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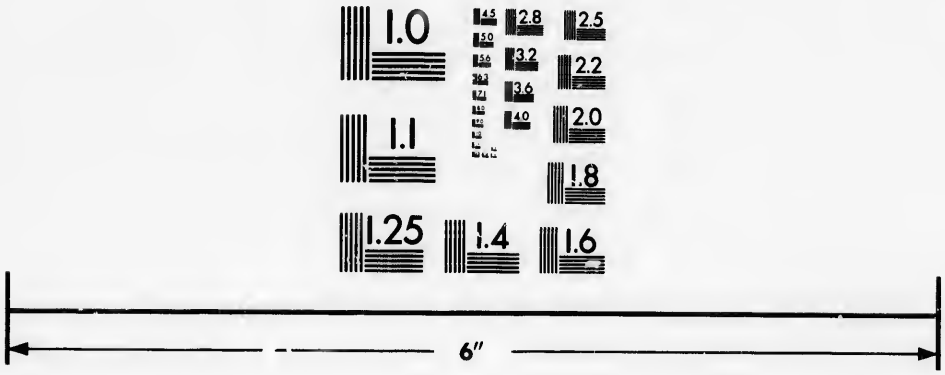

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LAWS

ON THE

REVENUE OF THE PROVINCE OF QUEBEC,

INCLUDING

THE QUEBEC LICENSE ACT,
AS AMENDED BY THE ACTS 35 V, C. 2; 36 V., C. 3, AND 37 V, C. 3;
THE TREASURY DEPARTMENT ACT; THE ACTS RESPECTING THE SECURITY TO BE GIVEN BY OFFICERS OF THE PROVINCE; AND SEVERAL EXTRACTS OF ACTS, ORDERS IN COUNCIL, AND INSTRUCTIONS

Printed under the authority of the Act 37 V., c. 3, s. 20.

QUEBEC:
PRINTED BY CHARLES FRANÇOIS LANGLOIS,
PRINTER TO HER MOST EXCELLENT MAJESTY THE QUEEN.

1874.

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THE

QUEBEC LICENSE ACT

AS AMENDED

By the Acts 35 *V., c.* 2; 36 *V., c.* 3; *and* 37 *V., c.* 3.

PART FIRST.

SPECIAL PROVISIONS.

I. TAVERN-KEEPERS AND SALE OF LIQUORS.

1. PENAL PROHIBITIONS.

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

2. (*As amended by* 37 *V., c.* 3, *s.* 1.) If any person keeps an inn, tavern, temperance hotel, or any other house or place of public entertainment,—or sells, vends or barters by retail, brandy, rum, whisky, or any other spirituous liquor, wine, ale, beer, porter, cider or other vinous or fermented liquor, or causes or suffers the same or any of the same to be sold, vended or bartered by retail, without the license required by this act, or contrary to its true intent and meaning,—such person shall incur a penalty of fifty dollars for each such offence, if committed in any organized part of this province, and a penalty of twenty-five dollars, if committed in any unorganized tract and not within the limits of any municipality. Penalty for selling liquors without license.

Penalty on persons not licensed exposing liquors, or putting up signs, &c.

3. If any person not being duly licensed under this act, exposes, or causes or suffers to be exposed in any window, door, or other opening of his house or premises, any article, or in, on or near his house or premises any sign, painting, printing or writing of a description or character to induce travellers or others to believe or suppose such house to be a house or place of public entertainment, or that spirituous, or vinous or fermented liquor may be sold, vended or bartered by retail therein, such person shall be liable to a penalty of twenty dollars for each such offence.

Unlicensed persons not to keep liquors for purposes of sale.

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

Penalty for infraction of preceding section.

5. (*As amended* by 36 *V., c.* 3, *s.* 1.) Persons offending against the provisions of the preceding section shall incur a penalty of twenty dollars, and the forfeiture of the liquor and vessels containing the same, and the conviction, shall declare such forfeiture, and shall order the said liquor and the vessels containing the same, to be destroyed; and on the second or any subsequent conviction for the like offence, the offender, in addition to the forfeiture, but in lieu of the penalty, shall be committed to the common gaol of the district for the space of three calendar months.

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

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

(*The* 15 *following sections, to wit: sections* 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 *and* 21, *are such as amended by* 37 *V., c.* 3, *s.* 2.)

2. CONDITIONS PREVIOUS TO OBTAINING LICENSE.

1. *Houses of Public Entertainment.*

Certificate requisite to obtain a license to keep a tavern.

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

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

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

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

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

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

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

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

Duties of the council with respect to certificate.

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

Proof of signatures required.

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

Confirmation of certificate.

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

Special provisions for Montreal.

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

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

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

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

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

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

Sum payable to the corporations of Quebec or Montreal.

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

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

15. Before any license shall be granted for keeping an inn, tavern, temperance hotel, or any house or place of public entertainment, the person applying for the same shall enter into a bond to Her Majesty, in the sum of two hundred dollars, with two good and sufficient sureties in the sum of one hundred dollars each, conditioned for the payment of all fines and penalties such person may be condemned to pay for any offence against the provisions of this act, or of any act, ordinance or provision of law, relative to houses of public entertainment, then or thereafter to be in force, and to do, perform and observe all the requirements thereof, and to conform to all rules and regulations that may be established by competent authority in such behalf. Such bond, to be drawn in the form expressed in the schedule (C,) annexed to this act, shall, unless the application be for a license to keep a temperance hotel, be executed, if in the city of Montreal, in the presence of, and the sureties shall be approved of, by the license commissioners or one of them, and if elsewhere, then in the presence of, and the sureties shall be approved of, by one or more of the municipal councillors or justices who confirmed the certificate; and the bond, with the certificate and

Form of bond.

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

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

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

Certificate and bond required from the transferee.

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

Transfer must be made within three months.

Who cannot sign a certificate.

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

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

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

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

Proviso:

(*) See section 21*a* of the license act as now published.

II. *Steamboats, &c.*

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

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

III. *Stores or Shops.*

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

Conditions for shop licenses.

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

Issue of the license.

21*a*. (*Being section* 1 *of the act* 35 *V., c.* 2.) Whenever, as regards the cities of Quebec and Montreal, the lieutenant-governor in council shall have passed an order to that effect, the proper revenue officer shall, upon receipt of the duty and fees hereinafter mentioned, issue on demand to any person entitled to hold a shop license, under section twenty of the Quebec License Act, a license for retailing, in any one shop, store or place, to be accurately described in such license, spirituous, vinous, or fermented liquor, in quantities not less than one-half-pint, at any one time, and not to be drunk on the premises; provided, however, that in the city of Montreal, the person applying for such license shall produce and file, with the revenue officer, a written permission from the board of license commissioners, authorizing him to obtain the same.

Lieut-gov. may permit the issuing of shop licenses in Quebec and Montreal for the sale of liquor in quantities not less than one-half pint.

21*b*. (*Being section* 2 *of the act* 35 *V. c.* 2.) The provisions of the Quebec License Act, respecting the issuing, form,

Certain provisions of Que-

Sec license act to apply to such licenses.

duration, and annulling of licenses, the fees payable thereon, the reduction of duties payable therefor, and the application of such duties, shall apply in like manner to, and in respect of, the licenses issued under this act.

Sec. 31 and 33 of said act to apply as if "one-half pint" was mentioned.

21c. (*Being section* 3 *of the act* 35 *V. c.* 2.) Sections thirty-one and thirty-three of the Quebec License Act shall apply to persons holding a license under this act, as fully and in the same manner as if the words "three half-pints," in the said section thirty-one, had been struck out, and the words "one-half-pint," substituted instead thereof.

$20 extra to be paid for said license.

21d (*Being section* 4 *of the act* 35 *V., c.* 2.) There shall be paid to the revenue officer, by every person who takes out a license under this act, the sum of twenty dollars over and above the amount payable by him for a shop license under section one hundred and twenty-five of the Quebec License Act.

IV. *General Provision.*

Municipalities other than Quebec and Montreal may charge for certificates.

21e. (*Being section* 5 *of the Act* 35 *V., c.* 2; *as amended by* 36 *V. c.* 3, *s.* 17.) Any municipal council other than the corporations of Quebec and Montreal, may demand and receive from the applicant a sum not exceeding twenty dollars, for every certificate confirmed by such council, under the provisions of sections seven and twenty of the Quebec License Act.

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

The present section is not to be interpreted as taking away from incorporated cities and towns the powers which they may possess, under their several charters, of imposing or levying any annual assessment or tax, upon the persons set forth in sections seven and twenty of the Quebec License Act. And it shall be lawful for the said cities and towns, in lieu of imposing and levying such annual assessment or tax, to exact from all persons applying for any certificate confirmed by them, under the said sections seven and twenty of the Quebec License Act, a sum not exceeding that which they might impose and levy as aforesaid, as such annual tax.

3. OBLIGATIONS AND RESTRICTIONS ON PERSONS LICENSED.

I. *Houses of Public Entertainment.*

No person licensed to keep a tavern shall keep a grocery.

21f. (*Being section* 21*a added by* 37 *V. c.* 3, *s.* 4.) No person to whom license shall be granted in any part of this province to keep an inn, tavern or other house or place of public entertainment, shall, during the period during which such license exists, keep or be interested in, or derive profit from, directly or indirectly, any grocery, shop or store in the same premises, for the sale of groceries, under a penalty of fifty dollars for each such offence.

