited by law as a gambling device or otherwise; and, should the person keeping or making use of the same be convicted in the Criminal Courts of an offence in respect of said apparatus or device, then his license for the same shall become null and void.

“§ 16.—*Employment bureaux*

“**1023.** 1. The license mentioned in article 2520*l* (as enacted by the act 4 George V, chapter 21, section 1), and which is required by the holder of a permit granted by the Minister of Public Works and Labour as a condition precedent to opening, keeping or controlling an employment bureau other than an employment bureau for women only, may be granted upon payment of the following duties,—

- a. if the employment bureau be situated in a city or town in which there are one or more free employment bureaux organized under articles 2520*a* and following, two hundred dollars per annum;
- b. if in any locality where there is no such free employment bureau, twenty-five dollars per annum.

2. Every person keeping or controlling an employment bureau without being the holder of such a license, shall be liable to the penalties fixed by article 2520*m*.

“§ 17.—*General procedure*

“**1024.** Actions or prosecutions for offences against this section are brought in the name of the collector of pro-

vincial revenue for the district in which the offence has been committed.

“1025. The collector of provincial revenue shall institute prosecutions whenever he has reason to believe that a contravention of the law has been committed and that such prosecution can be maintained.

“1026. Whenever the collector of provincial revenue is called upon to institute a prosecution, he may, in his discretion, either before instituting it or at any time during the proceedings, require from the person upon whose application such prosecution is instituted, the deposit of a reasonable amount to cover costs, in the event of the action being dismissed.

“1027. The fines and penalties, imposed by this section or by the regulations made under its authority, and the duties and fees exigible under the same, shall be recovered in the manner and before the courts hereinafter indicated.

“1028. Every prosecution shall be brought in the judicial district where the offence has been committed, or in that where the offender resides.

If the offence has been committed on board a steamboat or other vessel, or upon any other vehicle, the prosecution may be instituted in any judicial district of the Province.

If the offence has been committed on the border of two adjacent districts, and it is difficult to determine in which of said districts the offence was committed, the prosecution may be instituted in either district.

“1029. In all matters pertaining to this section, the county of Berthier shall form part of the district of Richelieu, and the county of Verchères, part of the district of Montreal for judicial purposes.

“1030. Any action or prosecution may, at the option of the prosecutor, be brought before the Circuit Court, but without any right of evocation therefrom to the Superior Court, or before two justices of the peace in the judicial district, or before the judge of the sessions of the peace, or before the police magistrate, the district magistrate, or any other officer having the powers of two justices of the peace, subject to the provisions of article 708 of the Criminal Code.

For the purposes of this article, everything necessary to the carrying out of the provisions of this section respecting the prosecution of offenders, including the signing of summonses and warrants and the granting of adjournments, may be done by one justice of the peace, save as respects the hearing and the judgment, which are governed by the provisions of articles 1053 to 1060, both inclusive.

“1031. In the Circuit Court, the delays upon summonses and other proceedings are governed by the provisions of the Code of Civil Procedure respecting suits between lessor and lessee.

Except as regards actions brought in the Circuit Court, service of the summons is made by any bailiff or constable, appointed for the judicial district where the prosecution is instituted, by leaving a copy, certified by the magistrate, judge, or functionary who has signed the original,

or by the attorney for the prosecutor, with the defendant personally, or with a grown and reasonable person of his family at his domicile or place of business.

Nevertheless in cases in which the defendant evades service of the summons, and also in all cases of occupants of buildings situate on the boundary line between this Province and the United States of America, the judge, magistrate, or justice of the peace may, upon a return to that effect, prescribe whatever mode of service he deems proper.

“1032. Every service by a bailiff shall be certified under his oath of office, and that made by a constable shall be proved by means of a return, sworn to before a justice of the peace in the judicial district, or before the court.

Before the Circuit Court, the services of proceedings and convictions are made in the same manner as the service of the summons.

“1033. In all prosecutions under the authority of this section before the Circuit Court, the procedure shall be summary, and shall be the same as that prescribed for suits between lessor and lessee in articles 1150 to 1162, inclusive, of the Code of Civil Procedure.

“1034. Except where otherwise prescribed in this section, in all prosecutions other than those taken in the Circuit Court, the provisions of part xv of the Criminal Code, and those of articles 3513 to 3520 of these Revised Statutes shall apply, with the exception of the following words of article 722 of the said Criminal Code: “but no such adjournment shall be for more than eight days,” which words shall not apply to prosecutions instituted under this section; but no adjournment shall be for more than thirty days.

It shall not, however, be necessary to have the evidence taken down in writing or in shorthand.

“1035. The provisions of articles 237 to 250 of the Code of Civil Procedure shall also apply, *mutatis mutandis*, to prosecutions under this section before magistrates.

“1036. No prosecution instituted under this section shall be tried or heard on the day it is first called, unless the defendant elects to confess judgment or has given three clear days written notice to the prosecutor that he will be ready to stand his trial on such day, or unless the prosecutor gives notice in the summons served upon the defendant that the action will be tried on the day it is returnable.

“1037. In every prosecution for an offence under this section brought in the name of the collector of provincial revenue, the complaint shall be signed by the proper collector of provincial revenue or his deputy.

“1038. In all proceedings under this section, the simple declaration of a collector of provincial revenue that he is such, is sufficient *prima facie* proof of his appointment, and of his being in office at the date of such declaration.

The same shall also apply to the declaration of the collector of provincial revenue as to the extent and limits of his revenue district.

“**1039.** It shall not be necessary to allege, in a prosecution instituted under this section, in the declaration, information, complaint or summons, any negative fact, nor any fact the burden of proof of which is upon the defendant.

“**1040.** Several offences committed by the same person, may be included in one and the same declaration, information, complaint or summons, provided that such declaration, information, complaint or summons contain a specific statement of the time and place of the commission of each offence; and in such case, the forms indicated by this section shall be modified *mutatis mutandis*, but no further additional fees shall be allowed to the advocate than if there had been only one offence.

“**1041.** Before every court, except the Circuit Court where the ordinary rules of procedure in reference to amendments shall prevail, any declaration, information, complaint or summons may, on application of the prosecutor to that effect, be amended in substance or in form without costs.

Upon such amendment, the defendant may obtain a further delay in which to make his defence and proof.

“**1042.** If, in any prosecution instituted under this section, any stay of proceedings or postponement of the trial or hearing be applied for on behalf of the defence, such stay or postponement shall be granted only if the costs of the day are previously paid by the defence, which costs shall include a fee of three dollars to the prosecuting attorney.

“**1043.** Any husband, living and residing with his wife, when any offence under this section is committed by her, whether she be a public trader or not, may be prosecuted and convicted, in the same manner as if he himself had contravened this act.

“**1044.** In every prosecution under this act before any court, other than the Circuit Court, in which court the rules of procedure applicable to suits between lessor and lessee as to the taking of evidence shall prevail, the court may summon before it any person represented to be a material witness therein; and, if such person refuses or neglects to attend on such summons, the court, if, from affidavits or from the circumstances of the case, it be of opinion that the witness refuses to appear and that thereby the ends of justice may be defeated, may issue its warrant for the arrest of such person; and thereupon he shall be brought before the court, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common goal, there to remain until he consents to be sworn or to affirm and to answer.

“**1045.** If any person summoned as a witness to give evidence before a court touching any of the matters relative to this section, neglects or refuses to appear at the time and place appointed for that purpose, without, in the opinion of the court, reasonable excuse, or appearing refuses to give evidence upon oath, he shall incur, for such neglect or refusal, a penalty of not less than five dollars nor more than forty dollars, and, in default of payment, imprison-

ment for not less than ten nor more than thirty days, the whole in the discretion of the court, even though the prosecution may have terminated without his having appeared or given evidence.

“1046. Upon the demand of either party the court may in its discretion receive and cause to be taken in writing the depositions of the witnesses then and there present, and postpone the trial to a further day fixed for that purpose.

“1047. Every person, other than the defendant, examined as a witness in any prosecution brought under this section, shall answer all questions put to him which are pertinent to the issue, notwithstanding any declaration on his part that his answers may disclose facts tending to subject him to any penalty imposed by this section, but such evidence shall not be used against him in any prosecution.

“1048. In prosecutions instituted under this section, the defendant shall be a competent witness.

“1049. Allegations in the complaint as to the time the offence was committed, need not be strictly proved; it shall be sufficient to prove that the offence was committed within the delay allowed by law for prosecutions.

“1050. In any prosecution against a person not licensed under the provisions of this section, strict proof of the name of the defendant shall not be necessary; the personal identification of the defendant by the collector of provincial revenue or any of his officers, under oath as a witness, shall be sufficient, and no error in the name of the defendant shall invalidate the conviction or commitment.

“1051. In any suit under this section where proof is required respecting any license, a certificate signed by the collector of provincial revenue of the district shall be sufficient proof of the existence of such license, and the identity of the person to whom it was granted; and the production of such certificate shall be considered a sufficient proof of the facts therein stated, and of the authority of the collector of provincial revenue, without any other proof of his appointment or of his signature being required.

“1052. The production of the license shall be sufficient evidence of the payment of the duty thereon, unless the prosecutor proves that the duty has not been paid, in which case the license, without such payment, shall be deemed to be invalid.

“§ 18.—Judgments

“1053. When a prosecution, instituted under the authority of this section, has been tried before two justices of the peace, judgment may be pronounced by one of them in the absence of the other, provided that such judgment be reduced to writing and signed by both justices.

“1054. When a prosecution has been tried before two justices of the peace, and they fail to agree on the judgment to be rendered, either of such justices of the peace may sign a certificate to that effect, and transmit it

to the collector of provincial revenue, who thereupon may institute a new action for the same offence.

“1055. In default of payment of any fine imposed, or of any sum claimed under this section, the offender condemned to pay the same shall be imprisoned and detained in the common gaol for three months, unless another period of detention is prescribed by this section.

“1056. The penalty for a repetition of the offence, against any one condemned more than once for an offence of the same nature and kind, under the authority of this section, except in cases otherwise provided for, shall be a fine of double the amount imposed for the previous offence, and imprisonment for six months, in default of payment.

“1057. In the cases mentioned in articles 1055 and 1056 and in all other cases wherein a similar legal provision exists, every judgment or conviction shall contain a condemnation of the defendant to such imprisonment.

“1058. Whenever a judge, magistrate, or justice of the peace, who has heard a case, is unable, on account of illness, absence or other cause, to pronounce judgment in person, he may transmit his judgment in writing, certified by him, to the proper clerk of the court or of the magistrate, justice or justices of the peace, with instructions to record such judgment, and to read it or to give communication of it on demand to the parties or to their attorneys, on the day which he fixes for that purpose.

The clerk, on receiving the written judgment and the instructions accompanying it, shall conform to such instructions; and the judgment so registered has the same effect as if it had been rendered by the judge, magistrate, or justice of the peace during the sitting of the court.

“1059. Every conviction under this section shall, within fifteen days from the date of the judgment, be reported to the Provincial Treasurer by the clerk of the court before which the action was taken, under a penalty of twenty dollars.

“1060. In any prosecution instituted under this section the judgment rendered shall not affect any offences committed before the date of the rendering thereof, except such as are alleged in the complaint.

“§ 19.—*Costs*

“1061. The Lieutenant-Governor in Council may make, replace and repeal the tariff of fees, granted to any clerk, bailiff, peace officer, constable, advocate, witness or other officer in any suit or action instituted under this section.

“1062. No costs shall be adjudged against the collector of provincial revenue in any action or prosecution instituted under this section; but, on the recommendation of the court or of the collector of provincial revenue, the Provincial Treasurer may, in his discretion, pay to the person in favor of whom judgment has been pronounced against the collector of provincial revenue, the costs or

indemnity to which he may deem such person equitably entitled.

“1063. In any prosecution under this section, if the collector of provincial revenue attends the court as prosecutor or witness, and travels to attend such court more than three miles from his place of residence, the justice or justices trying the case may tax against the defendant, in case of conviction, as costs in the case, to cover railway fares or hire of conveyance of the collector of provincial revenue or any person deputed by him, in attending the said prosecution, as follows:

1. if he travels by railway or stage, the sum he has had to pay;
2. if he travels in a hired vehicle, the sum actually charged for such horse and vehicle, and the tolls;
3. if he travels in his own conveyance, twenty cents a mile for a trip one way only; and
4. to cover all other expenses, an additional sum of two dollars a day.

In the event of the trial being adjourned at the request of the defendant, the latter may be condemned to the payment of like additional costs when such collector is actually present at the sitting of the court.

Travelling and other expenses shall be attested under oath by such collector.

“1064. The Lieutenant-Governor in Council may modify from time to time, as he may see fit, the tariff contained in article 1063.

“1065. In any prosecution under this section, the cost of taking down the evidence in writing, whether by shorthand or otherwise, shall be included in the taxed costs of the suit.

“§ 20.—Execution of judgments

“1066. In default of immediate payment of the fine and costs, the prosecutor may, upon the rendering of the judgment or conviction, or at any time during the delay, if any, granted to the defendant, make option whether the defendant shall be first imprisoned for the time mentioned in the judgment or conviction, or shall be first proceeded against by seizure.

In the latter case, the amount of such fine and costs shall be levied by a warrant of seizure and sale of the moveables and effects of the defendant; and, in default of moveables and effects, or if they are insufficient, the defendant shall be imprisoned; but, in either case, he may procure his discharge from imprisonment by paying the fine in full and all costs incurred up to the time of the conviction and subsequent costs.

“1067. Except in the case of full payment as aforesaid, no defendant imprisoned in virtue of any provisions of this section shall be liberated on the ground of any defect of form in the warrant of commitment, or without due notice given to the prosecutor; nor shall any part payment affect or modify the terms of the judgment pronounced against him, in so far as imprisonment is concerned.

“1068. Any one knowing or having reason to believe that a commitment has been issued against any person

under this section, who prevents the arrest of the defendant, or by any act or advice or in any other manner, procures for the defendant the means of or facilitates his avoiding arrest, shall be liable to a fine of forty dollars.

“**1069.** The execution of a judgment upon any prosecution or action instituted under this section may take place forthwith. If the judgment condemns the offender to imprisonment only, it must be executed immediately.

“**1070.** Whenever proceedings for coercive imprisonment are had in the Circuit Court, such imprisonment shall be ordered by one of the judges of the Superior Court or of the Circuit Court, or by the clerk of the Circuit Court, on a summary petition, alleging that the defendant has not paid the total fine, or the amount claimed, and the costs of the prosecution.

It shall not be necessary for the defendant to be notified of the presentation of such petition.

“**1071.** Each term of imprisonment under this section shall be reckoned from the date of incarceration.

“**1072.** Whenever a married woman is convicted in an action instituted under this section, the complainant may exercise the option whether to proceed by seizure and sale either against the goods of the married woman, or of those of her husband; and, in case the goods of one of them be found insufficient, then against the goods of the other, provided they habitually live together.

“**1073.** If any member of a partnership be condemned under this section, the right of the prosecutor to proceed by seizure and sale may, in case the goods and effects of the defendant be found insufficient, be exercised against the goods and effects of the partnership found on the premises where the offence has been committed.

“§ 21.—*Recourse by certiorari or prohibition*

“**1074.** 1. Unless, within eight days after the conviction, judgment or order in any action or prosecution instituted under this section, the defendant deposits in the hands of the clerk of the justices of the peace or of the court which has rendered the judgment, the full amount of the fine and all costs, and a further sum of fifty dollars to secure the payment of such costs as may be subsequently incurred, no action, prosecution, conviction, judgment or order shall be taken by certiorari to any other court; and, in default of complying with these requirements, the notice of application for certiorari shall not suspend, retard or affect the execution of such conviction, judgment or order.

2. The court or judge to whom such application is made, shall dispose of the same upon the merits, notwithstanding any variance between the information and the conviction, or of any defect in form or substance therein, provided it appears by such conviction that the same was made for an offence against some provision of this section, within the jurisdiction of the justice of the peace, police magistrate, or district magistrate, who made or signed the same, and provided it further appear from such conviction that the appropriate penalty or punishment for such offence was

intended to be thereby adjudged; and, in all cases where it appears that the merits have been tried and that the conviction is valid under this section, such conviction shall not be quashed. If the original record is before the court or judge, it shall be remitted to the court below.

3. There shall be no appeal from such conviction, judgment or order to any court of sessions of the peace or to the Court of King's Bench.

4. Any person applying for a writ of prohibition in reference to anything done or sought to be done under this section, shall previously deposit with the prothonotary of the court before which the application is made, the sum of fifty dollars to secure the payment of the costs of the adverse party, in case the petition is dismissed.

The writ of certiorari or prohibition shall be applied for within eight days after the date of the judgment, and with such application the full amount of the fine and costs, in addition to the sum above-mentioned, must be deposited; and the proceedings thereupon shall be summary and from day to day.

“§ 22.—*Fines*

“**1075.** The fine recovered shall be applied as follows:

1. If the full amount of the fine and costs have been levied:

a. if the fine do not exceed sixty dollars: one-quarter to the collector of provincial revenue; one-quarter to the informer, and the remainder to the consolidated revenue fund of the Province;

b. if the fine exceed sixty dollars, but do not exceed eighty dollars: one-quarter to the collector of provincial revenue; fifteen dollars to the informer, and the remainder to the consolidated revenue fund of the Province;

c. if the fine exceed eighty dollars: to the collector of provincial revenue, twenty dollars; to the informer, fifteen dollars, and the remainder to the consolidated revenue fund of the Province.

2. If the fine and costs be not paid in full, the amount levied shall be applied, in the first instance, to the payment of costs, and the balance shall be divided between the collector of provincial revenue, the informer, and the consolidated revenue fund of the Province, in the proportions mentioned in paragraph 1 of this article.

“**1076.** The fine and costs or the amount levied shall be payable to the collector of provincial revenue for the district, who shall without delay apply, divide and apportion the amount recovered, in the manner prescribed by article 1075.

“**1077.** No remission shall be granted of any penalty imposed by virtue of this section, nor shall any suspension be allowed either before or after judgment, of proceedings instituted under the same, save such delays as the court may see fit to grant in the interest of the parties concerned.

The power to remit certain penalties, conferred upon the Lieutenant-Governor in Council by article 900, shall not apply to penalties imposed under this section.

‘§ 23.—*Additional proceedings respecting prosecutions*

“**1078.** Unless otherwise provided, every prosecution under this section shall be instituted within two months from the commission of the offence if committed in either of the cities of Quebec or Montreal; within twelve months, if in the revenue district of Saguenay; and within four months therefrom in every other part of the Province.

“**1079.** No action shall be maintained against a collector of provincial revenue by reason of his official acts, unless instituted within six months from the date of the act which gave rise to it.