22. (*As amended by* 37 *V., c.* 3, *s.* 3.) Every licensed inn or tavern, temperance hotel or house of public entertainment, situate in a village or in the country parts, shall contain at least three rooms, with at least one good bed in each, for the accommodation of travellers, in addition to those used by the family;—and the keeper of every such inn, tavern, temperance hotel, or other house of public entertainment, shall have a stable adjacent or attached to such house, with convenient stalls for at least four horses, and shall be constantly supplied with a sufficient quantity of provisions, and of hay and oats, for travellers and their cattle;—And in default of any one or more of the foregoing requirements, the keeper of such house shall be liable to a penalty of twenty dollars.

What accommodation for travellers must be provided at every inn.

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

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

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

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

Penalty.

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

24. (*As amended by* 36 *V., c.* 3, *ss.* 18 *and* 19.) The keeper of every licensed inn, tavern, temperance hotel, or other house or place of public entertainment, shall keep a peaceable, decent and orderly house, and shall not knowingly suffer any person resorting to his house to play any game whatsoever at which money or any thing which can be valued in money, shall be lost or won under penalty of a fine from ten to twenty dollars.—No keeper of any house licensed to retail spirituous liquor, or vinous and fermented liquor, shall keep more than one bar or sell any such liquor in more than one house, or vend at any time any such liquor to any intoxicated person, nor to any soldier, seaman, apprentice or servant, knowing him to be such, on any day after eight o'clock in the afternoon in winter, and nine o'clock in the afternoon in summer, under a penalty of twenty dollars for each offence; and no person licensed to sell spirituous, vinous or fermented liquor shall sell or deliver any such liquor to any minor under the age of fourteen years, or shall allow any such liquor to be sold or delivered to, or to be drunk by, any such minor, in any place or premises kept by such person, under a penalty of fifty dollars for each offence.

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

25. (*As amended by* 37 *V., c.* 3, *s.* 5.) In all places where by law intoxicating liquors or any particular description or descriptions of such liquors, are allowed to be sold by retail, no sale or other disposal of such liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person whomsoever, from the hour of eleven on Saturday evening, till the hour of five on the Monday morning thereafter,—except in cases where a special requisition for medicinal purposes, signed by a licensed medical practitioner, or by a justice of the peace, is produced by the vendee or his agent; nor shall any tippling or drinking of any such liquor take place, in any such place, during the time prohibited by this section, for the sale of the same, and all bar-rooms in such places, during the time thus prohibited, shall be kept closed.

No tippling or drinking during time prohibited.

Penalty for offences against this section.

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

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

26. No keeper of a tavern, dramshop, saloon or other house or place of public entertainment whatever, whether licensed or unlicensed, shall keep open such tavern, dram-

shop, saloon or other house or place of public entertainment, or shall permit tippling or drinking of intoxicating liquor therein, after the hour of twelve o'clock at night, and before the hour of five o'clock in the morning, between the twenty-first day of March and the first day of October, and after the hour of eleven o'clock at night, and before six o'clock in the morning, from the first day of October to the twenty-first day of March; and upon conviction of such offence, such keeper of a tavern, dramshop, saloon, or other place of public entertainment as aforesaid, shall be liable to a penalty of not less than ten nor more than twenty dollars.

Penalty for refusing to receive travellers.

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

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

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

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

29. (*As amended by* 37 *V., c.* 3, *s.* 6.) Any police officer or constable being thereto authorized in writing, as hereinafter is provided, and any revenue officer, may at any time enter into any licensed inn, tavern, temperance hotel or other house or place of public entertainment, and any person being therein or having charge thereof, who refuses, or after due summons fails, to admit immediately such revenue officer, police officer or constable into the same, or offers any obstruction to his admission thereto, shall be liable to a penalty of not less than ten nor more than fifty dollars for every such offence.

Who may give such authority.

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

How it may be cancelled.

3. The justices of the peace, or revenue officer, who granted such authorization, or any one or more of them, may at any time cancel the same, by a written order to that effect under their or his hand, delivered to such police officer or

Penalty for acting under it afterwards

constable; and any police officer or constable acting and assuming to act under any authorization after the same has been so cancelled, shall incur a penalty of forty dollars.

Licenses may be revoked.

30. (*As amended by* 37 *V., c.* 3, *s.* 7.) If any person licensed under this act to keep an inn, tavern, temperance hotel, or other house or place of public entertainment, is convicted of any breach or non-fulfilment of the requirements of this act, or of any felony, the convicting justice, if a district magistrate, or the court, or in the city of Montreal, the license commissioners, may cancel and revoke the certificate upon which a license was granted to such person, and the revenue officer when notified to that effect by the justices, or the clerk of the court or the clerk of the city, or the said commissioners, by their chairman or clerk as the case may be, shall annul the said license, and if such person, after being duly notified of such annulment of his license, continues to keep open a house of public entertainment, or retails any spirituous, vinous or fermented liquor, such person shall be liable to the pains and penalties imposed on persons for keeping a house of public entertainment, or for retailing such liquors without license.

II. *Stores and Shops.*

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

31. (*As amended by* 36 *V., c.* 3, *s.* 20.) If any person holding any license to sell spirituous, vinous or fermented liquor in any shop, store or place, but not to keep a house of public entertainment, sells any such liquor in quantity less than three half-pints, or allows any such liquor to be drunk within such shop, store or place, or on the premises appertaining to the same, either by the purchaser of such liquor or by any person not residing with or in the employ of the person holding such license,—or sells any such liquor in any quantity less than three gallons in any shop, store or place not designated in such license, or sells or delivers to any minor under age of fourteen years, any such liquor,—such person shall be liable to a penalty of fifty dollars for every such offence.

Persons holding shop licenses to have signs.

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

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

Penalty on purchaser drinking liquor in shops.

III. *Steamboats.*

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

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

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

Municipal by-laws not to affect sale of liquor in steamboats

4. LIABILITIES RESULTING FROM IMPROPER SALE.

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

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

Action against them.

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

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

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

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

Liability of persons so noticed.

Married women may bring actions for damages.

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

38. Any payment or compensation for liquor furnished in contravention of this act, or otherwise in violation of law, whether made in money or securities for money, or in

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

5. WHOLESALE OF SPIRITUOUS LIQUORS.

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

38*a*. (*Being section* 12 *of the act* 36 *V., c.* 3; *as amended by* 37 *V., c.* 3, *s.* 15.) No person other than a holder of a tavern or shop license under the Quebec License Act, shall sell, vend or barter, brandy, rum, gin, whisky or any other spirituous liquor, wine, ale, beer, porter, cider, or any other vinous or fermented liquor (all which are included in the words "spirituous, vinous or fermented liquors when used in this act,") in the quantity of, or in a greater quantity than three gallons or one dozen bottles at any one time, without a license as hereinafter provided.

Penalty for infraction of proceding section.

38*b*. (*Being section* 13 *of the act* 36 *V., c.* 3; *as amended by* 37 *V., c.* 3, *s.* 16.) If any person other than a holder of a tavern or shop license as aforesaid, sells, vends or barters any spirituous, vinous or fermented liquor in the quantity of, or in a greater quantity than three gallons at any one time, without the license required by this act, or contrary to its true intent and meaning, such person shall incur a penalty of fifty dollars for each such offence, to be recovered in the same manner and with the same effects as the fine imposed by the second section of the Quebec License Act.

Mode of granting licenses.

38*c*. (*Being section* 14 *of the said act* 36 *V., c.* 3.) The license required by this act shall be granted in the same manner as the licenses under the Quebec License Act, and the duty thereon shall be paid to, and the licenses shall be issued by the revenue officer of the district in which the licenses are to be issued or his deputy. And such revenue officer or his deputy shall, upon payment of his fee of one dollar, and of the duty hereinafter mentioned, issue a license as aforesaid, to be called a "wholesale license," to any person applying for the same.

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

38d. (*Being section* 15 *of the act* 36 *V., c.* 3.) Except in so far as regards the sale of liquors by retail, the first part of the Quebec License Act shall not apply to persons applying for or holding licenses under this act, but the second part of the said Quebec License Act as hereinabove amended, and in so far it may consistently with this act, shall apply to and in respect of all licenses issued under this act, and to and in respect of all persons holding or obliged to hold such licenses.

Tax on wholesale licenses.

38e. (*Being section* 16 *of the act* 36 *V., c.* 3; *as substituted by* 37 *V., c.* 3, *s.* 17.) There shall be paid to the revenue officer, by every person who takes out a license under this act, the sum of fifty dollars.

Such licenses only granted in towns and cities.

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

Such license only for one house.

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

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

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

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

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

II. AUCTIONEERS.

1. PROHIBITIONS AND PENALTIES.

No one authorised to sell by auction unless duly licensed.

39. No person, other than a person licensed for that purpose under this act, shall sell, dispose of, or expose to sale at public auction or outcry in this province, any goods, wares, merchandize or effects which are subject to duty under this act.

Penalty on persons acting as auctioneers without a license.

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

40a. (*Section added by* 37 *V., c.* 3, *s.* 8.) Any person who causes to be sold or disposed of by public auction or outcry, by any person not licensed for such purpose under the authority of this act (the Quebec License Act,) merchandize or effects on the sale of which a duty is by this act imposed, whether such merchandize or effects be his own property or that of any other person, shall incur for each offence a penalty of not less than two or more than four hundred dollars.

Penalty for causing effects to be sold by an unlicensed auctioneer.

2. CONDITIONS PREVIOUS TO OBTAINING LICENSE.

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

Formality to be observed before license is granted.

Conditions of recognizance.

3. OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

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

No assistant, &c., to be employed unless named in license.

43. (*As amended by* 37 *V., c.* 3, *s.* 9.) Except as hereinafter excepted, all goods, wares, merchandize and effects put up to sale at any public auction or outcry in this province, and sold to the highest bidder, shall be subject to a

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

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

Certain goods exempted.

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

Sales for municipal taxes;

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

Sales in rural districts;

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

Insolvent sales subject to duty.

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

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

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

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

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

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

Return if no sale has been made.

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

Return to be duly attested.

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

Oath.

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

Before whom.

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

Penalty on auctioneers neglecting to render such statement.

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

III. PEDLERS.

1. PENAL PROHIBITIONS.

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

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

Penalty on pedlers, &c., trading without license.

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

But employees of Religious or benevolent societies need not be licensed.

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

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

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

Act not to extend to sales in town markets, police regulations being complied with.

Pedler, &c., may employ servant.

50. Nothing herein contained shall prohibit or prevent any such hawker, pedler or petty chapman from having

and employing a servant to accompany him, for the sole purpose of carrying or assisting to carry his packages of goods, wares and merchandise, without taking out or paying for a license for any such servant so accompanying him.

51. (*Repealed by* 36 *V.*, *c.* 3, *s.* 2.)

2. OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

Penalty on refusal to produce licenses.

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

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

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

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

54. Without prejudice to the provisions contained in the foregoing section, any revenue officer or any officer of militia, constable or peace officer may seize the goods and chattels of any hawker, pedler, petty chapman or other person trading without a license, in contravention of this act, or who being found trading refuses or neglects to produce a license after being required so to do, and may keep and detain such goods and chattels in his hands until such license is produced, or until the said goods and chattels are seized and sold under a warrant of distress, issued in any prosecution brought against the owner thereof, for having so traded without a license. But such goods and chattels shall not be detained for a longer time than forty-eight hours, unless within that time the prosecution is commenced.

Penalty on hiring or lending a license.

55. If any person lets out to hire or lends any license to him granted as aforesaid, or trades, with or under colour of any license granted to any other person, or of any license in which his own real name is not inserted as the name of

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

Penalty on hawkers &c., holding seditious discourses.

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

IV. BILLIARD-TABLES.

1. INTERPRETATION.

The word "billiard-table."

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

2. PENAL PROHIBITIONS.

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

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

Each license to be for one table only.

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

3. CONDITIONS PREVIOUS TO OBTAINING LICENSES.

Recognizance to be entered into.

60. No such license shall be given to any person, unless he enters into a recognizance to Her Majesty, before the clerk of the peace of the district, with two sufficient sure-

ties (being householders,) jointly and severally, in the sum of two hundred dollars, on the special condition that the person obtaining the license, shall not, during the continuance of the said license, knowingly suffer any apprentice, school-boy or servant to play at any billiard-table kept by him, and shall not knowingly suffer any person whatever to play or game at the same for money.

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

4. OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

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

V. FERRIES.

1. PENAL PROHIBITIONS.

63. No person shall act as a ferryman, or shall convey, or cause to be conveyed by any one in his service, any person across the river St. Lawrence, between the city of Montreal and the parish of Longueuil, or between the said city and Laprairie, or between Lachine and Caughnawaga, without having received a license under the hand of the lieutenant-governor or of some person by him duly authorized to that effect, to keep a ferry across the said river, for a certain time, at a place and within limits, to be designated in such license,—nor shall the person having received such license, so act as ferryman, or so convey, or cause to be conveyed, any person for hire, at any place to which such license does not extend, or beyond the limits mentioned therein, under a penalty of one dollar, for each person so conveyed contrary to the provisions of No one to act as a ferryman on the St. Lawrence without a license.

this act; and of such further penalty as may be fixed by any regulations to be made in the manner hereinafter provided.

Foregoing section not to affect certain persons and privileges.

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

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

Lieut.-gov. may make regulations fixing:

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

The limits;

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

The conditions;

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

Description of vessels;

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

The tolls;

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

And for enforcing the same;

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

Times of crossing;

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

Forfeiture of license;

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

Penalties.

Eighthly. For imposing penalties not exceeding ten dollars in any case, for the violation of any such regulation;—and all such regulations shall, during the time for which

they are intended to be in force, have the same force and effect as if contained and enacted in and by this act.

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

67. No license for any such ferry shall be granted for a longer period than twelve months, except by public competition, and to parties giving such security as may be required by the lieutenant-governor in council, after notice inserted at least four times in the course of four weeks in the *Quebec Official Gazette* ; and in one or more newspapers published in the district in which such ferry is situate, and if no newspaper is published in such district, then in the nearest district in which a newspaper is published ; nor shall any such ferry be leased or a license therefor granted for a longer term than ten years at any one time. No license for more than 12 months, except &c.

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

VI. PAWNBROKERS.

1. PENAL PROHIBITIONS.

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

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

2. OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

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

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

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

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

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

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

If above two dollars lent. **77.** Every pledge upon which there is lent above two dollars, shall be entered in a book to be kept for that purpose, and to be kept separate from all other pledges, and every such entry shall be numbered in the book progressively as such goods are pawned in the following manner, viz: the first pledge that is received in pawn No. 1, the

second No. 2, and so on until the end of the month, and so on in every succeeding month throughout the year, and upon every note respecting such pledge shall be written the number of entry of the pledge so entered in the book aforesaid.

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

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

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

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

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

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

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

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

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

83. In case within one year after any goods have been pawned or pledged for securing money lent, the pawner, **If goods are redeemed**

within a year and pawnbroker refuses to restore.

or other person on his behalf, tenders to the person who lent the money, the note or memorandum required to be given by this act, and also the principal money borrowed, and the profit according to the rates allowed by law, and the person who took the goods in pawn neglects or refuses, without reasonable cause, to deliver back the goods so pawned, the pawner may make oath thereof before two justices of the district or county where the offence has been committed, and such justices shall cause such person to come before them, and shall examine on oath the parties themselves, and such other credible persons as appear before them touching the premises, and if tender of the note or memorandum, with the principal sum lent, and all profit thereon, is proved on oath to have been made within the time aforesaid, then on payment by the borrower of such principal money and the profit due thereon to the lender, and in case the lender refuses to accept thereof on tender before the justices, such justices shall thereupon, by order under their hand, direct the goods so pawned forthwith to be delivered to the pawner, and if the lender neglects or refuses to deliver up or make satisfaction for the goods as such justices order, the justices shall commit him to the common gaol of the district or county where the offence was committed, until he delivers up the goods according to the order, or makes satisfaction for the value thereof to the party entitled to the same.

Holder of note to be considered owner.

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

Proceedings if pawnbroker notified not to deliver.

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

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

2. The person receiving such copy and form of affidavit shall thereupon prove his property in or right to the goods

to the satisfaction of some justice of the peace, and shall also make oath to such affidavit, before such justice, of the truth of the particular circumstances attending the case therein mentioned;

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

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

When goods may be sold.

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

At public auction.

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

Before sale, goods to be exposed to view.

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

Penalty for not properly describing.

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

Account of sales to be kept and booked.

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

Disposal of surplus.

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

Pawner may inspect entries.

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

Consequence of refusal to permit.

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

Pawnbrokers not to purchase goods except at public auction.

93. No pawnbroker having goods in pledge shall, either by himself or by any other person for him, except at public auction, purchase such goods during the time they remain in his custody, as a pledge.

Restrictions.

94. No pawnbroker shall,—

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

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

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

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

If goods lost or damaged.

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

Award.

Terms of redemption of

96. In case the sum so awarded does not amount to the principal and profit due to the pawnbroker, the pawner

may pay or tender the balance; and on so doing, the justices shall proceed as if the pawner had paid or tendered the whole money due for principal and profits as aforesaid.

such goods—tender of difference

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

When without any tender.

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

Pawnbroker bound to produce.

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

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

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

Penalty for pawning goods of others.

101. If any person knowingly buys, or takes in pawn, or exchange, from any journeyman mechanic, any goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials plainly intended for manufacturing any goods after such goods or

Consequences of taking goods in pawn from journeymen.

materials have been put into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials have been finished for the purpose of wear or consumption, or any goods, materials, linen or apparel which have been entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up, and is convicted thereof, he shall forfeit the sum lent thereon, and forthwith restore the said goods or materials to the lawful owner.

Proceedings by owners of goods illegally pawned.

102. If the owner of goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or any materials plainly intended for manufacturing any goods, after such goods or materials have been put into a state for any process or operation to be thereupon or therewith performed, and before such goods or materials have been finished for the purpose of wear or consumption, or of any linen or apparel which has been entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up as aforesaid, or any other goods, whatsoever, which have been unlawfully pawned or exchanged, makes out either on his oath or by the oath or solemn affirmation of one witness, before two justices where such offence has been committed, that there is just cause to believe or to suspect that any person has taken to pawn or exchange any such goods without the owner's knowledge, and makes appear probable grounds for such suspicion, such justices may issue a warrant for searching within the hours of business, the books, house, warehouse or any other place of the person so charged as suspected of having received the same without the privity of the owner, and if the occupier of such place, upon request made to him by any peace officer authorized to search, refuses to exhibit his pledge books, or to open such place as required, to permit search to be made, the peace officer may break open the house, warehouse or other place on the said premises within the hours of business, and search as he may think fit for the goods suspected to be there, taking care to do no wilful damage, and no person shall oppose the same.

Search warrant.

If goods found concealed.

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

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

Act to extend to executors, administrators, &c.

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

Penalty on pawnbrokers contravening.

VII. GUNPOWDER.

1. PENAL PROHIBITIONS.

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

License required for keeping powder-magazine.

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

What shall be deemed a powder-magazine.

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

Distance of powder-magazine.

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

License for selling gunpowder;

Penalty.

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

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

Act not to apply to Her Majesty.

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

2. CONDITIONS PREVIOUS TO OBTAINING LICENSE.

No license unless magazine is of the required description.

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

Description of powder-magazine.

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

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

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

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

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

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

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

3. OBLIGATIONS AND RESTRICTIONS OF PERSONS LICENSED.

As to powder kept elsewhere than in magazines.

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

person shall fail to comply with any requirements of this section he shall incur and pay a penalty of fifty dollars.

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

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

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

All gunpowder to be subject to such regulations.

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

Regulations may impose penalties; how they may be recovered.

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

Responsibility of proprietors and lessees of magazines.

4. GENERAL PROVISIONS.

118*a*. (*Being section* 8 *of the act* 35 *V., c.* 2.) The lieutenant-governor in council may, through such officer or person as he may appoint for that purpose, acquire from the government of the Dominion of Canada, or from any person or persons, or may cause, to be built, one or more powder magazines within this province.

Lieut.-gov. may acquire or build magazines.

118*b*. (*Being section* 9 *of the act* 35 *V., c.* 2.) The lieutenant-governor in council may also appoint, employ, or hire such officers or persons as he may deem necessary for the proper watching, keeping, and service of any such magazine, at such salaries, rates, or wages as he may deem fit.

Lieut.-gov. may appoint and pay persons for keeping, &c.

118*c*. (*Being section* 10 *of the act* 35 *V., c.* 2.) Such magazines may be held and kept, on account of the province, through officers or persons mentioned in the preceding section, or may be leased to private individuals or companies, upon such terms, for such rent, and in such manner, as may be fixed by the lieutenant-governor in council, and shall in either case be subject to the provisions of the Quebec License Act, except sections one hundred and six and one hundred and eight of the said act, which shall not apply to them.

Such magazines may be held by government or leased

Q. L. A. to apply, except secs. 106 and 108.

Lieut. gov to fix rates for storage of gunpowder.

118*d*. (*Being section* 11 *of the act* 35 *V., c.* 2.) The rates which may be demanded and received, for the storage of gunpowder in such magazines, may be regulated by order of the lieutenant-governor in council.

Lieut.-gov. may grant aid for building of magazines.

118*e*. (*Being section* 12 *of the act* 35 *V., c.* 2.) The lieutenant-governor in council may, on such terms and conditions as he may deem proper, authorize the payment by the treasurer of a subsidy to any one or more persons, to aid in the building, at or near the city of Quebec, or the city of Montreal, of any magazine or magazines, under the said Quebec License Act; provided no such subsidy shall exceed in amount one-third of the cost of any such magazine, and that the plans, specifications, the giving out to tender, and the contract, for any such buildings, shall previously have been approved by the commissioner of agriculture and public works. Section one hundred and eight of the Quebec License Act shall not apply to such last mentioned magazines.

Proviso:

Sec. 108 Q. L. A not to apply

Lieut.-gov. may permit storage of gunpowder near public works.

118*f*. (*Being section* 13 *of the act* 35 *V., c.* 2.) The lieutenant-governor in council may, from time to time, but subject to such conditions and regulations as he shall deem expedient and prudent, permit the storage of gunpowder, in quantities over one hundred pounds, in the vicinity of public works, or railways or canals, or other like works of a public nature, or in the country parts generally, and exempt such storage, in the case of each particular work, from the operation of any or all of the provisions of the Quebec License Act.

PART SECOND.

GENERAL PROVISIONS AND PROCEDURE.

I. LICENSES, DUTIES AND FEES.

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

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

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

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

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

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

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

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

125. (*As amended by* 37 *V., c.* 3., *s.* 10.) There shall be paid to the revenue officer by every person who takes out any of the following licenses, the following duties respectively, that is to say: Duties to be paid for licenses:

1. For every license to keep an inn, tavern or other house or place of public entertainment, and for retailing brandy, rum, whisky, or any spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, the Taverns for retailing spirituous liquors.

sum of sixty dollars, within the municipal limits of any city, except the cities of Quebec and Montreal, and one hundred and twenty-five dollars within the said city of Montreal, and ninety dollars within the said city of Quebec; the sum of fifty dollars within the municipal limits of any incorporated town; the sum of forty-five dollars within any organized portion of the province not within any such city or town, and the sum of twenty-five dollars in any unorganized tract not within the limits of any municipality;

Tavern for the sale of wine and beer.

2. For every license to keep an inn, tavern, or other house or place of public entertainment, and for retailing wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whisky, or other spirituous liquors, within any organized part of this province, the sum of twenty-five dollars; and in any unorganized tract not within the limits of any municipality, the sum of twenty-two dollars;

Temperance hotel.

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

Sale of spirituous liquors in a shop or store.

4. For every license to vend or retail, in any store or shop, brandy, rum, whisky, or other spirituous liquors, and wine, ale, beer, porter, cider, or other vinous or fermented liquors, in a quantity not less than three half-pints at any one time, within any organized part of this province, the sum of thirty dollars; and in any unorganized tract not within the limits of any municipality, the sum of twelve dollars;

Retailing spirituous liquors on board of steamers.

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

Retailing wine and beer on board of steamboats.

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

Auctioneers.

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

Auctioneer's assistant.

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

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

10. For every billiard-table subject to be licensed under this act, when not more than two are kept by the same person, and in the same building, seventy-five dollars each, and when more than two are so kept, for a third and a fourth table sixty dollars each, for a fifth and a sixth, fifty dollars each, and for every table beyond six, thirty dollars each;

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

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

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

14. For every ferry license such sum as may be fixed by the lieutenant-governor in council under the provisions of section sixty-five of this act.

Lieut.-Gov. may reduce license duty.

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

Duty under imperial act included.

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

In case of repeal of imperial act.

Persons licensed under this act exempt from taking municipal license.

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

APPLICATION OF DUTIES.

Duties to form part of the consolidated revenue fund, except:

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

any act amending the same, and to any prosecutions for breaches thereof.

A certain portion payable to municipalities;

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

And a certain portion to Montreal court house fund.

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

II. REVENUE OFFICERS.

THEIR DUTIES, POWERS, &c.

Revenue officer to issue licenses when previous conditions are fulfilled.

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

Subject, however to certain municipal restrictions.

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

Provision in case any by-law be annulled.

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

134. Notwithstanding anything contained in this act, or in any municipal by-law or resolution, the lieutenant-governor in council may, upon the application of any railway company, authorize the proper revenue officer to issue to such person, at any railway station, as the railway company may designate a license to retail spirituous, vinous and fermented liquors to passengers travelling by such railway, but to no one else; and no such person shall be liable to any penalty for anything done under the authority and within the terms of such license. Lieut.-Gov. in council may grant licenses at railway stations

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

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

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

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

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

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

Revenue officer to perform yearly visits.

139. Every revenue officer, either in person or by his deputy, or by some person authorized by him in writing for that purpose, shall visit, once at least in each year, every powder-magazine or place where gunpowder is kept for sale or storage, every pawnbroker's or auctioneer's shop or place of business, every room or place where a billiard-table, pigeon-hole table, Mississippi-board or bagatelle-board is kept for lucre or gain, every steamboat or vessel in which spirituous, vinous or fermented liquor is sold, every inn, tavern, temperance hotel, and every other house or place of public entertainment within the revenue division for which he is appointed, shall examine the same, and shall endeavour to detect any and every contravention of this act.

When he shall be bound to prosecute.

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

Revenue officer may also inspect steamboats.

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

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

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

Power to enter billiard rooms and examine.

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

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

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

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

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

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

His right of appeal.

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

Travelling expenses may be allowed to revenue officer.

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

1. GENERAL PROVISIONS.

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

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

Limitation of suits.

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

33 Vic. ch. 31, of Canada, and the provisions not repealed of ch. 103, C. S. C. apply to certain proceedings.

150. (*As amended by* 37 *V., c.* 3, *s.* 12.) In all prosecutions instituted before two justices of the peace, a judge of the sessions, a recorder, sheriff, or district magistrate, the provisions of the act of the parliament of Canada, thirty-second and thirty-third Victoria, chapter thirty-one, respecting the duties of justices of the peace, out of sessions, in relation to summary convictions and orders, and such sections only of chapter one hundred and three of the consolidated statutes of Canada, as have not been repealed by the parliament of Canada, shall apply, in so far as they are not inconsistent with the provisions of this act, to all matters in relation to which no express provision is herein made.

Suits before superior or circuit court subject to ordinary rules.

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

Fine on fresh conviction may be higher.

150*a*. (*Being section* 18 *of the Act* 37 *V., c.* 3.) Whoever, having already been convicted one or more times for the illegal sale of liquor under the authority of the Quebec License Act, and the acts amending the same, is again convicted, under the said acts, of having illegally sold spirituous, vinous or fermented liquors, may be condemned for such contravention to pay a fine of one hundred dollars, and in default of the payment of such fine to an imprisonment of six months.

2. WHO MAY PROSECUTE.

In whose name action to be brought.

151. (*As amended by* 37 *V. c.* 3, *s.* 11.) Every action or prosecution for any offence against this act shall be brought by and in the name of the revenue officer appointed under section ten of the treasury department act, for the revenue district in which the offence was committed, or by or in the name of the council of the county or local municipality within which the offence has been committed, or by any private individual.