“**1080.** Under a plea of the general issue, the collector of provincial revenue may prove all facts of a nature to establish a special defence, in the same manner as if he had pleaded the same.

On dismissal or discontinuance of the complaint or action, the defendant shall be entitled to costs against the adverse party.

“**1081.** If the judgment be rendered in favor of the plaintiff, and if the court certifies that the defendant had reasonable grounds to justify his proceedings, such plaintiff shall have no right to costs, and shall recover nominal damages only.

“**1082.** Every clerk of the peace, of justices of the peace, and of the district or police magistrate, or such magistrate himself if he has no clerk, and the clerk of the Circuit Court, shall, during the months of April and October, of each year, under a penalty of one dollar for each day during which the same is wilfully neglected (such penalty to be recovered in the same manner as provided by this act for the recovery of penalties), forward to the Provincial Treasurer a statement of all prosecutions instituted under this section, which have been brought before them and adjudicated upon 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 names of the judges or the justices of the peace before whom each case has been brought, the name of each defendant, the date of every judgment and the amount of the fine or other condemnation in each case.

If during such six months, no such prosecution have been instituted, they shall, under a like penalty, make a return to that effect to the Provincial Treasurer.

“§ 24.—*Forms*

“**1083.** The forms contained in the schedule annexed to this section, or other forms to the like effect, shall be sufficient for the purposes for which they are intended.

“FORMS

“A.—(Article 1030)

“Declaration

Province of Quebec, }
District of

Before (*name and designation of the justice*).

(*Name of the collector of provincial revenue,*) of the (*name of the city, town, township or parish*) in the district of (*name of the district*), collector of provincial revenue for the revenue district of on behalf of our Sovereign Lord the King, prosecutes, (*name of defendant*) of the city, (*town, township or parish*) in the district of

For that whereas (*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 has become liable to pay the sum of dollars.

Wherefore the said collector of provincial revenue prays judgment against the defendant, and that he may be condemned to pay the sum of dollars for the said offence with costs.

(*Signature*)

J. P.

“B.—(Articles 1032, 1034)

Summons

Province of Quebec, }
District of

To (*name of defendant*) of the (*name of the city, town, township or parish*) in the district of (*name of the district*)

You are hereby commanded to be and appear before us the undersigned justices of the peace (*or magistrate*) for the said district (*or, as the case may be*) at (*name of place*) on the day of , at the hour of of the clock in the noon, to answer then and there to the complaint made against you by the collector of provincial revenue (*or, as the case may be*) who prosecutes you in His 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 our (*or my, as the case may be*) hand and seal, this day of , one thousand nine hundred at , in the district of

(*Signature*)

J. P.

[*Seal or Seals.*]

Certificate of Service of Summons

I, the undersigned, do hereby certify,
 under my oath of office, that on the _____ day
 of _____, I did serve the within sum-
 mons 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 declara-
 tion at the domicile of the said defendant in the _____
 the _____, speaking to _____ of _____ on
 day of _____ 19 _____

(Signature)

NOTE.—If the service is 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
 19 _____

(Signature.)

"C.—(Article 1034)

Conviction

Province of Quebec, }
 District of _____ }

Be it remembered that on the _____ day of _____, in
 the year one thousand nine hundred and _____, at (name
 of place where convicted,) in the said district, (name of
 defendant,) is convicted before the undersigned

His Majesty's justices of the peace for the said
 district, (or, as the case may be) for that he, the said (name
 of defendant,) did (state succinctly the offence of which he
 or they were convicted) and I or we (name of magistrate or
 justices,) adjudge the said (name of defendant) for his
 said offence, to pay, as a fine, to _____ the
 sum of _____, and also to pay to the said
 _____ the sum of _____ for his
 costs in this behalf.

Given at _____, under _____ hand and seal, the
 day and year first above-mentioned.

(Signature,)

J. P. (or as the case may be)

[Seal or Seals.]

“D.—(Article 1034)

Warrant of Distress

Province of Quebec, }
District of . }

(Name of justice) Esquire, one of His Majesty's justices of the peace in and for the said district.

To any bailiff or constable in and for the said district:

Whereas (name of defendant) of the parish of (name of parish or township,) in the said district, has been convicted before (two) of His Majesty's justices of the peace for the said district, (or, as the case may be), of having (state the offence) whereby the said (name of defendant) has forfeited, and has by the said been adjudged to pay the sum of dollars, and further the sum of amount of the costs allowed) by the said the said allowed and adjudged to be paid by the said (defendant) to (name of officer) collector of provincial revenue, (or, as the case may be) for costs by him paid 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

; and if, within four days next after such distress made by you the said last mentioned sum of , 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 moneys arising from such sale that you do pay the said sum of

unto the said collector of provincial revenue (or, as the case may be) returning to the said the overplus, reasonable charges of distraining, keeping and selling the said distress being first deducted; and you are to certify to with the return of this warrant what you shall have done in the execution thereof. Herein fail not.

Given under hand and seal, at , in the
said district, this day of one
thousand nine hundred and

(Signature)

J. P.

[Seal]

“E.—(Article 1034)

Warrant of Commitment in Default of Distress

Province of Quebec, }
District of . }

I _____ of the
Esquire, _____ of
the district of _____ for

To all and every the Bailiffs, Constables or Peace Officers in and for the said district of _____; and to the Keeper of the Common Gaol of the said district of _____

Whereas _____, of the _____ of _____, in the district of _____, has been convicted on the _____ day of _____, one thousand nine hundred _____, before _____, Esquire, _____ for the district of _____, of having (*recite offence*), contrary to the provisions of the statute in such case made and provided, and, for such offence, has been adjudged to pay to _____, collector of provincial revenue for the _____ revenue district of _____ (the prosecutor), the sum of _____, as a fine, to be applied according to law, and also the further sum of _____ for his costs in that behalf; and whereas it has been ordered that in default of immediate payment of such fine and costs, the same be levied by seizure and sale of the moveables and effects of the said _____, and in default of such moveables and effects, or in case they be insufficient, that the said _____ be imprisoned, in the common gaol, at the _____ of _____ in the district aforesaid, for a period of _____ months, unless the said fine and costs and charges of such seizure and sale, of arrest, commitment and conveying the said _____ to the said common gaol, be sooner paid;

Whereas, afterwards, on the _____ day of _____, in the year aforesaid, I issued a warrant to all and any of the bailiffs, constables or other peace officers of the district of _____, commanding them and any of them to levy the said fine and costs by seizure and sale of the moveables and effects of the said _____;

And whereas it appears to me, by the return of the said warrant by the constable who had the execution of the same, that the said constable has made diligent search for the moveables and effects of the said _____; but that no sufficient moveables and effects whereon to levy the said fine and costs above-mentioned, could be found (*or, that the said moveables and effects are insufficient to pay the whole of the said fine and costs*);

These are therefore to command you, the said bailiffs, constables or peace officers, or any one of you, to take the said _____ and h _____ safely convey to the common gaol at the _____ of _____, in the district of _____, and there deliver h _____ to the keeper thereof, together with this warrant.

And I do hereby command you, the said keeper of the said common gaol, to receive the said _____, into your custody, in the said gaol, and there to imprison h _____, for _____ months from the date of h _____ arrival as a prisoner thereat, unless the said fine and costs and all the costs of the warrant of seizure and sale, and of the arrest, commitment and conveying the said _____ to the said common gaol, amounting to the further sum of _____ b_c sooner paid unto you, the said keeper of the said common gaol.

And for so doing, this shall be your sufficient warrant.

Given under my hand and seal, at the _____ of _____, in the said district, this _____ day of _____ one thousand nine hundred and _____

(Signature)

[Seal.]

(Title of Magistrate)

“F.—(Article 1034)

Warrant of Commitment in the First Instance

Province of Quebec, }
District of _____ }

To all and every the Bailiffs, Constables or Peace Officers in and for the said district of _____ and to the Keeper of the Common Gaol in the said district of _____ :

Whereas (*name of defendant*), of the _____ of _____ has been convicted on the _____ day of _____ one thousand nine hundred and _____, before (*name and title of magistrate who rendered judgment*) Esquire, _____ for the district of _____, of having (*recite offence*), contrary to the provisions of the statute in such case made and provided, and, for such offence, has been adjudged to pay forthwith to _____, collector of provincial revenue for the _____ revenue district of _____ (the prosecutor) the sum of _____, as a fine to be applied according to law, and also the further sum of _____ for his costs in that behalf; and, in default of such payment being made as aforesaid, to be imprisoned in the common gaol at the _____ of _____ in the said district for a period of _____ unless the said fine and costs be sooner paid;

And whereas the said _____ has failed to pay the said fine and costs;

These are therefore to command you, the said bailiffs, constables or peace officers, or any one of you, to take the

said _____ and h _____ convey safely to the common gaol at the _____ of _____ in the district of _____, and there deliver h _____ to the keeper thereof, together with this warrant.

And I do hereby command you, the said keeper of the said common gaol, to receive the said _____ into your custody, in the said common gaol and there to imprison h _____ for the space of _____, unless the said fine and costs and all costs of the arrest, commitment and conveying the said _____ to the said common gaol, amounting to the further sum of _____ dollars and _____ cents be sooner paid unto you the said keeper of the said common gaol.

And, for so doing, this shall be your sufficient warrant. Given under my hand and seal, at _____ in the said district of _____, the _____ day of _____ one thousand nine hundred and _____

[Seal.]

(Signature)

(Title of Magistrate)

“G.—(Article 1034)

Conviction ordering Imprisonment

Province of Quebec, }
District of _____ }

Be it remembered, that on the _____ day of _____, one thousand nine hundred and _____, at the _____ of _____, in the district of _____ (name, occupation and residence of defendant), of the _____ of _____ in the district aforesaid, is convicted before the undersigned (title of magistrate) for the district of _____, for that he the said _____ did (recite offence) contrary to the provisions of the statute in such case made and provided;

And, I, the said _____ do adjudge the said _____ for h _____ said offence, to forfeit and pay to _____ of the _____ of _____ in the district aforesaid, collector of provincial revenue for the revenue district of _____, the prosecutor, the sum of _____ as a fine, to be applied according to law, and also to pay to the said _____ the sum of _____ for his costs in this behalf;

And, whereas the said prosecutor has made option that the said (name of defendant) be committed to the common gaol at the _____ of _____ in the

said district for _____, unless the said fine and costs be forthwith paid;

I do therefore order and adjudge that, in default of immediate payment of the said several sums, the said _____ be committed to the common gaol at the said _____ of _____, for _____

unless the said several sums of money, and costs and charges of arrest, of commitment, and of conveying the said _____ to the said common gaol, be sooner paid.

Given under my hand and seal, the day and year first above mentioned, at the _____ of _____, in the district of _____ aforesaid.

(Signature)

(Title of Magistrate)

[Seal]

H.—(Article 1034)

Warrant of Seizure and Sale

Province of Quebec, }
District of _____ . }

(Name of Magistrate) of the _____ of _____ Esquire, _____ of _____

the district of _____ :
To all and every the Bailiffs, Constables or Peace Officers in and for the district of _____ :

Whereas (name of defendant) of the _____ of _____ in the district of _____ has been convicted on the _____ day of _____, one thousand nine hundred and _____ before _____ Esquire, _____ for the district of _____, of having (recite offence) contrary to the provisions of the statute in such case made and provided; and, for such offence has been adjudged to pay to _____, collector of provincial revenue for the revenue district of _____, the prosecutor, the sum of _____ as a fine, to be applied according to law, and also the further sum of _____

_____ for his costs in that behalf; and whereas it has been ordered that, in default of immediate payment of such fine and costs, the same be levied by a warrant of seizure and sale of the moveables and effects of the said _____, and, in default of such moveables and effects, or in case of their being insufficient, that the said _____ be imprisoned in the common gaol at the _____

of _____, in the district of _____, unless the said fine and costs, and costs and charges of such seizure and sale, and of the _____

arrest, commitment and conveyance of the said to the said common gaol, be sooner paid;

And whereas the said being required to pay the said fine and costs, doth now fail to pay the same;

These are therefore to command and require you, and each and every of you, to seize the moveables and effects of the said , wheresoever they may be found within the said district, and, on the same, levy the said fine and costs, making together the sum of ;

And if, within four days next after such seizure so made by you, the said last mentioned sum of

, together with the reasonable charges of taking and keeping the said moveables and effects, are not paid, that then you do sell the same, and out of the money arising from such sale, that you do pay the said sum of

to the said collector of provincial revenue, returning to the said the surplus, if any; the reasonable charges of taking, keeping and selling the said moveables and effects being first deducted therefrom.

And, if such moveables and effects belonging to the said cannot be found, or if the same be insufficient, that you certify the same unto me, in order that such further proceedings may be had thereon as to law and justice do appertain.

And you are to certify to me with the return of this warrant what you have done in the execution thereof.

Herein fail not.

Given under my hand and seal, at the of this ; in the district of day of one thousand nine hundred and

[Seal]

(Signature)
(Title of Magistrate)

I.—(Article 1034)

Conviction ordering Seizure

Province of Quebec, }
District of . }

Be it remembered that on the day of one thousand nine hundred at the of , in the district of , (name, occupation and residence of the defendant, of the of , in the district aforesaid, is convicted before the undersigned (title of magistrate) for the district of for that he the said did (recite

offence), contrary to the provisions of the statute in such case made and provided;

And I, the said _____, do adjudge the said _____, for his said offence, to forfeit and pay to _____ of _____, in the district aforesaid, collector of provincial revenue for the revenue district of _____, the prosecutor, the sum of _____, as a fine, to be applied according to law, and also to pay to the said _____ the sum of _____

for his costs in this behalf.

And whereas the said prosecutor has made option that the said (*name of defendant*) be first proceeded against by seizure, in default of immediate payment of such fine and costs, I, the said (*name of magistrate*), do hereby order and adjudge that, in default of immediate payment of the said fine and costs, the same be levied by a warrant of seizure and sale of the moveables and effects of the said _____;

And, in default of such moveables and effects, or in case they be insufficient, I do order that the said _____ be imprisoned for _____ in the common gaol at the _____ of _____, in the district aforesaid, unless the said fine and costs, charges of seizure and sale, commitment, and conveying the said _____ to the said common gaol, be sooner paid.

Given under my hand and seal, at _____, the day and year first above mentioned, at the _____ of _____, in the district of _____ aforesaid.

(Signature)

(Title of Magistrate)"

[Seal]

2. The acts, or parts thereof, mentioned in the annex to this section, are repealed to the extent therein set forth.

ANNEX

(Including the provisions of the laws and parts of laws repealed by this act and by The Alcoholic Liquor Act.)

<i>Citation of the Act</i>	<i>Title</i>	<i>Extent of the repeal</i>
R. S., 1909.....	Quebec License Law.....	{ Articles 903 to 1304 Articles 1314 to 1315 and the Forms annexed to the Que- bec License Law.
R. S., 1909.....	Closing of taverns.....	Articles 1329 to 1333.
1 George V (1st session), chapter 10.....	An Act to amend the Quebec License Law.....	Sections 1 to 12.
1 George V (2nd session), chapter 15.....	An Act to amend the Revised Statutes, 1909, respecting the reduction of the number of licenses for the sale of intoxicating liquors in the town of La Tuque.....	The whole.
2 George V, chapter 12....	An Act respecting the Quebec License Law, and to authorize the appointment of a commission to inquire into the sale of intoxicating liquors and as to the changes it is expedient to make in the said law.....	The whole.
2 George V, chapter 13....	An Act to amend the Revised Statutes, 1909, respecting the reduction in the number of hotel licenses in the towns of Marieville and Acton Vale...	The whole.
3 George V, chapter 17....	An Act respecting the Quebec License Law, and the License Commission of the Province of Quebec.....	The whole.
3 George V, chapter 36....	An Act to amend the Revised Statutes, 1909, respecting exhibitions of moving pictures.	Sections 2 to 7.
4 George V, chapter 6.....	An Act to amend the Quebec License Law.....	The whole.
4 George V, chapter 7.....	An Act to amend article 1085 of the Revised Statutes, 1909, respecting notices not to deliver intoxicating liquor to certain persons.....	The whole.
4 George V, chapter 40....	An Act to amend the Revised Statutes, 1909, respecting exhibitions of moving pictures.	Sections 7 to 13.
5 George V, chapter 20....	An Act to amend the Quebec License Law and the Quebec Temperance Act.....	Sections 1 to 15.
5 George V, chapter 21....	An Act to amend article 1011 of the Revised Statutes, 1909, relating to the Quebec License Law.....	The whole.
5 George V, chapter 22....	An Act to amend the Quebec License Law relating to public laundries.....	The whole.

ANNEX—Continued

<i>Citation of the Act</i>	<i>Title</i>	<i>Extent of the repeal</i>
5 George V, chapter 23....	An Act respecting automatic distributors.....	The whole.
5 George V, chapter 58....	An Act to amend the Revised Statutes, 1909, relating to exhibitions of moving pictures..	Sections 4 to 10.
6 George V, chapter 11....	An Act to amend the Quebec License Law relating to brewers', distillers' and wholesale liquor licenses.....	The whole.
7 George V, chapter 17....	An Act to amend the Quebec License Law.....	Sections 1 to 36.
8 George V, chapter 23....	An Act to amend the Quebec License Law.....	The whole.
9 George V, chapter 18....	An Act to provide for the prohibition of the sale of intoxicating liquors, and to amend the Quebec License Law in certain cases.....	Sections 27 to 34.

3. This act shall come into force on the 1st day of May, 1921.

11 GEORGE V, CHAP. 28

An Act to amend the Revised Statutes, 1909, respecting certain transfers of immoveable property

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Revised Statutes, 1909, are amended by inserting therein, after section XXb of chapter fifth of title fourth thereof, as enacted by the act 7 George V, chapter 20, section 1, the following section and articles:

"SECTION XXC.

"DUTIES UPON CERTAIN TRANSFERS OF PROPERTY

"**1387k.** Every transfer, sale or conveyance of immoveable property by a trustee or other authorized person, under the provisions of the act of the Parliament of Canada 9-10 George V, chapter 36 (*The Bankruptcy Act*), shall be subject to the payment, by the acquirer, of a duty of two and one-half per cent, for the benefit of His Majesty.

Such duty of two and one-half per cent shall be collected

by the sheriff of the district, and shall be calculated upon the amount stated in the deed of sale, transfer or conveyance, provided that such sum be greater than the amount of the first hypothec upon the immoveable sold, transferred or conveyed, and upon one-half the value shown on the municipal valuation roll, if such sum be not greater than such amount or if there be no hypothec. Nevertheless, if the amount mentioned in the deed as aforesaid, although less than the amount of the first hypothec, be greater than one-half of the municipal valuation, the duty shall be calculated upon the amount fixed by the said deed.

The sheriff of the district who collects any amount under this article, shall be entitled to such remuneration as may be fixed by the Lieutenant-Governor in Council.