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

But no such action or prosecution brought by any municipal council or private individual, nor any judgment or decision rendered therein, shall avail against or be pleaded in any prosecution brought by the revenue officer, unless the amount of the penalty or forfeiture imposed by this act, or by any regulation made in virtue of this act, shall have

been recovered by means of such prosecution by the municipal council or private individual, and shall have been paid over to the revenue officer of the district, or the convicting magistrate, or the clerk of the district magistrate, as the case may have required, or unless the defendant has undergone the term of imprisonment required by law in default of such penalty being paid.

3. BEFORE WHAT TRIBUNAL.

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

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

No other justice to sit.

153. (*As amended by* 37 *V., c.* 3, *s.* 14.) If any such prosecution be brought before any judge of the sessions of the peace, recorder, sheriff or district or police magistrate, no other justice shall sit or take part therein during the term of office of such judge, recorder, sheriff or magistrate, except with the consent of such judge, recorder, sheriff or magistrate.

Signing of summons.

2. If such prosecution is brought before any two or more other justices of the peace, the summons may be signed by one of them; but no other justice shall sit or take part therein, unless by reason of their absence, or the absence of one of them, nor yet in the latter case, unless with the assent of the other of them.

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

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

In what district suits shall be brought.

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

4. SERVICES.

How services shall be made.

156. (*As amended by* 36 *V*, *c.* 3, *s.* 4.) Every summons or other process, proceeding or paper, in any such prosecution may be served, by any bailiff, constable or peace officer duly appointed for the district in which the same is brought, or by any literate person, by leaving a copy thereof certified and signed by the magistrate or officer who signs the original, with the defendant in person or with a reasonable person of his family at his domicile, or by posting such copy upon the door of his domicile, if the person or persons within the house purposely keep the doors closed to prevent the service, in which case the fact shall be mentioned in the return or certificate of service; and such service if made by a bailiff, may be certified and proved under his oath of office, and if it has been made by any other literate person, may be proved by a certificate sworn to before any justice of the peace within the district, or by verbal oath before the justices before whom the case is brought.

5. INFORMATION OR COMPLAINT.

In suits negative matter need not be alleged.

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

Several offences may be included.

158. (*As amended by* 37 *V.*, *c.* 3, *s.* 13.) Two or more offences, by the same party, may be included in any such complaint, provided the time and place of each offence is stated; and in that case, any form appended to this act may be altered, so far as need may be, accordingly;

Proviso: total penalty limited.

2. But whatever may be the number of the offences so included in one complaint, if the prosecution be brought before any other tribunal than the circuit court or superior court, the maximum of penalty imposable for them all shall in no case exceed one hundred dollars.

Amendment of complaint.

159. Any such complaint may be amended before final hearing, in any matter of form or substance, upon application to that effect, by or for the prosecutor, and without costs, and on such amendment being made, the defendant (should he require it,) may have a further delay to plead to

the merits, or for plea and proof, as may be ordered; and if the complaint, in the opinion of the justices is so defective that a legal conviction cannot be based upon it, and is not amended, the justices may dismiss the case.

If adjudged too defective.

160. No such prosecution shall otherwise be dismissed for any defect, informality, error or omission; but if it appears that the defendant has been, or may have been materially misled thereby, the justices may, on such terms as they think fit, adjourn the further proceedings in the case to a future day.

Not to be dismissed for other informality, &c. but adjourned in certain cases.

6. MODE OF TRIAL.

161. All prosecutions under this act, when brought before justices of the peace, shall be heard and determined in a summary manner.

Prosecutions disposed of summarily.

7. PROOF AND WITNESSES.

162. Such prosecutions may be heard and determined either upon view of the offence by the justices, or upon confession of the defendant, or upon the evidence of one or more credible witnesses.

Prosecutions how heard and determined.

163. Any husband may be prosecuted for any contravention of this act committed by his wife, whether she be a public trader or not, in the same manner and form as if he himself had contravened this act, and proof of the offence having been committed by the wife shall be deemed to be proof of its having been committed by the husband, provided at the time they habitually resided together.

Husband may be prosecuted for offence of his wife.

164. Every offence prosecuted for under this act, and proved to have been committed, shall, unless the contrary is proved by the defendant, be held to have been committed within the district in which the prosecution is brought and in an organized part of the province.

The offence shall be presumed committed in the district, &c.

165. It shall not be necessary, in any action or prosecution under this act, to prove that the offence was committed on the precise day specified, to obtain a conviction; provided it be proved that the same was committed on or about such day, and before the date of the complaint.

Proof of precise date of offence not necessary.

Proviso:

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

Possession to be presumptive evidence of purposes to sell.

License of no effect, if duty not paid.

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

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

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

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

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

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

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

Any delivery with payment or promise thereof deemed evidence of sale

In prosecutions for sale without license cer-

171. In prosecutions for the sale or barter of intoxicating liquor of any kind, without the license therefor by law

required, or contrary to the true intent and meaning of the law in that behalf, it shall not be necessary that any witness should depose directly to the precise description of the liquor sold or bartered, or the precise consideration therefor, or to the fact of the sale or barter having taken place with his participation, or to his own personal and certain knowledge, but the justices trying the same, so soon as it may appear to them that the circumstances in evidence sufficiently establish the infraction of law complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence, shall convict him accordingly.

tain presumptions sufficient to put defendant on his defence, and convict him in default of rebuttal.

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

What shall be deemed evidence of sale by auction.

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

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

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

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

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

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

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

175. In every prosecution, under this act, the justices may summon any person represented to them as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the justices

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

may issue their warrant for the arrest of such person; and he shall thereupon be brought before the justices, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol, there to remain until he consents to be sworn or to affirm, and to answer.

Penalty on witnesses for not appearing.

176. (*As amended by* 36 *V., c.* 3, *s.* 5.) If any person is summoned as a witness, to give evidence before any justices of the peace touching any of the matters relative to this act, and neglects or refuses to appear at the time and place for that purpose appointed, without reasonable excuse to be allowed by such justices, or appearing, refuses to be examined on oath and to give evidence before the justices, before whom the prosecution is depending, such person shall incur, for each such refusal or neglect, a penalty of forty dollars, even though the case may have been terminated without his having appeared or given evidence.

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

177. (*As amended by* 36 *V., c.* 3, *s.* 6.) In any prosecution under this act in which it shall be made to appear by affidavit that any person whose testimony is necessary will be unwilling or will probably fail to attend as a witness if merely summoned so to do, the justices before whom the case is brought, may, upon application made by the revenue officer or his deputy, or the complainant, issue a warrant to apprehend such person, and to hold him to bail to appear and give evidence at the time fixed for the trial; but in no case shall such person be detained under such warrant for a longer period than forty-eight hours.

Interest no ground of incompetency.

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

Defendant not to be examined.

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

Witnesses bound to answer all questions.

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

8. JUDGMENT.

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

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

183. Every judge of the sessions, justice of the peace, recorder, district or police magistrate and sheriff, other than the sheriffs of Montreal and Quebec, shall, in the months of April and October in each year, furnish to the treasurer of the province a statement of all prosecutions under this act brought before him and determined during the six months ending on the thirty-first day of March and the thirtieth day of September respectively, and such statement shall mention the name of the other justices, if any, before whom each case was brought, the name of every defendant, the date of each judgment, and the amount of the penalty or other condemnation in each case. Justice to furnish treasurer with a semi-annual statement of prosecutions.

9. APPLICATION OF PENALTIES.

184. (*As amended by* 36 *V., c.* 3, *s.* 7.) The penalties recovered under this act shall be disposed of in the following manner, that is to say : Applications of penalties :

1. If the whole of the penalty and the amount of the costs have been recovered, two-third parts of the penalty shall belong to and be retained by the revenue officer,—but subject to the obligation of paying over one of such two-third parts to the informer ; and the remaining third part shall, by the revenue officer, be paid over to the treasurer, and shall form part of the consolidated revenue fund ; If whole amount has not been recovered;

2. If the whole amount of the penalty and costs has not been recovered, the amount recovered shall be applied first to the payment of the costs, and of the balance two-thirds shall be retained by the revenue officer, subject to the obligation of paying one of such two-thirds to the informer as aforesaid, and the remaining third shall be paid over to the treasurer to form part of the consolidated revenue fund ; If whole amount has been recovered;

3. In the case of convictions on view the penalty, or so much thereof as may have been recovered, over and above the costs, shall be paid, one-third to the corporation of the municipality within which the offence was committed, and

the remaining two-thirds to the revenue officer. subject to the obligation of his paying over one of such two-thirds to the treasurer.

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

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

New sec. inserted after sec. 184.

184*a*. (*Section added by* 36 *V.*, *c.* 3, *s.* 8.) When the prosecution is brought by the municipal council of any municipality or by a private individual, the penalties recovered shall be disposed of as follows :

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

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

2. If the whole amount of the penalty and costs has not been recovered, the amount recovered shall be applied, first, to the payment of the costs, and of the balance, two-thirds shall belong to the municipality or the private individual, as the case may be, subject to the obligation of paying one of such two-thirds to the informer as aforesaid, and the remaining third shall be paid over to the treasurer, to form part of the consolidated revenue fund ;

Amount to be paid by the convicting magistrate, &c.

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

Certain prosecutions deemed brought by municipality.

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

Who may remit penalties.