“1387. Every person who acquires any immoveable property, and who neglects or refuses to pay the amount of the duty imposed by article 1387*k*, in the cases mentioned in such article, shall incur a penalty equal to double the amount of the duty exigible, which penalty may be recovered by the Attorney-General, for His Majesty, before any court having jurisdiction.

Every such action shall be considered as a summary action, and shall be governed by the provisions of articles 1150 to 1162, inclusive, of the Code of Civil Procedure.”

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 29

An Act to validate certain deeds of transfer of the property of successions subject to succession duty

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. All deeds transferring the ownership of the property of successions, made and passed since the twenty-fourth day of June, eighteen hundred and ninety-two, are valid, notwithstanding that the duties imposed under the laws relating to duties upon successions were not paid till after the date on which such deeds were passed, or have not yet been paid, provided, in the latter case, the said duties and interest thereon be paid within one hundred and twenty days after the coming into force of this act.

2. The possessor of an immoveable property which has formed part of the property of a succession or has been the only property of a succession and has been the object of a deed of transfer made and passed since the twenty-fourth day of June, eighteen hundred and ninety-two, notwithstanding that the duties imposed under the law relating to duties on successions, if any were exigible, were not paid, may, if it is established to the satisfaction of the Comptroller of Provincial Revenue that his title to such immoveable property would otherwise be valid, and that

he cannot obtain from one of the persons mentioned in paragraph 2 of article 1381 of the Revised Statutes, 1909, the declaration thereby required, himself make a similar declaration. The collector of provincial revenue shall, upon receipt of such declaration from the possessor, determine the amount of succession duty exigible, if any, and issue, upon payment thereof with interest, a certificate establishing that such duties have been paid, or, if no duties are exigible, issue a certificate establishing that no duty is exigible.

- **3.** This act shall not affect pending cases, nor the acquired rights of third parties.

11 GEORGE V, CHAP. 30

An Act to amend the Revised Statutes, 1909, respecting motor vehicles

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 1388 of the Revised Statutes, 1909, as amended by the acts 4 George V, chapter 12, section 1; 7 George V, chapter 21, section 2; and 8 George V, chapter 26, section 1, is again amended by adding thereto the following paragraph:

“4. The word: “capacity” in the case of trucks, delivery vans, auto-busses or other similar vehicles, shall mean the carrying capacity, and, in the case of traction engines or other similar vehicles, shall mean the hauling capacity”.

2. Article 1389 of the Revised Statutes, 1909, as amended by the acts 1 George V (2nd session), chapter 16, section 1; 3 George V, chapter 19, section 1; 4 George V, chapter 12, section 2; and 7 George V, chapter 21, section 2, is again amended by replacing sub-paragraph *e* of the second paragraph thereof by the following:

“*e.* Of a capacity of more than two and one-half tons, but not more than three tons, seventy-five dollars”.

3. Article 1390 of the Revised Statutes, 1909, is replaced by the following:

“**1390.** On receipt of such statement and of the proper fees, the Provincial Treasurer shall at once register such motor vehicle in a book kept in his department for that purpose, assign to it a distinctive registration number, and deliver to the applicant an interim receipt for the fees paid and two markers bearing: (a) the same registration number as entered in the book opposite the name of the applicant; (b) figures indicating the current registration year, and (c) the name of the Province. Such markers shall further be provided with such identifying marks and protective means as the Provincial Treasurer may determine, and shall be kept solidly attached to the motor

vehicle so registered, during the whole of the registration year”.

4. Article 1391 of the Revised Statutes, 1909, is replaced by the following:

“**1391.** Subject to the provisions of article 1432, and the regulations made thereunder, the Provincial Treasurer shall, after such registration being found regular, deliver a certificate signed by him, bearing the dates of its issue and of its expiry, the registration number given to the motor vehicle for the current registration year, the name and address of its owner, and containing other particulars set forth in the statement filed with him.”

5. Article 1392 of the Revised Statutes, 1909, is replaced by the following:

“**1392.** No motor vehicle shall be used on any highway, unless the certificate of registration be carried therein so as to be exhibited on demand by the proper revenue officers, and unless it has the markers attached outside, one in front and one in rear, in such a position and kept in such a state of cleanliness that the registration number thereon shall be plainly visible at a distance of sixty feet and be properly illuminated by the lamp in the rear during such time as the motor vehicle is required to display lights.”

In the case of motor cycles, only one marker in the back is required.”

6. Article 1395 of the Revised Statutes, 1909, as amended by the acts 1 George V (2nd Session), chapter 16, section 3, and 7 George V, chapter 21, section 4, is replaced by the following:

“**1395.** The Lieutenant-Governor in Council may, subject to such conditions as he may impose, grant to any manufacturer of, or dealer in, motor-vehicles, such reductions in registration fees, such remittances of transfer fees and such privileges in regard to the registration of motor-vehicles and the issue of licenses, in connection therewith, as he may deem advisable. Nothing in this article shall apply to the motor vehicles employed by a manufacturer or dealer for private use or for hire”.

7. Article 1396 of the Revised Statutes, 1909, as amended by the act 7 George V, chapter 21, section 5, is amended:

a. by replacing the words: “registration seal or number”, in the fourth line of the first paragraph thereof, by the word: “marker”;

b. by striking out the words: “and a half” at the end of the second paragraph thereof;

c. by adding the following paragraph thereto:

“No truck, delivery van, autobus, traction engine or other similar vehicle, equipped entirely or in part with solid tires, shall be used or operated upon the public highways, when it has on its tires, or on one or any of them, cleats, caterpillars or other appliances which may damage the road bed or the street improvements”.

8. Article 1397a of the Revised Statutes, 1909, as enacted by the act 6 George V, chapter 16, section 1, and amended by the act 7 George V, chapter 21, section 7, is again amended by replacing the words: “number plates”

in the third and in the seventh lines thereof, by the word: "markers".

9. The following article is inserted in the Revised Statutes, 1909, immediately after article 1414*b*, as enacted by the act 7 George V, chapter 21, section 16:

"**1414c.** The fines and costs, due in execution of a judgment rendered under proceedings instituted for the violation of any of the provisions of this section or of any of the regulations made thereunder, shall be payable to the collector of provincial revenue for the district in which such proceedings have been taken, and the latter shall remit the same to the Provincial Treasurer".

10. Article 1417 of the Revised Statutes, 1909, as amended by the act 3 George V, chapter 19, section 3, is replaced by the following:

"**1417.** 1. Every motor vehicle, while in use on a public highway, shall be provided with:

- a. brakes in good order and of sufficient strength to control such vehicle, when required;
- b. a horn or other signalling device;
- c. a mirror of sufficient size and quality to enable the driver thereof to see from his seat any vehicle coming from the rear;
- d. two lamps in front and one in rear, except that, in the case of a motor cycle, one lamp in front shall be sufficient.

However, subsection *c* shall apply only to trucks, delivery vans, autobusses, traction engines, and other freight vehicles.

2. From one hour after sunset to one hour before sunrise, the front lamps must show a white light, in the direction followed by the motor-vehicle, and the rear lamp must show a red light in the reverse direction; all of which lights shall be visible at a distance of at least one hundred feet whether the motor-vehicle be in motion or stationary, except within the lighted portions of cities, towns and villages, in which case, the lights must show only when the motor vehicle is in motion".

11. Article 1420 of the Revised Statutes, 1909, as amended by the acts 3 George V, chapter 19, section 8, 7 George V, chapter 21, section 19, and 8 George V, chapter 26, section 6, is again amended by inserting therein, after the word: "crossings", in the second line thereof, the words: "and, when approaching a railway crossing, within a distance of five hundred feet therefrom,".

12. Article 1427 of the Revised Statutes, 1909, as amended by the acts 4 George V, chapter 12, section 8, and 7 George V, chapter 21, section 23, is again amended by replacing all the words after the word "liable" in the ninth line thereof, by the words: "for a first offence, to a fine of not less than one hundred dollars nor more than three hundred dollars, or, in the discretion of the Court, to imprisonment in the common gaol for such term of not more than one month as the court may determine, and, for a second or subsequent offence, to a fine of not less than three hundred dollars nor more than five hundred dollars, or to imprisonment in the common gaol for such period of time not exceeding three months as the Court may determine; and upon such condemnation for a first

offence, the license shall become null and void and no other license shall be issued to him under this section for a period of one year from the date of the conviction, and upon such condemnation for a second or subsequent offence, the license shall become null and void, and no other license shall be issued to him under this section for a period of three years from the date of the conviction”.

13. Article 1429 of the Revised Statutes, 1909, as re-enacted by the act 8 George V, chapter 26, section 8, is amended by adding, after the word “vehicle” at the end of the first paragraph thereof, the words: “and is not under eighteen years of age”.

14. Article 1432 of the Revised Statutes, 1909, as amended by the act 1 George V (2nd session), chapter 16, section 8, is replaced by the following:

“**1432.** The Lieutenant-Governor in Council may:

- a. alter the fees payable under this section in connection with licenses, registration and markers, change the basis of their rates, establish new rates and make new regulations respecting markers;
- b. permit the registration of any truck, delivery van, autobus, traction engine or other similar vehicle having a capacity exceeding three tons, upon payment of such additional fee as he may determine, and subject to such conditions as he may impose;
- c. determine the maximum weight, including load, and the maximum speed of autobus and freight vehicles equipped with pneumatic tires and of all motor-vehicles equipped entirely or in part with solid tires, when used on all or certain public highways and in all or certain localities, in the Province;
- d. determine the maximum width and height of motor vehicles, and the maximum length of motor-vehicles and motor trains used on public highways;
- e. require motor cycles, with or without side cars, or trailers, to have more than one light;
- f. impose additional restrictions upon the issue of licenses to chauffeurs, and upon the enjoyment of such privilege, and provide for the cancellation of their licenses;
- g. require operators of motor vehicles to pass an examination on their competency to operate a motor-vehicle;
- h. establish and regulate signals along the public highways;
- i. regulate the use of lighting devices, and
- j. make such further regulations as he may deem necessary for the efficient carrying out of this section.”

15. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 33

An Act to amend the Revised Statutes, 1909, respecting public lands, woods and forests

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 1520 of the Revised Statutes, 1909, as amended by the act 8 George V, chapter 30, section 1, is again amended by adding, at the end of paragraph 1 thereof, the words: "with the exception of lands placed at the disposal of the Minister of Colonization, Mines and Fisheries".

2. Article 1531 of the Revised Statutes, 1909, is amended by inserting therein, after the word: "sale", in the second line thereof, the words: "other than agricultural land".

3. Article 1547 of the Revised Statutes, 1909, is replaced by the following:

"**1547.** Except as provided in this chapter and in the provisions respecting colonization, no free grant of public land shall be made."

4. Article 1550 of the Revised Statutes, 1909, is repealed.

5. Article 1552 of the Revised Statutes, 1909, is amended:

a. by replacing the word: "township", in the third line of the second paragraph thereof, by the word: "parish";

b. by replacing the word: "township", in the fourth line of the second paragraph thereof, by the word: "parish".

6. The following article is inserted in the Revised Statutes, 1909, after article 1554 thereof:

"**1554a.** Land so placed in the classification as land suitable for cultivation may be put by the Lieutenant-Governor in Council at the disposal and under the control and administration of the Minister of Colonization, Mines and Fisheries, who alone shall be authorized to convey the same for colonization purposes.

As soon as such land passes under the control and administration of the Minister of Colonization, Mines and Fisheries, it shall, *ipso facto*, be excepted from any license to cut timber, which may have been granted upon the territory of which it forms part, or which may be granted thereafter.

Land at present under location ticket shall be administered and definitively conveyed by the Minister of Colonization, Mines and Fisheries, and, in case of cancellation, such land shall not be subject to any license to cut timber unless it be declared unsuitable for cultivation, and, in such case, it shall again become subject to the license to cut timber from which it has been excepted."

7. Articles 1556, 1557, 1558, 1565, 1572 and 1573 of the Revised Statutes, 1909, are repealed.

8. Form A which follows article 1596*h* of the Revised Statutes, 1909, is repealed.

9. The title of subsection third of section fifth of chapter sixth of title fourth of the Revised Statutes, 1909, (after article 1631*f*), is replaced by the following:

“§ 3.—*Special provisions respecting land sold for colonization purposes before the 19th of March, 1921*”.

10. Article 1632 of the Revised Statutes, 1909, is repealed.

11. Article 1633 of the Revised Statutes, 1909, is replaced by the following:

“**1633.** The land which may be transferred to the department of Colonization, Mines and Fisheries during the years 1921 and 1922 shall cease to be subject to any license to cut timber from and after the 30th of April following the issue of a location ticket by the department of Colonization, Mines and Fisheries.

Every license to cut timber renewed within the delay allowed by the regulations shall take effect as of the 1st of May preceding.

The holder of a license to cut timber shall be bound to give to the holder of a location ticket, during the whole period of his rights to cut timber on the lot, the privilege of cutting for him the marketable timber on such lot, at the price paid by such license-holder for work of the same kind in that locality.

As to the land to be put at the disposal of the department of Colonization, Mines and Fisheries for the years 1923 and following, a notice of at least twenty months must be given by the department of Colonization, Mines and Fisheries to every license-holder interested.

Such land so put at the disposal of the department of Colonization, Mines and Fisheries for the years 1923 and following shall cease to be subject to any license to cut timber upon the expiration of the said delay of twenty months.

The notice shall be given by registered letter, and such delay of twenty months shall run from the 1st of September following the day when such letter was posted in the city of Quebec.

12. Article 1646*a* of the Revised Statutes, 1909, as enacted by the act 2 George V, chapter 16, section 3, and amended by the acts 6 George V, chapter 18, section 4, and 9 George V, chapter 26, section 2, is again amended by inserting therein, after the word : “not”, in the fifth line thereof, the words: “less than thirty days nor”.

13. Article 1649 of the Revised Statutes, 1909, is amended by inserting therein, after the word: “not”, in the seventh line thereof, the words: “less than thirty days nor”.

14. Article 1656 of the Revised Statutes, 1909, as

amended by the act 6 George V, chapter 18, section 6, is again amended:

a. by inserting therein, after the word: "not", in the sixth line thereof, the words: "less than thirty days nor";

b. by inserting therein, after the word: "not", in the tenth line thereof, the words: "less than thirty days nor".

15. The Lieutenant-Governor in Council may place under the control of the Minister of Colonization, Mines and Fisheries the present officers of the department of Lands and Forests, or those of them whose duties are connected with the sale of public lands for agricultural and colonization purposes, and may authorize the transfer to the department of Colonization, Mines and Fisheries of all books, documents and printed matter having to do with the sale of the public lands placed at the disposal of the latter.

16. In every act, regulation or order in council relating to the administration and sale of land suitable for cultivation, the words: "Minister of Lands and Forests" shall be replaced by the words: "Minister of Colonization, Mines and Fisheries", in such a way as to substitute the authority of the Minister of Colonization, Mines and Fisheries for that of the Minister of Lands and Forests, in respect of lots under location ticket at the date of the coming into force of this act, and of lots which may be thereafter put at the disposal of the department of Colonization, Mines and Fisheries for agricultural and colonization purposes.

17. Section 2 of the act 9 George V, chapter 9, is amended by replacing the words: "Minister of Lands and Forests", in the second line thereof, by the words: "Minister of Colonization, Mines and Fisheries".

18. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 37

An Act to amend the Revised Statutes, 1909, relating to the Dairy Association of the Province of Quebec, the inspection of butter and cheese factories and the manufacture of dairy products

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 1964 of the Revised Statutes, 1909, as replaced by the act 5 George V, chapter 31, section 3, is repealed.

2. Article 1964a of the Revised Statutes, 1909, as enacted by the act 5 George V, chapter 31, section 3, is repealed.

3. Article 1966 of the Revised Statutes, 1909, is repealed.

4. Article 1968 of the Revised Statutes, 1909, as amended by the act 5 George V, chapter 31, section 6, is repealed.

5. Article 2024 of the Revised Statutes, 1909, is replaced by the following:

“**2024.** The Minister may appoint, at such salary as he may fix, an inspector-general of butter and cheese factories, sub-inspectors-general and inspectors.

Every such officer shall be a person of experience and the holder of an inspector's diploma from the dairy school of the Province of Quebec.

Such diploma shall be awarded by the dairy school after examination and upon the recommendation of a board of examiners appointed by the Minister. It may be cancelled at any time, upon the recommendation of the board of examiners, by notice given by registered letter to the holder of such diploma.

The principal duties of such inspectors shall be to supervise the production and supplying of milk as well as the manufacture of butter and cheese in dairy establishments, in accordance with the instructions of the Minister.

They may, as often as the Minister deems necessary, hold an inspection of any dairy product factory, for the purpose of ascertaining the manner in which it is operated and the quality of its products.”

6. Article 2031*b* of the Revised Statutes, 1909, as enacted by the act 1 George V (1st session), chapter 16, section 1, and amended by the acts 5 George V, chapter 31, section 9, and 7 George V, chapter 24, section 1, is replaced by the following:

“**2031*b*.** In this section,—

1. the word “inspector” shall mean any inspector appointed under section seventeenth of this chapter;

2. the expression “butter factory” shall mean any establishment to which milk or cream is brought, either to be sold in its natural state, or to be converted, in whole or in part, into butter or ice cream, either in such establishment or elsewhere;

3. the expression “cheese factory” shall mean any establishment to which milk is brought to be converted into cheese.”

7. Article 2031*d* of the Revised Statutes, 1909, as enacted by the act 1 George V (1st session), chapter 16, section 1, and amended by the acts 7 George V, chapter 24, section 2, and 10 George V, chapter 26, section 2, is again amended by replacing the words: “one of the inspectors-general mentioned in article 1964”, in the eighth and ninth lines of the first paragraph thereof, by the words: “the inspector-general of butter and cheese factories or one of the sub-inspectors-general”.

8. Article 2031*e* of the Revised Statutes, 1909, as enacted by the act 1 George V (1st session), chapter 16, section 1, is amended by replacing the words: “one of the inspectors-general mentioned in article 1964”, in the first and second lines thereof, by the words: “the inspector-general of butter and cheese factories or one of the sub-inspectors-general”.

9. Article 2031*f* of the Revised Statutes, 1909, as

enacted by the act 1 George V (1st session), chapter 16, section 1, and amended by the act 10 George V, chapter 26, section 3, is replaced by the following:

"2031f. No one may act as head butter or cheese maker in any butter or cheese factory without obtaining from the dairy school of the Province of Quebec a diploma as a butter or cheese-maker or butter and cheese-maker, so long as butter or cheese, or both, are manufactured in such establishment, and also, from and after the 1st of January, 1924, a certificate from the same school as expert milk tester.

Such diploma and such certificate shall be awarded by the dairy school after examination and upon the recommendation of the board of examiners appointed by the Minister. They may be cancelled at any time, upon the recommendation of the board of examiners, by notice given by registered letter to the holder of such diploma or certificate.

In place of such diploma above-mentioned, a special permit may at any time be granted by the Minister, upon the recommendation of the inspector-general of butter and cheese factories, by reason of ability and experience.

Such permit may be cancelled at any time by the Minister upon the recommendation of the inspector-general of butter and cheese factories, by notice given by registered letter to the holder of the permit."

10. Article 2031g of the Revised Statutes, 1909, as enacted by the act 1 George V (1st session), chapter 16, section 1, and replaced by the act 5 George V, chapter 31, section 10, is amended:

a. by replacing paragraph 1 thereof by the following:

"2031g. 1. Every person, company or partnership operating a butter or cheese factory shall be bound to engage a head butter and cheese maker who holds a diploma as a butter or cheese maker, or both, as long as butter or cheese, or both, are made there, and, from and after the 1st of January, 1924, a certificate from the dairy school of the Province of Quebec as an expert tester of milk and cream."

b. by replacing the first clause of paragraph 3 thereof by the following:

"3. The classification, manufacture and sale above mentioned shall be so made separately, in conformity with the regulations drawn up by the inspector-general of butter and cheese factories, who is authorized to make similar regulations for butter factories, or for one of more of them, as the case may be; provided they be approved by the Lieutenant-Governor in Council."

11. Article 2031h of the Revised Statutes, 1909, as enacted by the act 5 George V, chapter 31, section 10, is amended:

a. by replacing the words: "factories or the inspector-general of cheese factories, as the case may be", in the seventh, eighth and ninth lines thereof, by the words: "and cheese factories";

b. by replacing the last paragraph thereof by the following:

"If the board of directors of a partnership or company above mentioned does not pass by-laws for the purposes above mentioned, the inspector-general of butter and

cheese factories may himself make such by-laws, but in that case the by-laws made by the inspector-general must, before coming into force, be approved by the Lieutenant-Governor in Council."

12. Article 2031j of the Revised Statutes, 1909, as enacted by the act 5 George V, chapter 31, section 10, is amended by replacing the words: "fabriques de beurre ou de fromage", in the first and second lines of the third paragraph of the French version thereof, by the words: "beurreries et fromageries".

13. Article 2031o of the Revised Statutes, 1909, as enacted by the act 5 George V, chapter 31, section 10, and amended by the act 10 George V, chapter 26, section 4, is again amended by replacing the words: "inspectors-general, their assistants", in the second line thereof, by the words: "inspector-general of butter and cheese factories, the sub-inspectors-general".

14. Article 2031p of the Revised Statutes, 1909, as enacted by the act 5 George V, chapter 31, section 10, and amended by the act 10 George V, chapter 26, section 5, is again amended:

a. by replacing the word: "twenty-five", in the eighth line thereof, by the words: "one hundred";

b. by adding thereto the paragraph following:

"There shall be no appeal from any such conviction, judgment or order before the Court of King's Bench, sitting in first instance as a court of criminal jurisdiction, or sitting in appeal."

15. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 38

An Act respecting the establishment and maintenance of demonstration farms

[Assented to, 25th of February, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Revised Statutes, 1909, are amended by inserting therein, after section sixteenth of chapter seventh of title fourth thereof, the following section and articles:

"SECTION XVII

"DEMONSTRATION FARMS

"**2023a.** The Minister of Agriculture is authorized to establish demonstration farms, upon such conditions and for such term as he may deem advisable, and, for the management thereof, to make contracts with such farmers as he may select upon the recommendation of his officers.

The Minister is likewise authorized to remunerate the owner of every such farm, and to advance him money, by way of a loan, with or without interest, for the purchase

of stock and necessary equipment, and to pay for the construction of buildings, and every other expense incurred for demonstration purposes, out of the funds voted for the encouragement of agriculture generally, upon such conditions as may be set forth in the contract.

"2023b. During the whole term of the contract, the operation of the farm shall be under the control of the Minister of Agriculture, and under such of his officers as he may select. Under the direction of the Minister the latter shall, among other things, prescribe what methods of farming shall be followed; how the soil is to be worked; what system of rotation of crops it is expedient to adopt; what varieties of seed shall be selected and how they shall be treated; the drainage work to be done; the care and the kind of feed to be given to the live stock, and everything which will tend to add to the value of the farm.

The Lieutenant-Governor in Council may make regulations to allow the admission of visitors to any such farm so long as it may be used for demonstration purposes.

"2023c. No demonstration farm shall be liable, during the term of the contract, to any increase in municipal or school taxes, either general or special, for any amount which it has increased in value by reason of the improvements made to such farm."

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 39

An Act respecting the establishment and maintenance of a dairy school and of intermediate agricultural schools

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The following section and articles are inserted in the Revised Statutes, 1909, after section sixteenth of chapter seventh of title fourth thereof, as enacted by section 1 of the act 11 George V, chapter 38:

"SECTION XVIIb

"DAIRY SCHOOL AND INTERMEDIATE AGRICULTURAL SCHOOLS

"2023d. The Minister may establish and maintain in the Province a dairy school, under the name of the Dairy School of the Province of Quebec, and, at any place in the Province, intermediate agricultural schools. Such schools shall be under his control and direction.

"2023e. The Minister of Agriculture may purchase or lease land, and erect thereupon all buildings and additions required.

The Minister may authorize all the disbursements neces-

sary for the putting into operation and maintenance of such schools.

"2023f. A sum of fifty thousand dollars shall be appropriated, out of the consolidated revenue fund, for the disbursements mentioned in this section."

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 40

An Act to amend the Revised Statutes, 1909, respecting the basis of payment for milk and cream in dairy product factories

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The following section and articles are inserted in the Revised Statutes, 1909, after article 2031*p*, as enacted by the act 5 George V, chapter 31, section 10:

"SECTION XVII**b**

"THE BASIS FOR PAYMENT FOR MILK AND CREAM IN FOOD PRODUCT FACTORIES

"2031q. In this section,—

a. the word: "factory" means any establishment which receives milk or cream to be sold in its natural state, or to be converted, in whole or in part, into butter, cheese, condensed milk, milk powder or ice cream, either in such establishment or elsewhere;

b. the word "test" means the ascertaining of the percentage of fat content in milk or cream by the Babcock test;

c. the word: "fat" means butter fat only.

"2031r. Every factory must pay for all milk and cream received from its patrons, on the basis of its fat content as ascertained by the Babcock test.

"2031s. Every factory which at present pays for milk or cream according to the fat content, must comply with the provisions of this section.

"2031t. The test must be made in accordance with the instruction given at the dairy school of the Province of Quebec.

"2031u. A sample of milk to be tested must be measured in a pipette of a capacity of 17.6 cubic centimetres, and bearing the indelible stamp of the official inspector of weights and measures.

"2031v. A sample of cream to be tested must weigh exactly nine or eighteen grammes, and be weighed in a

Babcock bottle bearing the indelible stamp of the official inspector of weights and measures.

“**2031w.** No one must take samples of milk or cream, nor test milk or cream, unless he be the holder of a certificate as expert tester from the dairy school of the Province of Quebec.

“**2031x.** The exact percentage of fat content shown by the test must be entered in a register; and any person entering or causing to be entered any percentage of fat content which does not correspond with the result of the test, shall be guilty of an offence under this section.

“**2031y.** The Lieutenant-Governor in Council, upon the recommendation of the Minister of Agriculture, may make regulations for the carrying out of the provisions of this section, and may appoint one or more officers to direct and supervise the work of the expert milk-testers, and may provide for their remuneration. Such regulations shall have the same force and effect as if they formed part of this section.

“**2031z.** No provision of this section shall apply to dairymen who carry on the business of selling milk for consumption in its natural state only.

“**2031za.** Every person committing an offence under any provision of this section or under any regulation made thereunder, shall, upon summary conviction before a magistrate or a justice of the peace having jurisdiction in the locality where the offence was committed, or upon penal action before the Circuit Court having jurisdiction, be liable, on prosecution at the instance of any person, for each offence, to a fine of not less than five dollars nor more than one hundred dollars, and, on failure to pay such fine and costs, to imprisonment for not more than forty days. There shall be no appeal from any such conviction, judgment or order before the Court of King's Bench sitting in first instance as a court of criminal jurisdiction, or sitting in appeal.”

2. This act shall come into force on the day of its sanction, save article 2031r, which shall not come into force until the 1st of January, 1924.

11 GEORGE V, CHAP. 42

An Act respecting the protection of thoroughbred cattle

[Assented to, 19th of March, 1921]

HIS MAJESTY, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. This act may be cited as “The Thoroughbred Cattle Act”.

2. Any owner or guardian of a bull who allows him to run at large, or who does not keep him in a stable or other

building or within a paddock well enough fenced to prevent his escape, or who allows him out without being under the control of a guardian, shall be guilty of an offence under this act, and shall be liable, for each offence, upon summary conviction before a magistrate or a justice of the peace having jurisdiction at the place where the offence was committed, or upon penal action before the Circuit Court having jurisdiction, to a fine of not more than twenty-five dollars, and, in default of payment of such fine and costs, to imprisonment for not more than twenty days.

3. In case a thoroughbred cow becomes with calf from the service of a bull that is not kept confined or under control as provided in section 1, the owner of such cow shall be entitled to recover, from the owner or person in charge of such bull, all damages resulting therefrom. Such damages shall be measured by the difference in the value of such cow before meeting such bull and afterwards.

4. This act shall have effect only within the boundaries of local municipalities whose councils have passed a by-law to the effect that it shall apply in such municipality.

5. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 43

An Act to amend the Revised Statutes, 1909, respecting the Department of Colonization, Mines and Fisheries

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 2045 of the Revised Statutes, 1909, as amended by the act 8 George V, chapter 30, section 2, is again amended by inserting therein, after the word: "colonization," in the first line of paragraph 1 thereof, the words: "the sale of public lands suitable for cultivation".

2. The following articles are inserted in the Revised Statutes, 1909, after article 2046 thereof:

"2046a. The Minister shall cause lists of the public lands suitable for cultivation, for sale in the several townships in the province, to be made out, from time to time.

"2046b. He shall forward, each year, to the secretary-treasurer of every county municipality, a list of the public lands for which occupation licenses or location tickets have been granted in such county municipality, during the year next preceding, and for which no patents have issued.

Such lands shall be liable for the assessed taxes in the townships in which they respectively lie, from the date of such license or location ticket; and the purchaser, at the sale of any such lands for taxes, shall, as heretofore, have in the lands so sold the same rights only as the per-

son entitled to claim under the Crown at the time of such sale.

He shall, in like manner, apprise each such secretary-treasurer of the cancellation of any occupation license, or location ticket; and the registrar of every county and registration division of the cancellation of any patent of land within such county and registration division; from which time, until resold, leased, or regranted, the land affected shall cease to be liable to taxes.

"2046c. The Minister may, by a commission under his hand, authorize any Crown lands' agent or other person charged with making an enquiry into matters and things respecting the department, to hear witnesses under oath. Such commission may, at any time, be revoked by the Minister."

3. Article 2047 of the said statutes is amended:

a. by inserting therein, after paragraph 1 thereof, the following:

"Under the direction and control of the Minister, the Deputy Minister may validly affix his signature in his said capacity to any act, receipt, occupation license, contract or deed of sale, location-ticket, letters-patent, revocation of sale or location.

The Lieutenant-Governor in Council may, whenever he thinks proper, revoke the powers of the Deputy Minister, wholly or in part."

b. by inserting therein, after the words: "colonization agents," in the second line of paragraph 3 thereof, the words: "agents for the sale of Crown lands suitable for cultivation, inspectors of agencies,".

4. The Revised Statutes, 1909, are amended by inserting therein, after article 2048 thereof, the following subsection and articles:

"§ 1a. Agencies and agents

"2048a. For the purpose of the sale of public lands suitable for cultivation, and matters connected therewith, the Lieutenant-Governor in Council may divide the province into agencies and sub-agencies, and may increase or diminish the number of such agencies or sub-agencies.

"2048b. The powers and duties of such agents for public lands shall comprise the sale and locating of all public lands offered for sale and suitable for cultivation; the collection of arrears due; the settlement of difficulties arising from conflicting claims; the inspection of lands; the protection of the public domain within their respective agencies from trespassers and depredators; and such other duties as the Minister may think proper to assign them.

Such powers shall be exercised and such duties shall be performed under the direction of the Minister.

"2048c. The inspectors must visit and inspect every agency and sub-agency at least twice a year, and, in addition, whenever an inspection is ordered by the Minister. Such inspector shall see that the books of the agency are kept in good order, and that all entries that should be made

therein have been so made. He shall instruct the agent in his duties and place him in a position to perform the same intelligently and punctually.

He shall hear complaints made against the Crown lands' agents in the course of his inspections and make complete enquiry respecting such complaints.

He shall, without delay, report each inspection and enquiry to the department.

"**2018d.** the word "agent" wherever it occurs in section VIIa shall mean an agent for the sale of public lands suitable for cultivation."

5. Paragraph 2 of article 2056 of the Revised Statutes, 1909, is amended:

a. by inserting therein, after the word: "roads," in the first line thereof, the words: "and bridges";

b. by inserting therein, after the word: "road," in the third line thereof, the words: "or bridge";

c. by inserting therein, after the word: "roads", in the fifth line thereof, the words: "and bridges".

6. Article 2064 of the Revised Statutes, 1909, as replaced by the act 10 George V, chapter 28, section 1, is amended by adding thereto the paragraphs following:

"Every covered bridge built, wholly or in part, by the department of Colonization, Mines and Fisheries, must be insured against fire up to two-thirds of its value, by the municipality benefitted thereby or, if such municipality is too poor to do so, or if such bridge has been built in territory not yet organized as a municipality, then by the county municipality.

Upon the failure or refusal of such municipality so to do, the department itself, after previous notice, may take out an insurance policy, and shall be entitled to recover the amount of the premium either from the municipality interested, or, in default thereof, from the county municipality."

7. Article 2067 of the Revised Statutes, 1909, is amended by adding thereto the paragraph following:

"After the opening of a road upon any of the lands transferred to the Department of Colonization, Mines and Fisheries, if any surplus timber remains, such surplus shall belong to the Minister, who may dispose of the same either by sale or by making use of it for the works under his control."

8. The following section and articles are inserted in the Revised Statutes, 1909, after article 2090 thereof:

"SECTION VIIA.

ADMINISTRATION AND SALE OF PUBLIC LAND SUITABLE FOR CULTIVATION

"§ 1. *General provisions*

"**2090a.** The Minister shall have charge of the administration and sale of the public land suitable for cultivation, put at his disposal by the Lieutenant-Governor in Council.

"2090b. The Lieutenant-Governor in Council may pass such orders as are necessary to carry out the provisions of this section, or to meet cases which may arise and for which no provision is made.

"2090c. Such orders shall be published in the *Quebec Official Gazette* and in such newspapers as the Minister may direct, and shall be laid before the Legislature within the first ten days of the next session.

No such order shall be inconsistent with this section, save that the powers given to the Minister may be exercised by the Lieutenant-Governor in Council, and shall be subject to any order in council regulating or affecting the same.

"2090d. Any affidavit required under this section, or intended to be used in reference to any claim, business or transaction in the department, may be taken before any judge, or prothonotary or clerk of any court, or any justice of the peace, or any commissioner for taking affidavits in any of the courts, or the Minister or the Deputy-Minister, or any officer or agent of the Minister, or any sworn land surveyor appointed by the Minister to inquire into or take evidence or report in any matter submitted to or pending before such Minister, or, if made outside the Province, before the mayor or chief magistrate of, or the British Consul in, any city, town or other municipality.

"2090e. No resident agent for the sale of public lands suitable for cultivation shall, within his agency, directly or indirectly, unless under an order of the Lieutenant-Governor in Council which shall not be for more than two hundred acres, purchase any land which he is appointed to sell, or become proprietor of or interested in any such land, during the time of his agency; and any such purchase or acquiring of interest shall be void.

"2090f. No other person holding an office under this chapter, or employed in the department, shall, while holding such office or employment, unless under an order of the Lieutenant-Governor in Council, purchase, directly or indirectly, any right, title or interest in any public land suitable for cultivation, either in his own name, or through any other person, or in the name of any other person in trust for himself, or take or receive any fee or emolument for negotiating or transacting any business connected with his office or employment.

Any title or interest thus obtained shall be null and void, and any person contravening this article or article 2090e, shall forfeit his office or employment and be liable to a penalty of four hundred dollars to be recovered in an action for debt by any person suing for the same.

"2090g. Any agent knowingly or falsely informing or causing to be informed, any person applying to him to locate or purchase any land within his division or agency, that the same has already been located, assigned or purchased, shall be liable therefor to the person so applying, in the sum of five dollars for each acre of land which the person so applying offered and was entitled to locate or purchase, to be recovered by action for debt in any court of record having jurisdiction for that amount.

"2090h. Whenever it appears to any agent that any land within his agency or division, at his disposal under existing regulations to sell or locate or to put under license, should be withdrawn from the list of lands so disposable within his agency or division, such agent may provisionally refuse any application for the purchase of such land or for an occupation license.

"2090i. Any such agent refusing or neglecting to report to the Minister, within eight days thereafter, his reasons for such refusal to sell, locate, or put under license, as the case may be, any such land, shall be liable therefor to the applicant in the sum of five dollars for each acre of land which such applicant offered and was entitled to locate or purchase or to have put under license to him, to be recovered by action for debt in any competent court of record.

"§ 2. Sale of public lands suitable for cultivation

"2090j. Every sale of public land suitable for cultivation shall be upon the condition that the acquirer shall clear and put in a good state of cultivation, in one block, at least thirty acres in every one hundred.

The acquirer must clear, each year, three acres and not more than five acres in every one hundred unless previously authorized by the Minister to clear more.

The letters patent shall not be issued until an area of land, representing thirty per cent of the area of the lot, has been cleared in one block, of which at least five acres must be arable, and the other conditions of the location ticket have been fulfilled.

No timber shall be cut before the issue of the letters patent, save for clearing, for firewood, or for building and fencing purposes; and any timber cut in contravention of this provision shall be deemed to have been cut without a permit on public land.

The Lieutenant-Governor in Council may, however, issue letters patent three years after the issue of the location ticket, for public land cleared of timber, provided all the conditions of settlement fixed by law or any order in council in force have been previously fulfilled.

The Lieutenant-Governor in Council may issue letters patent in favor of possessors of public lands, for the quantity of acres they occupy without a title, who, before the coming into force of this act, have fulfilled all conditions of payment and settlement on the said lands and who have put under cultivation an area of at least fifty per cent.