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

10. COSTS.

No fee on certain summonses.

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

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

187*a*. (*Being section* 9 *of the act* 36 *V., c.* 3.) Whenever a municipal council, after being requested by any person, other than the revenue officer, to prosecute for any infraction of this act, for which such municipal council was competent to prosecute, shall have refused, or shall have neglected during fifteen days after such request, to bring such prosecution, and such person shall thereupon have prosecuted in his own name, and shall have obtained a conviction against the offender, then if in such case the amount of costs of suit or of imprisonment cannot be recovered from the defendant, the corporation of the municipality shall be liable and bound to pay to such person the amount of all costs incurred, whether he shall have previously disbursed or not the said amount or any portion thereof. Municipality refusing to prosecute in certain cases to be liable to reimburse costs.

11. EXECUTION.

188. (*As amended by* 36 *V., c.* 3, *s.* 10.) In default of immediate payment of the penalty and such costs as are awarded, and if no delay is granted under section one hundred and ninety-two hereinafter, the prosecutor may declare his option, either to have the defendant imprisoned, or to have him proceeded against by distress. In the former case the defendant shall be imprisoned for a period of not less than three months and not exceeding six months. In the latter case the amount of such penalty and costs shall be levied by warrant of distress out of the goods and chattels of the defendant, and in default of such goods and chattels, or in case of their being insufficient, the defendant shall be imprisoned for a period of not less than two months, and not exceeding six months. But in either case the defendant may obtain his liberation from such imprisonment by making full payment of such penalty, and of all costs, whether incurred upon or after conviction. How payment of penalties may be enforced.

2. Except in the case of full payment as aforesaid, no defendant imprisoned in virtue of any provision of this act shall be liberated on the ground of any defect of form in the warrant of commitment, nor without due notice given to the prosecutor. Except on payment, defendant not to be released from imprisonment without notice to prosecutor.

Penalty for preventing, &c., arrests.

Or facilitating &c., escapes.

188a. (*Being section* 11 *of the act* 36 *V., c.* 3.) Whenever a warrant of commitment shall have issued against any offender under this act, if any person, knowing, or having reason to believe, that such warrant has issued, shall, by counsel, act, or any means whatever, prevent or assist in preventing the arrest, or procure, or faciliate, or assist in procuring or facilitating the escape from arrest, every such person shall incur a penalty of forty dollars.

Commencement of term of imprisonment.

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

Billiard-tables liable for penalty.

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

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

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

Power of justice to grant delay and take security.

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

Liability of husband's property for penalties of wife.

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

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

12. APPEAL.

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

INTERPRETATION.

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

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

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

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

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

5. Each of the words "goods," "effects" and "chattels," means and comprises all movable property, but this interpretation shall not be held to render liable to seizure any property exempted therefrom by law; "Goods," "effects," "chattels;"

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

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

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

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

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

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

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

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

SERVICE OF NOTICES.

How notices may be served. **196***a*. (*Being section* 3 *of the act* 36 *V.*, *c.* 3.) Any notice required or allowed to be given under the said act, or under any amendment thereof, or under this act, may be served by any bailiff appointed for the district in which such notice is to be given, or by any other literate person, by leaving a copy thereof certified and signed by the person giving such notice, with the person to be notified or with a reasonable person of his family at his domicile; and whenever the person giving such notice is unable to sign his name, his mark made in presence of and attested by the bailiff or literate person shall be held and taken to be his signature.

REPEALING CLAUSES.

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

1. The twenty-third section of the act of the late province of Lower Canada, thirty-ninth George the Third, chapter five; — Act of Lower Canada, 39 Geo. III, c. 5, s. 23.

2. The act chapter twenty of the consolidated statutes of Canada; — C. S. C., c. 20.

3. The act chapter sixty-one of the consolidated statutes of Canada, except sections ten, eleven, twelve, thirteen, fourteen, twenty-four, twenty-five, twenty-six, twenty-seven, and fifty-six; — C. S. C., c. 61. except sections 10, 11, 12, 13, 14, 24, 25, 26, 27, and 56.

4. The act chapter five of the consolidated statutes for Lower Canada; — C. S. L. C., c. 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Provisions repealed by former acts not to revive.

198. No repeal hereby enacted shall have the effect of reviving any act or provision of law repealed by the acts or parts of acts hereby repealed, nor shall any such repeal be held to imply the enactment of any provision contrary or contradictory to any provision so repealed.

Acts repealed to continue to apply to things done or begun before repeal.

199. Every offence, wholly or partly committed against any act or enactment hereby repealed, prior to such repeal, shall be dealt with, inquired of, tried, determined and punished, and every penalty in respect of any such offence shall be recovered, in the same manner as if the said acts and enactments had not been repealed; and every act duly done, and every warrant and other instrument duly made or granted before such repeal, shall continue and be of the same force and effect as if the said acts and enactments had not been repealed; and every right, liability privilege and protection in respect of any matter or thing committed or done before such repeal shall continue and be of the same force and effect as if the said acts and enactments had not been repealed; and every action, prosecution or other proceeding [illegible] before such repeal, or thereafter commenced in respect of any such matter or thing, may be prosecuted or continued and defended, as if such acts and enactments had not been repealed.

FINAL PROVISIONS.

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

200 Nothing contained in this act shall affect or interfere with sections seven and eight of the gold mining amendment act of 1868, but no monthly license shall be granted under the said section seven to any person who has not

previously obtained a license under this act to sell spirituous, vinous and fermented liquors.

201. None of the provisions of this act shall be superseded or affected by any act passed during the present session of the legislature, and all provisions of the act passed in the said session, intituled: "Municipal Code of the Province of Quebec," whereby any municipalities are empowered to regulate the storage of gunpowder, or any other matter, shall apply only in so far as such storage or such other matter, is not, or shall not, at any time hereafter be regulated by this act or by any regulations made in virtue thereof. **This act shall prevail against all other acts of this session.**

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

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

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

203*a*. (*Being section* 20 *of the act* 37 *V., c.* 3.) The treasurer of the province, whenever he shall deem it conducive to the better administration and carrying out of the revenue laws, may, from time to time, at the public expense, cause to be prepared, printed and distributed, in the English and French languages, or in either of them, and in such numbers and manner as he may see fit, pamphlets containing the laws in force respecting licenses or the treasury department, and such acts or portions of acts, regulatians of the lieutenant-governor in council, and instructions from the treasury department as he may deem desirable in connection with the said laws. **Pamphlet of laws and regulations respecting the revenue and licenses**

But such pamphlets shall be deemed to be printed for convenience only, and nothing contained therein shall prevail against the regularly promulgated versions of the law or the meaning or construction thereof.

FORMS.

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

SCHEDULES.

(A)

FORM OF AFFIDAVIT TO BE MADE BY A PERSON DESIROUS OF OBTAINING A LICENSE TO KEEP A HOUSE OR PLACE OF PUBLIC ENTERTAINMENT.

Province of Quebec, }
District of }

I, , of , in the county of , in the district of , who am desirous of obtaining a license to keep * situated at † , being duly sworn, do make oath and say, that I am a subject of Her Majesty, and that I am in all respects duly qualified according to law, to keep a house or place of public entertainment.

(*Signature.*)

Sworn to before me, at , this day of one thousand eight hundred and

J. P. for the district of

(B)

FROM OF CERTIFICATE FOR OBTAINING A LICENSE TO KEEP AN INN OR TAVERN.
(*as the case may be.*)

Province of Quebec, }
District of }

We, the undersigned municipal electors of the of

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

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

, in the county of , do hereby certify that
, of in the county of
in the district of , who is desirous of obtaining
a license to keep * at †
is personally known to each of us, that he is a subject of Her Majesty, is honest, sober, and of good repute, and is a fit and proper person for keeping a house of public entertainment, (*where in country parts, add* :—that we have visited or are acquainted with the house and premises situate at , for which the license is required, and that he has in and on the same, bedding, stabling and accommodatian for travellers, as required by law.)

If in country parts, add: We further certify that a house of public entertainment is required at the place where the said house is situated.

Given under our hands, the day of , in the year one thousand eight hundred and

{ Municipal Electors for
{ the County of

The foregoing certificate having been this day submitted to the municipal council of (*or* to the corporation of) and the said council (*or* corporation) being duly assembled, and having deliberated thereon, confirm the same certificate, in favor of therein mentioned

Signed at , this day of , one thousand eight hundred and .

P. Q., *Mayor.*
R. S., *Secretary.*

WHEN THE CERTIFICATE IS CONFIRMED UNDER THE PROVISIONS OF THE TWELFTH OR OF THE THIRTEENTH SECTION.

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

(*Signatures.*)

(C)

Know all men by these presents, that we P. U., of , V. W., of , and X. Y., of , are held and firmly

bound unto Her Majesty, Queen Victoria, her heirs and successors, in the penal sum of four hundred dollars of good and lawful money of the province of Canada, that is to say, the said T. U., in the sum of two hundred dollars, the said V. W., in the sum of one hundred dollars, and the said X. Y., in the sum of one hundred dollars, of like good and lawful money, for payment of which, well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden T. U., is about to obtain a license to keep* , the condition of this obligation is such, that if during all the time such license remains in force, the said T. U., pays all fines and penalties which he may be condemned to pay for any offence against the law relative to houses of public entertainment now or hereafter to be in force, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf, then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our hands, and sealed them with our seals, this day of , 18 .

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

Signed, Sealed and Delivered, in the presence of us

(D)

FORM OF DECLARATION.