"2090k. The Lieutenant-Governor in Council shall fix the selling price as well as the conditions of settlement, of payment and other terms of sale not fixed by law, and penalties for contraventions of the law and the regulations.

The price, the conditions of settlement and of payment, as well as all other conditions that the Lieutenant-Governor in Council has the power to establish, may vary according to the territory to which they apply.

"2090l. Upon such conditions and at such prices as may be fixed by law or by the Lieutenant-Governor in Council, the agent shall be bound to sell land suitable for cultivation to any *bona fide* settler who applies therefor.

No sale of more than one hundred acres shall be made by

the agent to the same person, unless the lot applied for contains, according to survey, more than one hundred acres, in which case the agent may sell the lot as surveyed.

Sales made by such agents take effect from the day on which they are made; but if the location ticket contains any clerical error, misnomer or misdescription of the land, the Minister may annul such location ticket, and order a new and corrected one to be issued, which shall take effect from the date of the first one.

“2090m. Whosoever has obtained for settlement, either under the law previous to the twenty-ninth of May, 1909, or under this section, the number of acres of land then permitted to be sold, cannot obtain more until he has procured the issuing of letters patent for the lands which he holds under location ticket and until at least half of the said lands have been put under cultivation. Nevertheless every grantee, who, having obtained a first grant of one hundred acres, makes an affidavit before the agent or before a notary that he is the father of at least four children under sixteen years of age, shall be entitled to a further grant of one hundred acres.

“2090n. Before making the sale, the agent shall obtain from the settler an affidavit according to form A; and the Crown lands' agent or a notary may receive the same.

“2090o. The Lieutenant-Governor in Council may appropriate any public lands as free grants to actual settlers upon any public roads opened through the said lands in any new settlements, under such regulations as shall, from time to time, be made by order in council; but no such free grant shall exceed one hundred acres.

“2090p. The Minister may issue, under his hand and seal, to any person who has purchased, or may purchase, or is permitted to occupy, or has been entrusted with the care or protection, of any public land, or to whom a free grant was made, an instrument in the form of an occupation license or location ticket; and such person, or his assignee, by an instrument registered under this section or any other law providing for registration in such cases, may take possession of and occupy the land therein comprised, subject to the conditions of such license, and may thereunder, unless the same has been revoked or cancelled, maintain suits at law against any wrong-doer or trespasser, as effectually as he could do under a patent from the Crown.

Such occupation license or location ticket shall be *prima facie* evidence of possession by such person or his assignee under an instrument registered as aforesaid in any such suit.

“2090q. Every occupation license granted, and every certificate of sale or receipt for money received on the sale of public land and every location ticket granted or made by the Commissioner of Crown Lands or any of his agents, previous to the twenty-third day of April, 1860, so long as the sale or grant, to which such occupation license, receipt, certificate or location ticket relates, is in force and not rescinded, shall have the same force and shall inure to the benefit of the party to whom the same was granted or to the assignee by instrument registered

as aforesaid, in the same manner and to the same extent as the instrument in the form of an occupation license mentioned in article 2090p.

“**2090r.** All occupation licenses, certificates of sale, or receipts for moneys paid on the sale of public lands, and all location tickets granted or drawn up before the twenty-fourth of December, 1875, by the Commissioner of Crown Lands or any of his agents, so long as the sale or concession to which they relate, is in force and has not been rescinded, shall have the same force and effect and shall benefit the person in whose favor the same have been granted or his heirs and legal representatives in virtue of an instrument registered in conformity with the foregoing provisions, in the same manner and to the same degree as the instrument in the form of an occupation license specified in article 2090p.

“**2090s.** All occupation licenses, certificates of sale, or receipts for moneys paid on the sale of public lands, and all location tickets issued and signed by any Crown Lands' agent in favor of any person who has purchased public lands, shall have the same effect in respect of such person and his assigns, and shall confer upon them the same rights, powers and privileges, in relation to the lands for which they have been issued, and shall subject them to the same conditions, as if such person had obtained from the Minister an instrument in the form of an occupation license in conformity with article 2090p.

“**2090t.** The lots sold or otherwise granted for colonization purposes from the first of July, 1909, to the nineteenth of March, 1921, inclusive, cannot, for five years, counting from the date of the location ticket, be sold by the holder of the location ticket, nor otherwise alienated, wholly or partly, except by donation *inter vivos*, or by will, in the direct line ascending or descending or in the collateral line, or by *ab intestat* succession or by donation in a marriage contract, or by will in favor of a consort; and, in such cases, the donee, legatee or heir are subject to the same prohibition as the original acquirer.

Nevertheless any other transfer made after the first of July, 1909, during the five years counting from the date of the location ticket, shall be valid if it has previously been authorized by the Minister, on proof, to his satisfaction, that such transfer is in the interest of colonization; the new acquirer shall be subject to the same prohibition as the original acquirer.

Every transfer made in contravention of this article shall be null *ab initio* as between the parties, and shall entail the cancellation of the sale or grant of the lot.

The prohibition in this article shall not apply from and after the date of the issue of the latter's patent, when they are issued before the expiration of the five years.

“**2090u.** No lot sold or otherwise granted for colonization purposes after the 19th of March, 1921, may, for six years from and after the date of the location ticket, be sold by the holder of the location ticket, nor otherwise alienated or transmitted, in whole or in part, except by donation in a marriage contract or by will, in favour of a relative within the order of succession, or by *abintestate* succession, or by will in favour of a consort, and in

such case the donee, the legatee or heir shall be subject to the same prohibition as the original holder.

Every alienation or transmission of land held under location ticket, by donation in a marriage contract or by will in favour of a consort, prior to the 19th of March, 1921, shall be valid if it be not null or voidable for some other reason.

The Minister may, nevertheless, allow any other transfer or alienation within six years of the date of the location ticket, upon proof, to his satisfaction, that such transfer or alienation is in the best interest of colonization. The new holder shall be subject to the same prohibition as the original holder. Every transfer or alienation so authorized since the 1st of July, 1909, shall be valid.

Every transfer made in contravention of this article shall be null *ab initio* as between the parties, and shall entail the cancellation of the sale or grant of the lot.

The prohibition in this article shall not apply from and after the date of the issue of the letters patent, when they are issued before the expiration of the six years.

“2090v. For the purposes of this section, the department shall keep a register, in which shall be registered by memorial at the request of the parties interested,—

1. the transfers made by the original purchasers or locatees of their rights to any public lands acquired by purchase, grant, location, lease or occupation license, and for which letters patent have not been granted;
2. the transfers made by the heirs or assigns of such first purchasers or locatees, if the titles under which they have a right to the possession of such lands have been duly registered under this section, or if their names have been substituted by the Minister in the books of his department;
3. the transfers made by means of a sale for taxes under the Municipal Code;
4. the transfers made by means of judicial sales, in cases in which such sales may lawfully take place, and if effected upon the first purchaser or upon his heirs or assigns, within the meaning of paragraph 2 of this article.

The officers effecting the sales mentioned in paragraphs 3 and 4 of this article must without delay give notice thereof to the Minister.

Every such transfer must be registered within a delay of sixty days.

“2090w. In order that it may be received and registered, every transfer mentioned in paragraphs 1 and 2 of article 2090v must,—

- a. be passed before a notary, or
- b. be made by private writing in presence of two witnesses, and be accompanied by the affidavit of one of such witnesses, stating the place and date at which it was passed, the name, residence and occupation of each witness, or—if the witnesses be absent from the Province or dead—by the affidavit of any other person proving the death or absence of such witnesses and their signatures, or that of the person who so made the transfer,—

and must contain no resolatory clause or right of redemption, condition, obligation, or charge which has not been previously settled or discharged, either actually or by agreement or consent of parties.

"2090x. No transfer, however, mentioned in paragraph 1 or 2 of article 2090v, may, except by leave of the Minister, be registered, if it be not satisfactorily shewn that the conditions of sale, concession or location, lease or occupation license have been duly fulfilled.

The registration of a transfer in virtue of this article shall not exempt the transferee from fulfilling all conditions of sale to which the original acquirer was bound.

"2090y. Every transfer registered shall be numbered and have endorsed thereon a certificate signed by the Minister or Deputy-Minister or other person authorized for that purpose, mentioning the date of the registration, and be deposited as vouchers in the archives of the department of Colonization, Mines and Fisheries.

"2090z. Immediately after the registration, the name of the transferee shall be substituted in the books of the department for the name of the transferor.

"2090aa. Transfers so registered shall take effect from the date of their registration, as against others that have not been registered, or have subsequently been presented for registration.

"2090bb. No person shall obtain letters patent from the Crown for more than three hundred acres of land for colonization purposes, by means of transfer from the original purchaser of a lot of land acquired from the Crown or from the assigns of such original purchaser.

This article shall not apply to the case in which lots originally acquired from the Crown have passed, by abintestate succession, or by will, or by judicial sale or by sale for municipal or school taxes, to those who apply for the letters patent.

Every person applying for the issue of letters patent under a transfer registered in the Department, must declare under oath, according to the form prescribed by the Minister, the number of acres of land he holds, if any, under letters patent, when he makes his application. In such case, in virtue of such transfer, no new letters patent shall be granted for more land than is sufficient to make up the maximum of three hundred acres.

"2090cc. Whosoever applies for letters-patent for public land and finds that he is unable to produce a deed of transfer with the formalities required for registration, may furnish such proof as the Minister may deem requisite in support of his application; and, in such case, if, according to the evidence, the application is found just and equitable, the name of the petitioner shall be substituted for that of the preceding purchaser.

"2090dd. In letters-patent, heretofore issued at the request of a petitioner unable to furnish titles or sufficient proof as aforesaid, the use of the following terms, without naming any one in particular: "to the legal representatives

of (*name of the purchaser or transferee*)” shall be deemed valid.

Similar letters patent may still be issued in the same manner by using the same terms.

“Legal representatives,” mean all those who may have any rights whatever to the property under the Civil Code.

“**2090ee.** No timber dues shall be exacted on any timber cut by settlers on lots regularly acquired by location ticket from the Crown, provided such timber be cut in good faith, upon that part which the settler is obliged to clear to fulfil his obligations.

“**2090ff.** For five years after the issue of the letters patent, the holder of the license to cut timber upon the uncleared part of any lot sold for colonization purposes, must pay double timber dues to the Crown.

This provision shall be inserted in the letters patent.

“**2090gg.** For twenty years after the issue of the letters patent, an area of fifteen per cent of each lot conveyed by the Crown for colonization purposes, must be kept wooded, for the domestic use of the owner or possessor.

In case of contravention, the latter must pay to the Crown double timber dues.

This provision shall be inserted in the letters patent.

§ 3.—*Cancellation*

“**2090hh.** If the Minister be satisfied that any purchaser, grantee, lessee or locatee of any public land, or any assignee claiming under or through him, has been guilty of any fraud or imposition, or has violated or neglected to comply with any of the conditions of the sale, grant, location, lease or occupation license, or if the sale, grant, location, lease or occupation license have been or be made or issued by mistake, or contrary to the law or to the regulations, he may cancel such sale, grant, location, lease or license, and resume the land therein mentioned, and dispose of it as if no sale, grant, location, lease or license thereof had ever been made.

The provisions of this article have applied and shall continue to apply to every such sale, grant, location, lease or license made prior to the act 32 Victoria, chapter 11, section 20.

“**2090ii.** The cancellation under article 2090hh shall effect complete forfeiture of all moneys paid by the purchaser, grantee, occupant or lessee, whether on account or in full payment of any sale, grant, or location or any lease or occupation license, as well as any expenses or improvements laid out or made on the land or lands therein mentioned. The Minister may, nevertheless, grant such compensation or indemnity as he may consider just and equitable.

“**2090jj.** Such right of cancellation shall not be deemed an ordinary right of resolution of a contract for non-fulfilment of conditions. It shall not be subject to article 1537 of the Civil Code, and may always be exercised, as occasion may require, whatever time may have elapsed since the sale, grant, location, lease or occupation license.

“2090kk. No cancellation under article 2090hh shall be made before a notice is given by the Minister or by a Crown lands' agent authorized by him in the manner hereinafter indicated.

“2090ll. Such notice shall be posted by the Crown lands' agent, or by any person authorized by him, on the door of the church or chapel or other public building nearest to the lots in question. It shall be sent by post-card to the purchaser, grantee, locatee, or lessee of any public land or his assigns mentioned in article 2090hh.

The notice shall state that the cancellation shall take place, if necessary, at any time after thirty days from the date of the posting.

“2090mm. During such thirty days the owner or occupant of the lot may set forth his reasons against such cancellation.

“2090nn. Nothing contained in the preceding articles shall affect any of the provisions of the Quebec Mining Law.

“2090oo. If any purchaser, lessee, or other person refuse or neglect to deliver up possession of any lands after revocation or cancellation of the sale, grant, location, lease or occupation license thereof, or if any person, being wrongfully in possession of the same, refuse to leave or deliver up possession thereof, the Minister may apply to a judge of the Superior Court having jurisdiction in the district in which the land lies, for an order in the nature of a writ of possession.

Upon proof to his satisfaction that the right or title of the person to hold such land has been revoked or cancelled as aforesaid, or that such person is wrongfully in possession of public land, the judge shall grant an order upon the purchaser, lessee or person in possession to deliver up the same to the Minister or person authorized by him to receive the same.

Such order shall have the same force as a writ of possession, and the sheriff or any bailiff or person to whom the same may be entrusted by the Minister for execution, shall execute the same in like manner as he would execute such writ in an action of ejectment or in a possessory action.

“2090pp. When, by law or by any deed, lease or agreement, relating to any of the lands therein referred to, any notice is required to be given, or any act to be done, by or on behalf of the Crown, such notice may be given or act done by or by the authority of the Minister.

“§ 4.—*Proceedings*

“2090qq. All arrears or sums whatever due to the Government by reason of the sale of public land, for colonization purposes, may be recovered by an ordinary action for debt, brought in the name of the Crown, before any court of competent jurisdiction.

“2090rr. If, in any such suit, the defendant fails to appear or to plead, proceedings may be had and judgment may be rendered therein according to the provisions of the Code of Civil Procedure.

"2090ss. In all such suits, in case of contestation, the burden of proof shall be upon the defendant.

"2090tt. Notwithstanding articles 49, 55 and 56 of the Code of Civil Procedure, such actions shall, as regards the jurisdiction of the court, procedure and costs, be dealt with as if they were purely personal actions. The defendant may not, in such actions, plead any immoveable rights, annual rents, or matters wherein rights in future may be bound.

"§ 5. Registration of letters patent

"2900uu. All letters patent of the Crown, whereby any grant of the public lands in the Province suitable for cultivation is made for colonization purposes shall be delivered to the person entitled thereto by the Minister of Colonization, Mines and Fisheries, a copy thereof being previously recorded in a register to be kept for that purpose by the Provincial Registrar or his deputy, without any other entry or registration.

"2090vv. The minister may require that the certificate of the performance of the conditions of settlement, requisite for the obtaining of letters patent of a lot acquired from the Crown, shall be given under oath by the persons chosen by the Minister to give such certificate, and according to the form supplied by the Minister.

"§ 6. Letters patent issued in error

"2090ww. Whenever letters-patent have been issued to or in the name of the wrong party, through mistake in the department, or contain any clerical error, or misnomer, or wrong description of the land thereby intended to be granted, the Minister (there being no adverse claim), may direct such defective letters patent to be cancelled and correct ones to be issued in their stead.

Such corrected letters patent shall relate back to the date of those so cancelled, and have the same effect as if issued at the date of such cancelled letters patent.

"2090xx. Whenever inconsistent grants or letters patent have issued for the same land through error, and in all inconsistent cases of sales or appropriations of the same land, the Minister may, in case of sale, cause the purchase money to be repaid with interest. When the land has passed from the original purchaser or has been improved before the discovery of the error, or when the original grant or appropriation was a free grant, he may, in substitution, assign land or issue scrip entitling the party to purchase Crown lands of such value and to such extent as to the Minister may seem just and equitable under the circumstances.

No such claim shall be entertained unless made within five years from the discovery of the error.

"2090yy. Whenever, by reason of incorrect survey or error in the books or plans of the department, any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity mentioned in the patent therefor, the Minister may order the repayment of the purchase money of so much land as is

deficient, with the interest thereon from the time of the application therefor, or, if the land has passed from the original purchaser, then the repayment of purchase money which the claimant, provided he was ignorant of a deficiency at the time of his purchase, has paid for so much of the land as is deficient, with interest thereon from the time of the application therefor. Such repayment shall be made in land or in money, or in land-scrip, as the Minister may direct. In case of a free grant, he may order a grant of other land, equal in value to the land so intended as a free grant at the time such grant was made.

No such claim shall be entertained unless application has been made within five years from the date of the patent, or unless the deficiency is equal to one-tenth of the whole quantity mentioned in the grant."

"**2090zz.** All compensation awarded under articles 2090xx and 2090yy, except where land is specially assigned therefor by the Minister, shall be treated as moveable property and dealt with accordingly.

"**2090aaa.** Letters-patent granted by the Crown may be declared null or set aside by the Superior Court for the causes and in the manner prescribed by the Code of Civil Procedure."

9. Article 2091 of the Revised Statutes, 1909, is amended:

a. by inserting therein, after the word: "chapter", in the eighth line thereof, the words: "as well as the improvements made, the buildings erected and the expenses incurred by such settlers";

b. by replacing the word: "five" in the second line of the second paragraph thereof, by the word: "six".

10. This act shall come into force on the day of its sanction.

FORM

A.—(Article 2090n)

Declaration of Settler on Purchase of Lot.

- I _____ of _____ declare:
in the county of _____
1. I am _____ years of age;
 2. I reside at present at (*give the name of the municipality with the street and number if there be any*).
 3. I wish to acquire lot No _____ of the range of the township of _____; and I declare that I have seen the lot;
 4. I wish to acquire this lot in my name for the purpose of clearing and cultivating it for my own personal benefit.
 5. I am now in possession under a location ticket or location tickets issued to me (*or which has or have been transferred to me, as the case may be*) of a lot or lots of land acquired from the Crown (*indicate and describe such lots*).
 6. The lot or lots of land of which I am in possession under letters patent issued to me (*or to some person whose rights I have acquired, as the case may be*), is or are, to the extent of at least one-half thereof, under cultivation.

7. I have not lent my name to any other person for the purpose of acquiring such lot.

8. I am not acquiring the said lot for the sole purpose of cutting the timber thereon for sale or having it cut for sale by others, but in order to *bona fide* settle thereon.

9. I declare that the lot is at present unoccupied, and is not improved, except

10. I swear that all the above facts are true.
And I have signed.

Sworn before me at
this day of 19 } C. D.
A. B.

11 GEORGE V, CHAP. 44

An Act to amend the Quebec Game Laws

[Assented to, 25th of February, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 2310 of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 26, section 1, and amended by the act 10 George V, chapter 31, section 1, is again amended by adding thereto, after paragraph 7 thereof, the following paragraph:

"In addition to the penalties provided for the foregoing cases, any game killed in contravention of any provision of this article, shall be seized by any game-warden, and declared by a justice of the peace to be confiscated for the benefit of the Crown."

2. Article 2311 of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 26, section 1, and amended by the act 9 George V, chapter 31, section 3, is again amended by inserting therein, after the first clause of paragraph 1 thereof, the following:

"The shipment, directly or indirectly, by one person, of more than one moose, more than two deer, or more than two caribou, shall be *prima facie* proof that he has himself hunted, killed or taken the game so shipped, and the burden of proof shall be upon him to show that there has been no infringement of any provision of this article."

3. Article 2312 of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 26, section 1, and amended by the acts 8 George V, chapter 36, section 1, and 9 George V, chapter 31, section 4, is again amended by replacing sub-paragraphs *a* and *b* of paragraph 1 thereof by the following:

"*a.* any beaver or otter, between the first day of April of any year and the fifteenth day of December of the same year;

"*b.* any mink, marten, fisher (*pekan*), raccoon, or skunk, or any other fur-bearing animal not excepted in this article, between the first day of April of any year, and the first day of November of the same year; any muskrat,

between the first day of May of any year and the fifteenth day of March of the following year. Nevertheless it shall be permitted to hunt musk-rat between the first day of November of any year and the first day of June of the following year, in that part of the Province situated to the north of the fiftieth parallel of latitude;"

4. Article 2319 of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 26, section 1, and replaced by the act 9 George V, chapter 31, section 6, is amended:

a. by replacing the words: "the same", in the third line of the third paragraph thereof, by the words: "such bag, parcel, chest, box, trunk or other receptacle containing any such skin or such game";

b. by inserting therein, after the word: "objects", in the second line of the fourth paragraph thereof, the words: "skins or game";

c. by inserting therein, after the word: "objects", in the fifth line of the fourth paragraph thereof, the words: "skins or game".

5. Article 2320 of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 26, section 1, and amended by the act 9 George V, chapter 31, section 7, is again amended by inserting therein, after the word: "costs", in the fifth line thereof, the words: "and to the seizure and confiscation for the benefit of the Crown of the articles above mentioned,".

6. Article 2328 of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 26, section 1, and amended by the acts 9 George V, chapter 31, section 8, and 10 George V, chapter 31, section 4, is again amended by replacing the third paragraph thereof by the following:

"It is forbidden at all times of the year for any head of a lumbering establishment, foreman, contractor or sub-contractor, engaged in lumbering operations, in the building of railways or in any other public work, or for any prospector or mine worker, or any person employed in any one of such enterprises or works in any manner whatsoever, to have in his possession, or in any of his houses, camps or any other building used either altogether or partly for lumbering operations or in the building of a railway, or in any other public work, or by any prospector or mine worker, or in the vicinity thereof,—any gun, rifle or any other hunting gear, without having previously obtained a license therefor, on penalty, in addition to any other punishment to which he may be liable, of a fine of not less than one hundred dollars nor more than two hundred dollars, and the costs, for each fire-arm, for the first offence, and, for every subsequent offence, to double the penalty incurred for the previous offence, and, on failure to pay such fine and costs, to imprisonment for not more than twelve months."

7. Article 2340 of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 26, section 1, is amended by replacing paragraph 2 thereof by the following:

"2. The provisions of Part XV of the Criminal Code apply to all prosecutions brought or tried under this section with the exception of the following words in article

722 of the said Criminal Code: "but no such adjournment shall be for more than eight days," which shall not apply to the prosecutions instituted under this section. Nevertheless, no such adjournment shall be for more than thirty days. It shall not be necessary that the evidence be taken in writing or by stenography."

8. Article 2341 of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 26, section 1, is amended by replacing the second paragraph thereof by the following:

"Several offences committed by one person may be included in one declaration, complaint, information or summons, provided the said declaration, complaint, information or summons contain a specific statement of the time and place of each offence; judgment shall be rendered for each offence as if there had been a separate complaint for each."

9. Article 2347 of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 26, section 1, and amended by the acts 8 George V, chapter 36, section 5, 9 George V, chapter 31, section 12, 10 George V, chapter 31, section 8, and 10 George V, chapter 32, section 1, is again amended by adding, after the word: "it", at the end of paragraph 6 thereof, the following: "and any skins or furs not accompanied by an affidavit to the effect that they are from animals killed or taken in any other province of Canada, in Newfoundland or in the United States of America, shall be presumed to be skins or furs of animals killed or taken within the boundaries of the Province, and shall be subject to the royalty hereinabove mentioned."

10. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 46

An Act respecting disputes between employers and employees of municipal public services

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The following section and articles are inserted in the Revised Statutes, 1909, after section fourteenth-*a* of chapter ninth of title fourth thereof:

"SECTION XIVb

"MUNICIPAL STRIKES AND LOCKOUTS

"§ 1.—*Short title*

"**2520p.** This section may be cited under the name of: "The Municipal Strike and Lock-out Act".

"§ 2.—*Declaratory and interpretative provisions*

"**2520q.** In this section the following words, expres-

sions and terms shall have the meaning and application respectively given them, to wit:

a. The word "employer", means any person or body of persons presiding over, administering or controlling any public municipal service as defined in this article;

b. The word "employee" means and includes policemen, firemen, waterworks employees and those in charge of the incineration of garbage;

c. The words "public municipal service" include every municipal corporation having a fire, public safety, waterworks or sanitary incineration service, in which at least ten persons are employed.

"§ 3.—*Application of the Act*

"**2520r.** This section shall apply to any claim or dispute between employers and employees in connection with the following matters:

a. The price to be paid for work done or in course of being done, whether the disagreement has arisen with respect to wages, working hours, by night or by day, or the length of day or night work;

b. The dismissal of one or more employees on account of membership in any labor union.

"§ 4.—*Illegality of strikes and lock-outs*

"**2520s.** It shall be unlawful for an employer to declare or cause a lock-out, or for employees to strike, on account of any dispute mentioned in the foregoing article before such dispute has been submitted to a board of arbitration.

"**2520t.** In so far as applicable, all the provisions of The Quebec Trades Disputes' Act, articles 2489 to 2520, inclusive, shall apply to this section, except, however, in so far as regards the provisions relating to the following matters:

1. The appointment of arbitrators;
2. The delays fixed for the appointment of arbitrators and for the publication of the award of the said arbitrators;
3. Drawing up the schedules and notices required for the carrying out of the law, and their prompt transmission to the interested parties.

"§ 5.—*Arbitration*

"**2520u.** Every application for the creation of a board of arbitration must be made in writing, and addressed to the Minister of Public Works and Labor.

The application and the declaration accompanying it must,—

a. if made by an employer, be signed by the mayor or one of the principal executive officers of the municipality duly authorized thereto;

b. if made by employees who are members of a labor union, be signed by two of the officers regularly authorized by a vote representing a majority of the members of the union or by a ballot of the members of the union who were present at a meeting called by a notice,

given at least three days beforehand, of the subject to be debated; or, where the dispute directly affects the interests of employees in more than one Province, and the employees form part of any labor union having a general committee authorized to carry on negotiations in disputes between employers and employees, and also recognized by the employer, the declaration may be signed by the president and by the secretary of the said committee;

c. if made by employees the whole or a certain number of whom are not members of the union, be signed by two among them duly authorized by a vote by ballot of the majority of the employees present at a meeting of which three days notice has been given before hand of the matter to be debated.

Within five days from the receipt of an application in due form for the creation a board of arbitration, the Minister must see to the appointment of such board of arbitration.

"2520v. The board of arbitration shall consist of three members, each of the parties appointing one representative, and, failing an agreement within two days of their appointment between the two representatives regarding the choice of the third representative, the Minister of Public Works and Labor shall himself choose such third arbitrator.

"2520w. If either of the parties neglects to designate his representative within a delay of five days after having been called upon to do so by the Minister, the latter shall, without delay, appoint the arbitrator who should have been chosen by the party in default, and such member of the board shall be deemed to be appointed at the request of the party in default.

"2520x. The board of arbitration shall submit its award to the Minister of Public Works and Labor after not more than five days deliberation, and a copy of the said award shall be sent to the registrar of the council of conciliation and arbitration to form part of the archives of the Department of Labor.

"§ 6.—Penalties and fees

"2520y. Any employer who declares or who is the cause of a lock-out in contravention of the provisions of this section, shall be liable to a fine of not less than one hundred nor more than one thousand dollars, for every day or part of a day that such lockout lasts.

"2520z. Every employee who goes on strike in contravention of the provisions of this section, shall be liable to a fine of not less than ten nor more than fifty dollars, for every day or part of a day such employee remains on strike.

"2520aa. Any person who incites, encourages or aids in any manner an employer to declare or continue a lock-out, or any employee who goes on strike or remains on strike, in contravention of the provisions of this section, shall be guilty of an offence and liable to a penalty of not less than fifty nor more than one thousand dollars.

"2520bb. The provisions of part xv of the Criminal Code shall apply to prosecutions brought and taken under this section.

"2520cc. Notwithstanding the provisions of article 2517 of the Quebec Trade Disputes' Act, the remuneration of the board of arbitration shall be as follows:

For one complete day's sitting.....\$10.00;
For one-half day's sitting.....\$ 5.00.

"2520dd. The arbitrators shall, at their discretion, state, in giving their award, which party is to bear the cost of the arbitration."

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 48

An Act to amend the Revised Statutes, 1909, the Revised Statutes, 1888, and the Quebec Municipal Code, respecting municipal affairs

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 2728c of the Revised Statutes, 1909, as replaced by the act 8 George V, chapter 28, section 3, is amended by inserting therein, after the word: "prescribed", in the second line of the second paragraph thereof, the words: " Comptroller of Provincial Revenue, as well as".

2. The following article is inserted in the Revised Statutes, 1909, after article 5258 thereof:

"5258a. Every by-law, resolution, order, roll or *procès-verbal* which governed the territory before its erection as a city or town municipality, and every contract entered into by the former corporation, shall continue in force; and the council of the new municipality shall be vested, in respect thereof, with the same powers and subject to the same obligations as the council of the former municipality, saving any provision to the contrary in any special act."

3. Article 5271 of the Revised Statutes, 1909, is amended by inserting therein, after the first paragraph thereof, the following paragraph:

"Pending such election, unless some special provision is made by the charter, the mayor and officers of the municipal council then in office shall continue to hold their offices for current affairs until replaced according to law."

4. Article 5363 of the Revised Statutes, 1909, is amended by inserting therein, after the word: "nomination", in the third line of paragraph 8 thereof, the words: "such person, however, may be appointed secretary-treasurer, municipal inspector, auditor, assessor or special superintendent".

5. Article 5685 of the Revised Statutes, 1909, as amended by the acts 1 George V (2nd sess'on), chapter 38, section 1, and 9 George V, chapter 59, section 4, is again amended by striking out the words: "certain industrial establishments according to the provisions of articles 5922 and 5923, and", in the second, third and fourth lines of sub-paragraph *d* of paragraph 4 thereof.

6. Article 5686 of the Revised Statutes, 1909, as amended by the act 8 George V, chapter 60, section 6, is again amended by adding thereto the following paragraph:

"The husband of any woman separate as to property, who is a municipal elector according to paragraph 2 of article 5368, shall be considered as having the quality of proprietor required under this article to give the right to vote upon the by-law."

7. Article 5731 of the Revised Statutes, 1909, is amended by replacing the words: "lot de ville", in the fourth line of the second paragraph of the French version thereof, by the words: "lot à bâtir".

8. Article 5775 of the Revised Statutes, 1909, is amended by replacing the words: "articles 5929 and following", in the first line thereof, by the words: "article 5929".

9. Article 5778 of the Revised Statutes, 1909, as replaced by the act 8 George V, chapter 28, section 4, is amended by inserting therein, after the word: "prescribed", in the second line of the second paragraph thereof, the words: "the Comptroller of Provincial Revenue, as well as".

10. The following article is inserted in the Revised Statutes, 1909, after article 5782*a* thereof, as enacted by the act 8 George V, chapter 60, section 10:

"**5782*b*.** The husband of any woman separate as to property, who is a municipal elector according to paragraph 2 of article 5368, shall be considered as having the quality of proprietor required to give the right to vote upon any loan by-law."

11. Article 5789 of the Revised Statutes, 1909, is amended:

a. by replacing the words: "revenue of the municipality then due and exigible", in the ninth and tenth lines thereof, by the words: "total amount of the ordinary revenue collected by the municipality for the preceding year";

b. by striking out the second paragraph thereof.

12. Article 5888*a* of the Revised Statutes, 1909, as enacted by the act 10 George V, chapter 67, section 7, is replaced by the following:

"**5888*a*.** Every by-law passed by the council of any city, town or other municipality governed by a special act, and ordering a loan or a bond issue, must, in order to have any force or effect, and to come into force, be approved by the municipal electors who are owners of taxable immoveable property in the municipality, and by the Lieutenant-Governor in Council, in accordance with the provisions of the Cities and Towns' Act.

This article shall not apply to the cities of Quebec and Montreal, but shall apply to every other city or town in

the Province, notwithstanding any contrary or incompatible provision in its charter."

13. Section eleventh of chapter second of title eleventh of the Revised Statutes, 1909, comprising articles 5922 and 5923, is repealed.

14. Article 5929 of the Revised Statutes, 1909, as enacted by the act 9 George V, chapter 59, section 11, and amended by the act 10 George V, chapter 67, section 2, is again amended:

a. by inserting therein, after the word: "shall", in the third line thereof, the words: "directly or indirectly";

b. by replacing the last paragraph thereof by the following sub-paragraph:

d. by granting any exemption from taxation or commutation of taxes to any industrial or commercial establishment."

15. The Revised Statutes, 1909, are amended by inserting therein, after article 5932 thereof, the following article:

"**5932a.** No municipal corporation may, after the fiscal year current up on the 19th of March, 1921, levy a tax upon any agent or representative of an insurance company or mutual benefit association".

16. Article 5953 of the Revised Statutes, 1909, as amended by the act 8 George V, chapter 20, section 14, is again amended by striking out the words: "Minister of Municipal Affairs, and to the", in the fifth line thereof.

17. Article 4406 of the Revised Statutes, 1888, as amended by the act 8 George V, chapter 60, section 26, is again amended by adding thereto the following paragraph:

"Every husband qualified, under paragraph 2 of article 4227, as elector in virtue of property belonging to his wife, shall be considered as having the quality of proprietor required under this article to give the right to vote upon the by-law."

18. Article 4525 of the Revised Statutes, 1888, as replaced by the act 8 George V, chapter 28, section 2, is amended by inserting therein, after the word: "prescribed", in the second line of the second paragraph thereof, the words: "the Comptroller of Provincial Revenue, as well as".

19. The following article is inserted in the Revised Statutes, 1888, after article 4530a thereof, as enacted by the act 9 George V, chapter 59, section 19:

"**4530b.** Every husband qualified, under paragraph 2 of article 4227, as elector in virtue of property belonging to his wife, shall be considered as having the quality of proprietor required under this article to give the right to vote upon any law by-law."

20. Article 28 of the Quebec Municipal Code is replaced by the following:

"**28.** The Lieutenant-Governor may, by proclamation, upon the application of the county council or of any inter-

ested party, annex to a local neighboring municipality, of the same county, any territory or piece of territory which is not organized or any territory organized as a township, but which does not conform to the conditions required to be constituted a municipality."

21. Article 47 of the Quebec Municipal Code is replaced by the following:

"**47.** The name of a municipality, erected under article 30, 31 or 32, as the case may be, is: "Municipality of the parish of (*name of the parish*), of the township of (*name of the township*) of the North, (South, East, or West, as the case may be) part of the parish of or of the township of (*name of the parish or of the township, as the case may be*)."

The name of a village municipality is: "Municipality of the village of (*name mentioned in the proclamation*)".

The name of a municipality of united townships is: "Municipality of the united townships of (*names of the townships*)".

The name of any other rural municipality erected by proclamation of the Lieutenant-Governor, in accordance with article 35, is: "Municipality of (*name mentioned in the proclamation*)."

22. The Quebec Municipal Code is amended by inserting therein, after article 47 thereof, the following:

"**47a.** Whenever each of the townships composing a municipality of united townships has a population of at least three hundred souls, the Lieutenant-Governor, upon petition signed by a majority of the proprietors of immoveable property, from all or from one township only, may, subject to the provisions of article 45 and of articles 50 and following, abolish the municipality of the united townships and erect each such township into a municipality, under the name of: "Municipality of the township of (*name of the township*)."

23. Article 320 of the Quebec Municipal Code, as amended by the act 10 George V, chapter 57, section 5, is again amended by adding thereto, after paragraph 5 thereof, the following paragraph:

"Nevertheless the Lieutenant-Governor, instead of making the appointment in any of the cases mentioned by paragraph 1 of this article, may fix another date for the holding of the election, and, if the election be not held at the date so fixed, may make such appointment."

24. Section XI of chapter II of title XV of the Quebec Municipal Code, including the title of such section and article 402 of such code, are replaced by the following:

"SECTION XI

"PROHIBITION OF THE SALE OF ALCOHOLIC LIQUOR

"**402.** Subject to the Alcoholic Liquor Act, every local corporation may make, amend or repeal by-laws to prohibit the sale of alcoholic liquor.

25. Article 408 of the Quebec Municipal Code, as amended by the act 10 George V, chapter 82, section 2, is

again amended by inserting therein, after paragraph 5 thereof, the following:

“5a. To provide for the installation and operation of lighting, heating or power development systems, by means of gas or electricity, for the requirements both of the public and of individuals or corporations requiring the same in their houses, buildings or establishments.

The council is vested with all the powers necessary for the above purposes. It may, by by-law, fix the price of gas or electricity supplied to individuals or corporations; it may likewise, in order to meet the interest on the money expended and to create a sinking-fund therefor, impose upon all the taxable immoveable property of the whole or of any part of the municipality, a special annual tax, the allotment of which shall be based upon the valuation roll in force at the time it is imposed.

But whenever the revenue of the system exceeds, in any year, the cost of its operation and of its upkeep, the council may employ the excess of receipts over expenses to pay the interest, or may pay it into the sinking-fund, and, during the next year, decrease by so much the tax on immoveables imposed for such purpose, or even suspend the collection thereof if the surplus revenue is sufficient for the interest and the sinking-fund premium,—and that by means of a simple resolution”.

26. The following article is inserted in the Quebec Municipal Code, after article 408 thereof, as amended by the act 10 George V, chapter 82, section 2, and by section 25 of this act:

“**408a.** Every husband qualified as elector in virtue of property belonging to his wife, according to paragraph 3 of article 243, shall be considered as having the quality of proprietor required under article 408 to give the right to vote upon a by-law.”