Province of Quebec, District of

Before (*name and designate the justices*)

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

For that whereas the said (*name of defendant,**) did at the city, (town, township, or parish,) of in the district aforesaid , on , and at sundry times before and since (*here state succinctly the offence,*) contrary to the statue, in such case made and provided; Whereby and by force of the said statue, the said hath become liable to pay the sum of dollars cents.

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

O. Z.,
Revenue Officer,
Prosecutor.

(E)

FORM OF SUMMONS.

Province of Quebec, }
District of }

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

You are hereby commanded to be and appear before us the undersigned Justices † of the Peace for the said district, at (*name of place,*) on the day of , at the hour of of the clock in the noon, to answer to the complaint made against you by (*name of Revenue Officer,*) Revenue Officer, (*or as the case may be,*) who prosecutes you in Her Majesty's name and behalf, for the causes mentioned in the declaration hereunto annexed;—otherwise judgment will be given againt you by default.

Given under *my* hand and seal, this day of , in the year of our Lord, one thousand eight hundred and , at , in the district aforesaid.

J. P.

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

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

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

CERTIFICATE OF SERVICE.

I, the undersigned , do hereby certify, upon my oath of office, that on the day of , I did serve the within summons, and the declaration thereto annexed, on the within named defendant, at the hour of of the clock in the noon, by leaving a true and certified copy of the said summons, and of the said declaration at the domicile of the said defendant, in the speaking to of day of 18 .

If the service be not made by a bailiff insert "being duly sworn do make oath and certify," instead of "do hereby certify under my oath of office," *and after the signature add:* "Sworn before me, at this day of 187 .

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

(F)

FORM OF CONVICTION.

Province of Quebec, }
District of }

Be it remembered, That on the day of , in the year one thousand eight hundred and , at (*name of place where convicted,*) in the said district, (*name of defendant,*) is convicted before the undersigned (*one*) of Her Majesty's Justices of the Peace for the said district, for that he, the said (*name of defendant*) did (*state the offence succinctly of which he or they were convicted*) and (*I* or *we*) adjudge the said (*name of defendant*) for his said offence, to forfeit and pay to the sum of , and also to pay to the said the sum of , for his costs in this behalf.

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

Signature, J. P. (*Seal or Seals.*)
or Signatures.

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

G.

FORM OF WARRANT OF DISTRESS.

Province of Quebec, }
District of }

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

To any Bailiff, Constable or other Officer of the Peace, in and for the said district:

Whereas (*name of defendant*) of the parish of (*name of parish or township,*) in the said district hath been convicted before (*one*) of Her Majesty's Justices of the Peace for the said district, of having (*state the offence*) whereby the said (*name of defendant*) hath forfeited, and hath by the said Justice been adjudged to pay the sum of dollars cents, and further the sum of (*amount of the costs allowed by me*) the said Justice allowed and adjudged to be paid by the said (*defendant*) to (*name of officer*) Revenue Officer, (*or as the case may be*) for costs by him laid out about the conviction aforesaid) (*;) These are therefore to command and require you, and each and every of you, to distrain the goods and chattels of the said (*name of defendant*) wheresoever they may be found within the said district; and on the said goods and chattels so distrained to levy the said penalty and costs, making together the sum of dollars cents: And if within the space of four days next after such distress by you made, the said last mentioned sum of dollars cents, together with the reasonable charges of taking and keeping the said distress are not paid, that then you do sell the said goods and chattels so by you distrained as aforesaid, and out of the money arising from such sale that you do pay the said sum of dollars, cents, unto the said Revenue Officer (*or as the case may be*) returning to the said the overplus, the reasonable charges of taking, keeping and selling the said distress being first deducted; and you are to certify to with the return of this precept what you shall have done in the execution thereof. Hereof fail not.

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

Signature, J. P. (*Seal.*)

(H)

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

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

Whereas, (*&c., as in the foregoing distress warrant to the* (*) *and then this*) : And whereas afterwards on the in the year aforesaid, I, (*or, as the case may be,*) issued a warrant to all or any of the Bailiffs, Constables or other Peace Officers of the district of , commanding them or any of them, to levy the said sums of and by distress and sale of the goods and chattels of the said ; And whereas it appears to me, as well by the return to the said warrant of distress by the (*constable*) who had the execution of the same, or otherwise, that the said (*constable*) hath made diligent search for the goods and chattels of the said , but that no sufficient distress whereon to levy the sums above mentioned could be found; These are therefore to command you, the said Bailiffs, Constables or Peace Officers, or any one of you, to take the said and him safely to convey to the (*house of correction*) at aforesaid, and there deliver him to the said keeper, together with this precept; and I do hereby command you the said keeper of the said (*house of correction*) to receive the said into your custody, in the said (*house of correction*) there to imprison him for the space of , unless the said several sums and all the costs and charges of the said distress, (*and of the commitment and conveying of the said to the said house of correction*) amounting to the further sum of , are sooner paid unto you the said keeper; and for so doing, this shall be your sufficient warrant.

Given under my hand and seal, this day of , in the year of our Lord at , in the district aforesaid.

Signature, J. P. [L. S.]

(I)

FORM OF COMMITMENT WITHOUT DISTRESS.

PROVINCE OF QUEBEC, District (*or as the case may be*) *of* } G. A., Esquire, of (*designating the official function of the person issuing the warrant.*)

To any Bailiff, Constable or other Officer of the Peace in and for the said district (*or as the case may be*);

Whereas C. D., of (*designate the defendant*) been convicted before of having (*state the offence*) and for such offence adjudged to pay A. B. (*designate the prosecutor*) the sum of , and also the further sum of for costs in that behalf, and whereas the said C. D. has failed to pay the said sums;*

These are therefore to command you the said Bailiffs, Constables or Officers of the Peace, or any one of you, to take the said C. D., and him safely convey to the gaol of the said district, (*or as the case may be*) and there deliver him to the said keeper thereof, together with this warrant; and I (or we) do hereby command you the said keeper of the said gaol to receive the said C. D. into your custody in the said gaol, and there to imprison him for the space of , from the day of his arrival as a prisoner thereat, unless the said last mentioned sum of and all the costs of the said distress, and of the commitment and conveying of the said C. D. to the said gaol, amounting to the further sum of , are sooner paid unto you the said keeper; and for so doing this shall be your sufficient warrant.

Given, &c., (*as in foregoing form G.*)

EXTRACTS

FROM

STATUTES RESPECTING THE SALE OR GIFT OF LIQUOR TO INDIANS AND THE PAWNBROKERS.

SALE OR GIFT OF LIQUOR TO INDIANS.

Statutes of Canada, 31 Vict., ch. 42.—12. No person shall sell, barter, exchange or give to any Indian man, woman or child in Canada, any kind of spirituous liquors, in any manner or way, or cause or procure the same to be done for any purpose whatsoever;—and if any person so sells, barters, exchanges or gives any such spirituous liquors to

Penalty for giving or selling liquor to Indians.

any Indian man, woman or child as aforesaid, or causes the same to be done, he shall on conviction thereof, before any Justice of the Peace upon the evidence of one credible witness, other than the informer or prosecutor, be fined not exceeding twenty dollars for each such offence, one moiety to go to the informer or prosecutor, and the other moiety to Her Majesty to form part of the fund for the benefit of that tribe, band or body of Indians with respect to one or more members of which the offence was committed; but no such penalty shall be incurred by furnishing to any Indian in case of sickness, any spirituous liquor, either by a medical man or under the direction of a medical man or clergyman.

How recovered and applied.

Proviso: in case of sickness.

Pawns not to be taken from Indians.

13. No pawn taken of any Indian for any spirituous liquor, shall be retained by the person to whom such pawn is delivered, but the thing so pawned may be sued for and recovered with costs of suit, by the Indian who has deposited the same, before any court of competent jurisdiction.

Penalty on persons selling intoxicating liquors to Indians.

Statutes of Canada, 32, 33 Vict., ch. 6.—3. Any person who shall sell, barter, exchange or give to any Indian man, woman, or child, any kind of spirituous or other intoxicating liquors, or cause or procure the same to be done, or open and keep, or cause to be opened and kept, on any land set apart or reserved for Indians, a tavern, house or building where spirituous or intoxicating liquors are sold or disposed of, shall, upon conviction in the manner provided by section twelve of the said act thirty-first Victoria, chapter forty-two, be subject to the fine therein mentioned; and in default of payment of such fine, or of any fine imposed by the above mentioned twelfth section of the said act, any person so offending may be committed to prison by the justice of the peace before whom the conviction shall take place, for a period not more than three months, or until such fine be paid; and the commander of any steamer or other vessel, or boat from on board or on board of which, any spirituous or other intoxicating liquor shall have been, or may be sold or disposed of to any Indian man, woman or child, shall be liable to a similar penalty.

Imprisonment in default of payment.

31 Vict., c. 42.

24. This act shall be construed as one act with the act thirty-first Victoria, chapter forty-two.

PAWNBROKERS.

Pawnbrokers' rates.

C. S. C., ch. 61.—10. Every pawnbroker may take the following rates above the principal sum advanced, before

he is obliged to redeliver the goods pawned, that is to say, for every pledge upon which there has been lent not exceeding fifty cents, the sum of one-half-penny (or $\frac{5}{6}$ of a cent) for any time not exceeding one month, and the same for every month afterwards, including the current month in which the pledge is redeemed, although such month has not expired; and so on progressively and in the same proportion for every sum of fifty cents up to twenty dollars (1).