27. Article 413 of the Quebec Municipal Code is amended by adding thereto the following paragraph:

“8. To take charge of and assume responsibility for any road situated in a neighboring municipality, whenever it is interested in the repairing, improvement or maintenance of such road.

Such by-law, before coming into force, must be approved by the majority, in number and value, of the municipal electors who are proprietors of real estate, who will be bound, under such by-law, to contribute to the cost of the improvement and maintenance of such road, and who have voted upon such by-law, and also by the council of the municipality in which the road is situated, and by the Lieutenant-Governor in Council.

Any road so taken over shall be at the charge of the corporation, even though the roads in such municipality be at the charge of the ratepayers, and the expenses of improvement, repair and maintenance, shall be levied by means of a tax imposed upon the taxable immoveable property in the whole municipality or in such part of the municipality as is mentioned in the by-law.

The by-law must state whether the expenses incurred in connection with the said road shall be at the charge of the whole municipality or of a part thereof only; in the latter case, the part of the municipality so obligated must

be clearly indicated, and only the property-owners of such territory shall be entitled to vote upon the by-law.

With the approval of the property-owners liable for the expenses in connection with the said road, the council which has passed the by-law may repeal it, and hand over the road to the charge of the municipality in which it is situated at that date, without the consent of the latter, provided that the road be in good condition."

28. Article 627*a* of the Quebec Municipal Code, as enacted by the act 9 George V, chapter 59, section 25, is amended by replacing the word: "twentieth", in the eighth line of the second paragraph thereof, by the word: "twenty-fifth".

29. Article 758 of the Quebec Municipal Code, as replaced by the act 8 George V, chapter 60, section 19, is amended by adding thereto the following paragraph:

"Every husband qualified as elector in virtue of property belonging to his wife, according to paragraph 3 of article 243, shall be considered as having the quality of proprietor required to give the right to vote upon any loan by-law."

30. Article 767 of the Quebec Municipal Code, as amended by the act 8 George V, chapter 28, section 6, is amended by inserting therein, after the word: "prescribed", in the second line of the third paragraph thereof, the words: "the Comptroller of Provincial Revenue, as well as".

31. Every by-law adopted in the past by any municipal council for any of the purposes mentioned in section 25 of this act, is declared to be legal and valid; but this provision shall not affect pending cases.

32. The provisions of sections 5, 13 and 14 shall not apply when a council, under the law in force at that time, has, before the coming into force of this act, taken measures, or begun negotiations with any person, firm or company, respecting the establishment of an industry in the municipality with the condition of exemption from or commutation of municipal taxes, provided that every by-law to that effect has been previously authorized by the Lieutenant-Governor in Council.

33. Section 34 of the act 8 George V, chapter 60, as amended by the acts 9 George V, chapter 59, section 30, and 10 George V, chapter 67, section 8, shall remain in force until the 1st of May, 1922.

34. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 58

An Act to amend the Revised Statutes, 1909, respecting
the clerk and deputy-clerks of appeals

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the
Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. Article 3054 of the Revised Statutes, 1909, is replaced
by the following:

“**3054.** The Lieutenant-Governor in Council shall
likewise appoint a clerk of appeals for the whole Province,
and as many deputy-clerks of appeals as he may deem nec-
essary.”

2. Article 3066 of the Revised Statutes, 1909, as
amended by the act 10 George V, chapter 45, section 1, is
replaced by the following:

“**3066.** 1. The clerk, known as the “Clerk of Appeals,”
shall be the clerk of such court in all matters in which it
has jurisdiction as a court of appeal.

2. The deputy-clerks shall discharge the duties of the
clerk, under the control of the clerk.

In case of the death, dismissal, suspension from office
or resignation of the clerk, the deputy-clerk who has been
longest in office shall replace him, until the newly appointed
clerk has received his commission, if there be one, and has
discharged the duties imposed by articles 606 and 609.

3. The clerk and the deputy-clerks of appeals may
administer or receive any oath in any matter in which such
court has jurisdiction.”

3. This act shall come into force on the day of its
sanction.

11 GEORGE V, CHAP. 68

An Act to amend the Revised Statutes, 1909, respecting
the taking of the oath by justices of the peace

[Assented to, 25th of February, 1921]

HIS MAJESTY, with the advice and consent of the
Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. Article 3337 of the Revised Statutes, 1909, is amend-
ed:

a. by replacing the words: “and shall be filed by the
said clerk among the records of the sessions of the peace of
the said district”, in the fifth and sixth lines thereof, by
the words: “to form part of the records of such office”;

b. by adding thereto the following paragraph:

“The clerk of the peace, upon receipt of the certificate

mentioned in the preceding paragraph, shall forthwith inform the Provincial Secretary thereof."

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 70

An Act to amend the law respecting jurors in criminal cases

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 3460 of the Revised Statutes, 1909, is replaced by the following:

"**3460.** If, either previous to or during any term of the Court of King's Bench or any Court of General Sessions of the Peace, it appears that the number of cases to be tried will require one or more supplementary panels of petit jurors, the court or any judge thereof may, on application of the representative of the Crown, order the sheriff to summon one or more of such panels, as the case may be, and may make a like order each time a like application is made, if such court or judge believes it to be in the interest of justice.

Each supplementary panel of petit jurors shall contain the same number of jurors as the first panel, and shall be summoned in the same manner, for such day as may be fixed by the court or judge.

The jurors upon any supplementary panel shall be bound to appear upon the day for which they are summoned."

2. Article 3461 of the Revised Statutes, 1909, is replaced by the following:

"**3461.** Unless sooner discharged by the court, every juror shall be bound to serve as such until the end of the term for which he has been summoned."

3. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 73

An Act respecting the appointment of constables and special constables

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Every judge of the Court of King's Bench, or of the Superior Court, and every judge of the sessions, police magistrate, district magistrate, recorder or justice of the peace, may, by a writing, in duplicate, appoint and swear

in constables or special constables, who shall exercise the same powers and authority, enjoy the same privileges and immunities, discharge the same duties, and be subject to the same responsibility as any ordinary constable in the whole extent of the territory under the jurisdiction of the judge, the magistrate or the recorder by whom he was appointed.

2. No such appointment may be made without the previous consent in writing of the Attorney-General, save in the following cases:

a. Constables appointed under articles 3251, 3287, 3306, 3376 or 3595 of the Revised Statutes, 1909;

b. Constables appointed by a municipal council or other municipal authority under the general law or the special charter by which it is governed, to form part of the municipal police force;

c. Constables appointed under any act of the Parliament of Canada.

3. Before acting as such, every constable or special constable so appointed, must take and subscribe to, in duplicate, before the person appointing him, the following oath:

"I, A.B., do swear that I will well and truly serve our Sovereign Lord the King in the office of constable (or special constable, as the case may be), for the (*here indicate the place in which the constable is to exercise his functions*), without favor or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of His Majesty's subjects, and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law: So help me God; and I have signed.

(*Signature of Constable*)

Sworn before me at
 this day of
19 .

(*Signature of the person administering the oath.*)"

Such oath must be reduced to writing, and signed in duplicate by the constable and the person by whom it was administered.

4. Both duplicates of each such certificate of appointment and taking of the oath shall be deposited forthwith, by the person administering the oath, with the clerk of the peace of the district; and the latter shall be bound to forward one duplicate of each of such documents to the Attorney-General, within thirty days of the deposit thereof.

The clerk of the peace shall keep a special register, in which shall be entered the name, Christian name and address of every constable appointed, the date of such appointment, the name of the person making the same, the date of the taking of the oath and the name of the person administering the same, and the date of the forwarding of the duplicate of each of such documents to the Attorney-General.

5. Every constable must wear a badge, clearly indicating that he is a constable, or special constable, as the case may be.

6. It is forbidden for any person to have in his possession or to wear a badge of a constable of the provincial police or of a provincial detective, or any other badge bearing the words "provincial police" or "provincial detective," or any other word, initials or inscription of like meaning, which might lead any person whomsoever to believe that the wearer or holder of such badge belonged to the provincial police or was a detective in the service of the provincial government, unless he does belong to such police force or is a detective in the said service of the Province.

7. Every constable appointed under this act may be dismissed by the judge, magistrate or recorder by whom he was appointed, and must be dismissed upon application therefor in the name of the Attorney-General.

8. Every constable or special constable appointed before the coming into force of this act, who could not have been so appointed without the previous consent in writing of the Attorney-General if the provisions of this act had been in force, may no longer exercise the powers and authority of a constable, after the expiration of three months from the date of the coming into force of this act, unless he be appointed again in accordance with the provisions of this act.

9. Whosoever,—

- a. exercises the functions of a constable or special constable without wearing a badge clearly indicating that he is a constable or special constable, as the case may be;
- b. not being a member of the provincial police or in the service of the government in the capacity of detective, has in his possession or wears a constable's or detective's badge or any other badge of a nature to lead the public to believe that he belongs to the provincial police force, or is a detective in the service of the government,—

shall be guilty of an offence under the provisions of this act, and liable, on summary conviction, in accordance with the provisions of Part XV of the Criminal Code, to a fine of twenty-five dollars, and, on failure to pay such fine and costs, to imprisonment for three months, and, for any subsequent offence, to a fine of one hundred dollars, and, on failure to pay such fine and costs, to imprisonment for six months, or to imprisonment without the option of a fine.

10. Article 3251 of the Revised Statutes, 1909, is amended:

- a. by replacing the words: "to preserve the public peace therein", in the tenth and eleventh lines of the first paragraph thereof, by the words: "for no other purpose";
- b. by striking out the words: "for the public safety", in the fifth and sixth lines of the second paragraph thereof.

11. Article 3287 of the Revised Statutes, 1909, is amended:

a. by inserting therein, after the word: "orders", in the third line of the first paragraph thereof, the words: "and for no other purpose";

b. by inserting therein, after the word: "shall", in the second line of the second paragraph thereof, the words: "for the purposes above-mentioned".

12. Article 3306 of the Revised Statutes, 1909, is amended by inserting therein, after the word: "constables", in the third line thereof, the words: "to carry out his orders, and for no other purpose".

13. Article 3376 of the Revised Statutes, 1909, is amended by replacing the word: "who", in the third line thereof, by the words: "and for no other purpose; and such justice of the peace".

14. Article 3597 of the Revised Statutes, 1909, is amended by replacing the words: "Provincial Secretary", in the sixth line thereof, by the words: "Attorney-General".

15. Article 3604 of the Revised Statutes, 1909, is amended by replacing the words: "Provincial Secretary", in the second line of the second paragraph thereof, by the words: "Attorney-General".

16. Article 3617 of the Revised Statutes, 1909, is amended by inserting therein, after the words: "chief of police", in the third line thereof, the words: "called also Superintendent of Provincial Police".

17. Paragraph 1 of article 6713 of the Revised Statutes, 1909, is amended by inserting therein, after the word: "by", in the tenth line thereof, the words: "the Attorney-General, in writing, and by".

18. Every provision incompatible with this act, is repealed.

19. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 76

An Act to amend the Revised Statutes, 1909, respecting the inspection of scaffoldings

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Articles 3790 to 3796 of the Revised Statutes, 1909, are replaced by the following:

"3790. It shall be the duty of the municipal authorities in every city or town within the limits of which a public edifice within the meaning of article 3749, is being built or altered, to employ as inspector of scaffoldings, a competent person to take charge of the supervision and inspection of scaffolding.

Every such city or town municipality may, by by-law,

provide that a charge of not more than three dollars be made for every such inspection.

“3791. Every contractor, builder on his own account, or foreman, who uses scaffolding not less than fifteen feet in height, must obtain a certificate of inspection of his scaffolding, signed by the inspector appointed for that purpose, and countersigned by the secretary of the municipality.

“3792. To facilitate the carrying out of this section, the Department of Labor shall distribute to the municipalities interested, on application therefor, certain forms of standard scaffoldings, approved by the Lieutenant-Governor in Council, establishing the conditions to which the making of scaffoldings during the erection of the buildings shall be subject. Such forms shall be supplied to the interested parties by the municipal authorities of the place, and no certificate shall be granted for scaffoldings not in accordance with or equivalent to the directions contained in such forms.

“3793. If the inspector of scaffoldings finds that, during the construction of a building, the contractors or builders or foremen neglect or refuse to comply with the prescriptions of the forms regulating the making of scaffoldings, and if such refusal or neglect be of a nature to endanger the workmen employed in the building, he must report to the secretary of the municipality, who, after a first notice, may cancel the inspection certificate, and take the necessary proceedings against the parties at fault.

“3794. Every contractor, builder or foreman who refuses or neglects to have his scaffoldings inspected as required by article 3791, or who neglects or refuses to follow the forms in connection with the making of scaffoldings, shall be guilty of an offence under this section and be liable, on summary conviction before a police magistrate or justice of the peace having jurisdiction, to a fine not exceeding fifty dollars and costs.

“3795. Every corporation mentioned in this section which neglects or refuses to have the making of scaffoldings supervised, to issue inspection certificates, to distribute the forms required to the interested parties, or to comply with any of these provisions, shall be liable on summary conviction to a fine of not more than twenty-five dollars and costs.

“3796. Every prosecution under the provisions of this section shall be taken, proceeded with and decided according to the provisions of part XV of the Criminal Code.

“3796a. This section shall apply to all cities and towns in this Province, but nothing therein contained shall be deemed to take away from municipalities the right they already have to regulate the making of scaffoldings, provided such regulations are not inconsistent with the provisions of this section.

“3796b. Any municipality may, by by-law, extend the application of the provisions enacted in this section for

the greater security of those who are working on scaffoldings, to all other buildings which are not comprised under the name of public buildings within the meaning of article 3749”.

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 81

An Act respecting municipal sinking-funds

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. In each of the following cases, namely,—

a. whenever a municipality, contracting any loan which it is authorized to make under its charter or the general law, has not provided for the creation of a sinking-fund for such loan, whether or not its charter or the general law has authorized the creation of such fund; or

b. whenever a municipality which has contracted a loan and has provided for the creation of a sinking-fund, has not levied a sum sufficient to form a sinking-fund for the amount required to repay the said loan at the term fixed; or has appropriated such sinking-fund, either wholly or in part, for purposes other than those for which it was intended,—

such municipality may,—

1. provide, by by-law, for the creation of a sinking-fund to repay the amount of the loan, with interest, at maturity, and for the levying of the said sinking-fund annually or otherwise like any other real estate tax of the municipality; or

2. provide, by by-law, for the collection, by one or more levies upon all the taxable property in the municipality, of an amount sufficient to make good the deficit in any sinking-fund already accumulated, wholly or in part, but a part of which has been diverted to other uses, or

3. borrow, by by-law, for one or other of the purposes mentioned in paragraphs 1 and 2, in accordance with the provisions applicable to loans by such municipality.

2. The moneys intended for the sinking-fund under section 1 of this act shall be subject to the provisions of articles 1493*a* to 1493*h* of the Revised Statutes, 1909, as enacted by the act 8 George V, chapter 28, section 1.

3. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 83

An Act to amend the Quebec Companies' Act, 1920

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 5985 of the Revised Statutes, 1909, as enacted by the act 10 George V, chapter 72, section 1, is amended by adding, after the words: "value of the", in the fifth line thereof, the word: "subscribed".

2. Article 5989 of the Revised Statutes, 1909, as enacted by section 1 of the act 10 George V, chapter 72, is amended:

a. by adding, after the words: "two-thirds of the", in the fifth and sixth lines of paragraph 3 thereof, the word "subscribed";

b. by striking out the words: "and in two newspapers, one published in the French and the other in the English language in the locality where the company has its head office, or, if there be none published in that locality, then in newspapers published in the place nearest thereto", in the third, fourth, fifth, sixth and seventh lines of the second clause of paragraph 4 thereof.

3. Article 6053 of the Revised Statutes, 1909, as enacted by the act 10 George V, chapter 72, section 1, is amended by adding, after the words: "value of the", in the fifth line thereof, the word: "subscribed".

4. Article 6054c of the Revised Statutes, 1909, as enacted by section 1 of the act 10 George V, chapter 72, is amended:

a. by adding, after the words: "two-thirds of the", in the fifth and sixth lines of paragraph 3 thereof, the word: "subscribed";

b. by striking out the words: "and in two newspapers, one published in the French and the other in the English language in the locality where the company has its head office, or, if there be none published in that locality, then in newspapers published in the place nearest thereto", in the third, fourth, fifth, sixth and seventh lines of the second clause of paragraph 4 thereof.

5. The Revised Statutes, 1909, are amended by inserting therein, after article 6088d thereof, as enacted by the act 10 George V, chapter 72, section 1, the following:

"**6088e.** The members shall not be personally responsible for the debts of the corporation."

6. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 84

An Act respecting the exercise of certain powers by railway companies

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. If the charter of any railway company, or any amendment thereto, vests in such company the power to carry on undertakings other than those connected with the construction of its railway system, none of such other undertakings may be carried out after the coming into force of this act, if such company has not exercised such of its powers as are connected with the said construction, and if the delays allowed by article 6645 of the Revised Statutes, 1909, have expired.

Nevertheless, if any railway company has, before the coming into force of this act, exercised one or more powers, other than those connected with the construction of its railway, without having conformed to the provisions of article 6645 of the Revised Statutes, 1909, as to the construction or completion of the said road, it shall preserve its corporate existence with respect to the exercise of the said powers, notwithstanding the provisions of the said article 6645 of the Revised Statutes, 1909.

2. No railway company which, either by its charter or by any amendment thereto, has obtained the right to enter upon Crown lands for the purpose of making thereupon any dike, dam, construction or other work, in order to dam, confine, raise, lower, retain or regulate the water, may, after the date of the coming into force of this act, exercise any such right, unless the exercise thereof has begun before the said date; and, in the latter case, the company may not exercise any right other than those it has begun to exercise before the said date.

3. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 85

An Act to amend the Quebec Insurance Act

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 6960c of the Revised Statutes, 1909, as enacted by the act 7 George V, chapter 46, section 1, is amended by adding thereto the following paragraph :

“No corporation, nor any officer, agent or employee of a corporation, shall accept from any person other than the insured, or a notary as provided in article 6960a, or an agent, duly licensed according to the provisions of this

subsection, any application or proposal for a policy of insurance”.

2. The Revised Statutes, 1909, are amended by inserting therein, after subsection twenty-second of section twenty-second of chapter third of title eleventh thereof, the following:

“§ 22a.—*Amalgamation of Mutual Benefit Associations*

“**7058a.** A mutual benefit association incorporated by the authority of this Province, may amalgamate with any other registered association, with the consent of the general meeting of members in good standing, duly called by a notice, addressed to each member, and a like notice published in the *Quebec Official Gazette*, and in French and English in some other newspapers published at the place of business of the association applying for such amalgamation, or at the place nearest thereto, if the Provincial Treasurer decides accordingly. Such notice shall state clearly the object of the meeting, and a copy thereof shall be sent to the Provincial Treasurer before the date of such meeting.

“**7058b.** The terms and conditions of such amalgamation shall be approved by the Lieutenant-Governor in Council on the report of the Inspector of Mutual Benefit Associations, approved by the Provincial Treasurer, that it is in the interest of the members of the association applying for the amalgamation, and the public generally, that such amalgamation take place, and that the terms and conditions are equitable and in conformity with the law.

“**7058c.** In the case of associations promising death benefits, such amalgamation may be effected only with an association duly registered by this Province, and having established to the satisfaction of the Superintendent of Insurance that for the last three years, dated from December 31st, preceding the date of the amalgamation, it has accumulated a reserve of one hundred per cent in all its death benefit funds. The valuation of such reserve must be based upon the mortality table of the National Fraternal Congress of America, and at a rate of interest of not more than four per cent, or upon any other mortality table to the satisfaction of the Superintendent of Insurance.

“**7058d.** Such amalgamation shall take effect from and after the publication in the *Quebec Official Gazette* of a notice stating that the terms and conditions of such amalgamation have been approved by the Lieutenant-Governor in Council.

“**7058e.** The members of the association which applied for the amalgamation become regular members of the association which has granted it, and are subject to its laws and by-laws except as enacted by the terms and conditions of the amalgamation; and the association applying for such amalgamation shall be *ipso facto* dissolved.

“**7058f.** The amalgamation shall not have the effect, as regards the responsibilities, obligations, privileges and rights of either association, of constituting a new association; but, subject to the terms and conditions of the amal-

gamation, all the responsibilities, obligations, privileges and rights of the absorbed association continue to exist and be assumed by the association with which it is amalgamated."

3. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 86

An Act to amend the Revised Statutes, 1909, respecting foundlings placed in the custody of certain institutions

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The following articles are inserted in the Revised Statutes, 1909, after article 7257 thereof:

"**7257a.** Any institution mentioned in article 7257, or any other institution authorized thereto by the Lieutenant-Governor in Council, may, at its discretion, entrust the custody of any foundling under its care, to any person, partnership or corporation, to be maintained and furnished with an education suitable to such child, under a contract by the terms of which the said institution shall have the right, at its discretion, to again take possession of such child, if it deem it expedient.

"**7257b.** For the above purposes, any person acting for any such institution or for such commissioners, may, on petition to any judge of the Superior Court, and without previous notice, obtain from such judge a writ of possession, returnable forthwith before such judge, addressed to a bailiff of the said court, ordering him to apprehend the person of the child therein mentioned, and to bring him before such judge for a decision as to the possession and custody of such child.

"**7257c.** The form of such writ, the execution thereof and the procedure relating thereto, shall be, as nearly as can be applied, similar to those of a writ of possession upon an execution against immoveables.

"**7257d.** Subject to the above provisions, any person to whom such an institution has entrusted the custody of a child, whether a foundling or not, shall have the same rights of supervision, authority and possession with respect to the said child, as those possessed and exercised by the said institution."

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 87

An Act respecting certain expropriations

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 7294 of the Revised Statutes, 1909, is replaced by the following:

"7294. Whenever the amount in dispute is over two hundred dollars, an appeal shall lie from the award, as from a final judgment rendered by the Superior Court.

Such appeal shall suspend the right to take possession, unless a judge of the Court of King's Bench, upon petition to that effect, and upon the conditions he deems proper, otherwise orders."

2. Article 1227 of the Code of Civil Procedure, as replaced by the act 10 George V, chapter 79, section 21, and amended by the act 11 George V, chapter 103, section 1, is again amended by inserting therein, after the figures "5724a", in the third line of sub-paragraph *c* of paragraph 1 thereof, the figures: "7294".

3. This act shall not affect any pending expropriation proceeding.

4. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 88

An Act to amend the Revised Statutes, 1909, respecting foreign commissions for the examination of witnesses

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Revised Statutes, 1909, are amended by inserting therein, after article 7541 thereof, the following section and articles:

"SECTION IIa

"PROVISIONS IN CONNECTION WITH CHAPTER EIGHTEENTH

"TRIAL

"EVIDENCE TAKEN IN THE PROVINCE AT THE REQUEST OF A COURT OF ANOTHER BRITISH POSSESSION OR OF A FOREIGN COUNTRY

"7541a. When, upon petition to that effect, it is shewn to the Superior Court or to one of the judges thereof, charged with the administration of justice in the district, that a competent court of any other Province of Canada, or of any other British possession, or of a foreign country,

before which any civil or commercial case is pending, desires to have the evidence of any party or witness in the district, such court or judge may order that such party or witness may be examined under oath, either by means of questions in writing or otherwise, before any person mentioned in the said order, and may summon, by the same or by a subsequent order, such party or witness to appear for examination, and may order him to produce any writing or document mentioned in the order, or any other writing or document relating to the matter, and which may be in his possession.

“7541b. The commission for the examination of witnesses issued by the court or tribunal before which the case is pending shall be sufficient proof in support of the petition.

“7541c. The petition may not, however, be granted unless the petitioner furnishes a surety possessing all the qualities and the solvency required by articles 1938 and 1939 of the Civil Code, to secure the payment of the indemnity which may be due to the persons summoned to give evidence.

“7541d. Such order shall be served on the party or the witness in the ordinary way, by delivering to him a copy certified by the prothonotary. The delay for service shall be that fixed by article 297 of the Code of Civil Procedure.

“7541e. After the service of the order as well as of a notice fixing the day and place of the hearing, and signed by the person or one of the persons entrusted with the hearing of the evidence, and after the payment or the offer of a sum sufficient to defray his travelling expenses at the rate usually allowed by the court of the district, the person so summoned shall be bound to appear at the place, day and hour mentioned, and to reply to the questions put to him; and the provisions of articles 303 and 330 of the Code of Civil Procedure shall be applicable to him if he either fails to appear or, without valid reason, refuses to answer.

“7541f. The examination must be held either at the court house or at some other place in the municipality in which the sittings of the court are held.

Nevertheless, if the party or the witness resides at a distance of more than one hundred miles from the place where the sittings of the court are held, the court or the judge may allow that he be examined in the locality where he resides.

“7541g. The oath shall be administered by the person or one of the persons authorized to receive such evidence.

“7541h. The provisions of the Code of Civil Procedure respecting the competence of witnesses and the examination thereof, must be followed whenever it is possible to apply them to examinations held under this section.

“7541i. Any person so summoned to give evidence is entitled, for his expenses and loss of time, to his travelling

expenses and the indemnity allowed to witnesses summoned to give evidence at a trial.

“**7541j.** The costs of the witnesses shall be taxed by the prothonotary, and the taxation shall be executory against the surety fifteen days after the date of the examination.

“**7541k.** The surety may obtain a discharge by depositing in the hands of the prothonotary the amount of the costs and indemnity due to the party or the witness, with, in addition, the duty payable upon judicial deposits. The amount so deposited shall be paid by the prothonotary to the person entitled thereto, upon production of the copy of the order which was served upon him.

“**7541l.** The tariff of the Superior Court shall apply to every proceeding taken under this section.”

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 90

An Act to amend the Civil Code respecting the authorization required by article 1318

[Assented to, 25th of February, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 1318 of the Civil Code, as amended by the act 10 George V, chapter 77, section 2, is replaced by the following:

“**1318.** The wife, when separated either from bed and board or as to property only, regains the uncontrolled administration of her property. She may dispose of and alienate her moveable property. She cannot alienate her immoveables (a) in the case of separation as to property only, without the consent of her husband, or, upon his refusal, without being judicially authorized, or (b) in the case of separation from bed and board, without being judicially authorized.

Notice of the petition for judicial authorization must be served on the husband in the ordinary way. In case of his absence the notice may be served at his last known address.”

2. Every alienation of an immoveable by a married woman separate as to property, made since the 14th of February, 1920, with only the authorization of her husband, when judicial authorization was necessary, shall be valid, provided it was otherwise legal.

3. The provision contained in section 2 of this act shall not affect pending cases.

4. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 91

An Act to amend the Civil Code respecting the lease and hire of certain work

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The following section and articles are inserted in the Civil Code, after article 1671 thereof:

“SECTION 11a

“OF THE LEASE AND HIRE OF JEWELLERS’ SERVICES

“**1671a.** A jeweller in possession of any object left with him by or on behalf of the owner, for repair or alteration, may, if such object be not claimed within three years of the time when it was so left, have the same sold by an auctioneer. Such sale may take place only at the date fixed by a notice addressed by registered mail to the owner of the said object, at his last known address, and afterwards published in a French and in an English newspaper in the place, or, if there be no French or English newspapers published at that place, then in the French or English newspaper, as the case may be, published nearest thereto. A delay of two weeks must elapse between the date of the last publication of the notice and the date of the sale.

Such notice must contain a description of the object to be sold, the name of the owner, and the place and date of the sale.

“**1671b.** The depositary is entitled to retain, out of the proceeds of the sale, the expenses of the notice and of the sale, as well as the cost of any repair or alteration, and he must deposit the balance, if any, in accordance with article 1484 of the Revised Statutes, 1909.”

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 92

An Act respecting certain acquisitions and alienations of immoveable property by corporations and persons in mortmain

[Assented to, 25th of February, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Any other provision to the contrary notwithstanding, every acquisition and alienation of immoveable property, and every hypothec given before or within twelve months after the coming into force of this act, by a person in mortmain or a corporation without authorization in cases

where authorization is required, shall be valid, provided they are otherwise legal, if a special permit relating thereto, as provided by the act 8 George V, chapter 77, or if the general permit mentioned in paragraph *b* of section 2 of the said act, is issued in virtue of the provisions thereof.

2. Every permit, either special or general, issued after the 9th of February, 1918, but before the coming into force of this act, in accordance with the provisions of the said act 8 George V, chapter 77, referred to in section 1 above, shall cover every acquisition or alienation of immoveable property and every hypothec made or granted by a person in mortmain or by a corporation, since the 9th of February, 1918, but before the issue of a permit, special or general, as the case may be.

3. The validations enacted by sections 1 and 2 shall not, however, affect pending cases, as regards costs.

4. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 98

An Act to amend the act respecting the owners of houses used as disorderly houses

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 7 of the act 10 George V, chapter 81, is amended by adding thereto, at the end of the second paragraph thereof the following words: "Nevertheless the notice given under section 3 shall have effect, as against any person acquiring such property before the registration of the judgment, if the court be of the opinion that such acquirer is using the building in question, or any part thereof, as a disorderly house".

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 99

An Act to amend the act 10 George V, chapter 79, respecting the organization of the courts

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The following article is inserted in the act 10 George V, chapter 79, after article 63 thereof:

"**63a.** The Superior Court at Montreal must, each month, hold a term of the Court of Review for at least five juridical days, until all pending cases are disposed of.

Whenever any case has stood for three consecutive months on the roll for hearing of the Court of Review, sitting at Montreal, and the parties have failed to proceed, without the special permission of the court, such case shall be struck from the roll for hearing, and may not be again placed upon such roll unless the party who has inscribed in review obtains leave from the court, upon petition supported by an affidavit under oath, for reasons deemed satisfactory.

The Chief Justice of the Province of Quebec may instruct the Court of King's Bench (Appeal Side) to hear and decide the cases pending before the Court of Review sitting at Montreal, and, upon receipt of an order from him to that effect, the clerk of the said Court of Review must transmit to the clerk of the Court of Appeal the records in the cases mentioned in the said order, and every such case may then be heard and decided by three judges of the Court of King's Bench in the same manner and with the same effect as by the Court of Review."

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 100

An Act to amend the Code of Civil Procedure respecting the district magistrate's court

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 61 of the Code of Civil Procedure, as amended by the acts 3 Edward VII, chapters 51 and 52; 6 Edward VII, chapter 42, section 1; 9 Edward VII, chapter 74, section 1, 1 George V (1st session), chapter 8, section 14, paragraph M, 2 George V, chapter 9, section 77; 9 George V, chapter 12, section 14, and 9 George V, chapter 78, section 1, is further amended:

a. by replacing paragraph 1 thereof by the following:

1. All suits, whether personal or real, wherein the sum claimed or value of the thing demanded does not exceed ninety-nine dollars and ninety-nine cents;";

b. by striking out the last paragraph thereof, as enacted by the act 2 George V, chapter 9, section 77.

2. Article 62 of the said code is amended by replacing the words: "fifty dollars", in the second line thereof, by the words: "ninety-nine dollars and ninety-nine cents".

3. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 101

An Act to amend the Code of Civil Procedure respecting
the special jurisdiction of certain judges

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the
Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. The Code of Civil Procedure is amended by inserting
therein, after article 72 thereof, the following chapter and
article:

“CHAPTER IIIa

“SPECIAL JURISDICTION OF JUDGES OF THE DISTRICTS OF
QUEBEC AND MONTREAL IN CERTAIN CASES

“**72a.** In any district other than those of Quebec,
Montreal, Three Rivers and St. Francis, when there is no
judge of the Superior Court at the chief place to adminis-
ter justice there, any petition, application or proceeding
mentioned in articles 222, 889, 961, 980, 988, 993, 1003,
1090, 1168, 1176, 1182, and 1187, which may be presented
or submitted to a judge without notice to the adverse
party, and any other petition, application or proceeding,
with the consent of the adverse party, may be pre-
sented to a judge of the district of Quebec or Montreal,
according as the district of the court before which such
petition, application or proceeding is pending or should
be taken, is situated in the territorial jurisdiction of the
Court of Appeal sitting at Quebec, or in that of the same
court sitting at Montreal,—and such judge shall in that
case have all the powers required for the purposes of such
articles.”

2. This act shall come into force on the day of its
sanction.

11 GEORGE V, CHAP. 102

An Act to replace article 385a of the Code of Civil Pro-
cedure

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the
Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. Article 385a of the Code of Civil Procedure, as
enacted by section 1 of the act 2 George V, chapter 47, is
replaced by the following:

“**385a.** The judge must, upon the application of
either party, not restrict the commissioners to the inter-
rogatories and cross-interrogatories mentioned in article
385, and must permit them to put or to allow to be put by

the parties all questions which they think relevant to the case.”

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 103

An Act to amend the English version of article 1227 of the Code of Civil Procedure

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The English version of article 1227 of the Code of Civil Procedure, as replaced by the act 10 George V, chapter 79, section 21, and amended by the act 11 George V, chapter 87, section 2, is again amended by replacing sub-paragraph *g* of paragraph 1 thereof by the following:

“*g.* in every case in which the sum claimed or the value of the thing demanded is not more than two thousand dollars.”

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 104

An Act to amend article 1249 of the Code of Civil Procedure, respecting appeals to the Privy Council

[Assented to, 25th of February, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 1249 of the Code of Civil Procedure, as amended by the act 7 George V, chapter 56, section 1, is again amended by inserting therein, after the word: “judgment”, in the fifth line thereof, the words: “or by one of the judges of such court”.

2. This act shall come into force on the day of its sanction.

11 GEORGE V, CHAP. 105

An Act to amend article 227 of the Quebec Municipal Code

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 227 of the Quebec Municipal Code, as amended by the acts 9 George V, chapter 83, section 1, and 10 George V, chapter 82, section 1, is again amended by replacing the words: "other than those on municipal roads", in the amendment enacted by section 1 of the act 10 George V, chapter 82, by the words: "in the form of work upon municipal roads".

2. The provision contained in section 1 shall not affect pending cases.

11 GEORGE V, CHAP. 106

An Act to amend article 404 of the Quebec Municipal Code

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 404 of the Quebec Municipal Code is amended by adding thereto, after paragraph 3 thereof, the following:

"4. To compel the proprietors or occupants of land, whether under cultivation or not, to contribute towards the destruction of grasshoppers, in such manner and at such times as the council may determine."

11 GEORGE V, CHAP. 107

An Act to amend article 453 of the Quebec Municipal Code

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 453 of the Quebec Municipal Code is amended by replacing the fourth paragraph thereof by the following:

"No action in damages nor penal action may be taken against any such corporation, without fifteen days' written notice of such action being given to the secretary-treasurer of the corporation, nor unless it be instituted within a delay of six months from the date at which the cause of action arose. Such notice may be given by registered letter, and must give the name and residence of the claimant, as well as the nature of the damages claimed, and must be given within sixty days of the date at which the cause of action arose."

11 GEORGE V, CHAP. 108

An Act to amend article 522 of the Quebec Municipal Code,
respecting the maintenance of municipal roads

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the
Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. Article 522 of the Quebec Municipal Code is amended
by inserting therein, after the word: "toll-bridges", in the
fourth line of the second paragraph thereof, the words:
"front road ditches".

11 GEORGE V, CHAP. 109

An Act to amend the Quebec Municipal Code respecting
the auditing of municipal accounts

[Assented to, 19th of March, 1921]

HIS MAJESTY, with the advice and consent of the
Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. Articles 642, 643, 644 and 645 of the Quebec Municipal Code are replaced by the following:

"**642.** Every year in the month of January, the council must order an audit of the corporation's accounts kept by the secretary-treasurer in office or out of office for the year ending the thirty-first of December preceding, by one or more auditors appointed by it for that purpose.

At any time of the year, if it deems it expedient, or if called upon in writing so to do by at least five ratepayers, the council must likewise, in the same manner, have an audit made of the accounts of the corporation for all or any of the preceding five years, provided no similar audit has been made for the year or years in question.

The costs of such audit are payable by the secretary-treasurer if he is found to be short in his accounts and at fault; if not, and if be of no benefit to the corporation, they are chargeable to the persons who have applied for it.

"**643.** In every case the auditor must, at least five days before the date fixed for the audit, give special notice to the secretary-treasurer in conformity with the provisions of this code, or a written notice served upon him by a bailiff, who shall make a return of such service, calling upon such secretary-treasurer to attend and give all explanations and produce all documents that may be required of him.

If it be a question of the auditing of the accounts of a secretary-treasurer no longer in office, the secretary-treasurer in office must furnish to the auditor, on application therefor, all papers, copies, books and documents that may be required.

"**644.** If the secretary-treasurer interested refuses or

neglects to comply with the order served upon him, under article 643, the auditor must, nevertheless, proceed to the auditing of such accounts, and forward his report to the council, together with a statement of the amount of his costs and disbursements. The council, at a regular meeting, certifies the amount, if any, due the auditor, and a copy of the resolution it has adopted respecting such report must be served as soon as possible upon the secretary-treasurer by a bailiff.

“**645.** Within fifteen days after the service of the copy of the report, the secretary-treasurer must pay the amount of such shortage, as well as the costs and disbursements of the auditor.”

2. This act shall come into force on the day of its sanction.