11. When the sum lent exceeds twenty dollars, the pawnbroker may take upon all beyond that amount after the rate of five cents for every four dollars by the month, and so on in proportion for any fractional sum. **When the sum lent exceeds $20.00**

12. Such sums respectively shall be in lieu of and taken as a full satisfaction for all interest due and charges for wharehouse room. **Which shall cover warehouse room.**

13. The party entitled to and applying for the redemption of goods pawned, within fourteen days from the end of the first month after the same were pledged, may redeem such goods upon paying the rate or profit payable for one month and a-half, but if redeemed after the expiration of the first fourteen days, and before the end of the said second month, the pawnbroker may take a rate or profit of the whole second month, and the like regulation and restriction shall take place in every subsequent month wherein application is made for redeeming goods pawned. **Time when and terms on which pawns redeemable.**

14. In all cases where the lowest fraction of the sum to be received by any pawnbroker from persons offering to redeem goods is less than one half-penny (or $\frac{5}{6}$ of a cent) the pawnbroker may receive one-half-penny (or $\frac{5}{6}$ of a cent) for the said fraction from the person redeeming the goods. **Fractions.**

24. If any person counterfeits. forges, or alters any note or memorandum given by a pawnbroker for goods pledged, or causes or procures the same to be done, or utters, vends, or sells such note or memorandum, knowing the same to be counterfeited, forged or altered, with intend to defraud any person, such offender shall be punished as hereafter mentioned. **Forging pawnbrokers' notes, &c.**

25. In case any note or memorandum aforesaid is uttered, shown or offered to any person, and such person has reason to suspect that the same has been forged, he may **Persons suspected of forging—how dealt with.**

(1) *See page* 58 *of this pamphlet, sect.* 197, *sub-sect.* 2.

seize the person offering the same, and deliver him to a bailiff or constable, who shall convey him before some justice of the place where the offence has been committed, or nearest thereto, and if upon examination it appears to the satisfaction of such justice that such person is guilty, he shall commit him to the common gaol of the district or county for any time not exceeding three months.

Consequences of not giving account of goods offered to be pawned.

26. If any person offers to any pawnbroker, by way of pawn or pledge, or of exchange or sale, any goods, and is not able or refuses to give a satisfactory account of himself or of the means whereby he became possessed of the goods, or wilfully gives any false information to the pawnbroker or his servant as to whether such goods are his own property or not, or as to his name and place of abode or as to the owner of the goods, or if there is any other reason to suspect that such goods have been stolen or otherwise illegally or clandestinely obtained, or if any person not entitled, nor having any color of title by law to redeem goods that have been pawned shall attempt to redeem, the person to whom the goods first above mentioned are offered to be pawned or to whom the offer to redeem the goods in pawn is made, may seize and detain the person offering to pawn and the goods offered to be pawned or the person offering to redeem as aforesaid, and shall convey such person and the goods offered to be pawned, or the person offering to redeem, and immediately deliver the person so offering to pawn and the goods offered to be pawned, or the person so offering to redeem, into the custody of a peace officer or constable, who shall, as soon as may be, convey such person and goods, or such person, as the case may be, before a justice of the district or county.

If a J. P. suspect goods to have been stolen.

27. If such justice, upon examination and inquiry, has cause to suspect that the said goods have been stolen or illegally or clandestinely obtained, or that the person offering to redeem hath not any pretence or color of right so to do, he shall commit the offender into safe custody for such reasonable time as may be necessary for obtaining proper information in order to be further examined, and if upon either examination it appears to the satisfaction of the justice that the said goods were stolen or illegally or clandestinely obtained, or that the person offering to redeem had not any pretence or color of right so to do, he shall, unless the offence authorizes such commitment by any other law, commit the offender to the common gaol of the district or county where the offence was committed, for any time not exceeding three months.

C. S. L. C., ch. 14.—2. No person shall purchase, or receive in pledge, or in exchange, any clothes, blankets, fire-arms or ammunition belonging to any Indian within the province, under a penalty of twenty dollars, and imprisonment for any time not exceeding one month, for the first offence, and of forty dollars, and imprisonment for any time not exceeding two months, for the second and every other subsequent offence.

Purchase of clothes and fire-arms belonging to Indians prohibited.

ANNO TRICESIMO-PRIMO

VICTORIÆ REGINÆ.

CAP. IX.

An Act respecting the Treasury Department and the Public Revenue, Expenditure and Accounts.

[*Assented to 24th February*, 1868.]

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

PRELIMINARY—INTERPRETATION.

1. The words "public revenue" or "revenue," or "public money," mean all revenue and public moneys, arising from any source whatever,—whether such revenue and moneys belong to the province, or are held by the province, or collected or held by officers of the province for or on account of or in trust for any other province forming part of the dominion, or for the dominion, or for the imperial government, or for any other party.

Interpretation of "public revenue," "revenue," "public money."

2. The words "revenue officer" mean any person employed in collecting, managing or accounting for revenue, or in carrying into effect any laws relating thereto, or in preventing the contravention of any such laws ; and, so far as regards acounting for and paying over such revenue,

And "revenue officer."

the said words include any person who, either before or since the union, has received or been entrusted with any public money, whether such person was regularly employed for such purpose or not.

CONSOLIDATED REVENUE FUND.

Formation of consolidated revenue fund.

3. All revenue whatever, however arising or received, over which the legislature of this province has power of appropriation, shall form one consolidated revenue fund, to be appropriated for the public service of the province.

Fund to be chargeable with its own expenses, subject to audit.

4. Such consolidated revenue fund shall be permanently charged with all the costs, charges and expenses incident to the collection, management and receipt thereof; such costs, charges and expenses being subject nevertheless to audit, and to legislative review and vote.

Money votes to be first recommended by lieut.-gov.

5. The legislative assembly shall not adopt or pass any vote, resolution, address or bill, for the appropriation of any part of such consolidated revenue fund, or of any tax or impost, to any purpose which has not been first recommended to the said legislative assembly, by message of the lieutenant-governor during the session in which such vote, resolution, address or bill is proposed.

GENERAL COLLECTION AND MANAGEMENT OF THE REVENUE.

Appointments and salaries of revenue officers.

6. The lieutenant-governor in council may, from time to time, determine what revenue officers it is necessary to employ; and may assign their names of office, and fix their salaries or pay, and appoint the times and manner in which the same shall be paid; but no such officer shall receive a higher salary than is allowed in his case by any act of the legislature then in force; nor shall any such salary be paid unless voted by the legislature.

Salary to exclude all other emoluments, unless permitted.

7. The salary or pay allowed to any such officer shall be in lieu of all emoluments of any kind whatever, except actual and authorized disbursements, shares of seizures, forfeitures and penalties; and no such officer employed on the staff of any public department, or receiving a salary at or exceeding the rate of one thousand dollars per annum, shall exercise any other employment whatever, with a view to derive profit therefrom, directly or indirectly, or shall hold any other office of profit whatever, unless it be with the express permission of the lieutenant-governor in council.

Revenue officers exempt from certain services.

8. No revenue officer shall be compelled to serve in any other public office, or in any municipal or local office, or on any jury or inquest, or in the militia.

9. Every revenue officer shall, at his admission to office, take the following oath, before such person as the lieutenant-governor may appoint to receive the same, that is to say:

Oath to be taken by them.

"I, A. B., do swear that I will be faithful in the execu-
"tion of the trust committed to my charge by my appoint-
"ment as , and that I will not ask or receive
"any money, service, value or thing whatever, directly or
"indirectly, for anything done or to be done in the execu-
"tion of any of the duties of my said office, other than my
"salary, or what shall be allowed me by law or by order
"of the lieutenant-governor in council: So help me God."

10. The lieutenant-governor in council may, from time to time, divide the province into revenue districts for the collection or management of the revenue,—and may assign revenue officers for any such district, and the place or places within the same where their duty shall be performed,—and may make such regulations concerning such officers and the management of the business to them entrusted, as are consistent with the law, and as he deems expedient for the public good; and any general regulation made by the lieutenant-governor in council under the provisions of this act, shall apply to each particular case within the intent and meaning of such regulation as fully and effectually as if the same had been made with reference to such particular case, and as if the officers or persons concerned had been specially named therein.

Province may be divided into revenue districts; and regulations may be made concerning officers and their business.

2. A copy of any regulation or order of the lieutenant-governor in council, printed by the Queen's printer, or a written copy thereof attested by the signature of the clerk of the executive council, shall be evidence of such regulation or order; and any order in writing, signed by the secretary of the province, and purporting to be written by command of the lieutenant-governor, shall be received in evidence as the order of the lieutenant-governor.

What shall be sufficient evidence of such regulations.

11. Every revenue officer employed on any duty or service by the orders or with the concurrence of the lieutenant-governor in council, shall be deemed to be the proper officer for that duty or service; and everything required by any law to be done by, to, or with any particular officer designated for that purpose in such law, shall, when done by, to, or with any person appointed or authorized by the lieutenant-governor in council to act in behalf of such particular officer, be deemed to be done by, to, or with such particular officer;

Officer designated by lieut.-gov. deemed to be proper officer.

2. And everything required by law to be done at any particular place within any such revenue district, shall, when done at any place within such district, appointed by

Place designated by lieut.-gov. deemed to be the proper place.

the lieutenant-governor in council, for such purpose, be deemed to be done at the particular place so required by law.

Revenue officers removable from one branch into another.

12. Any revenue officer employed for any branch of the revenue, may be employed for any other branch thereof, whenever it is deemed advantageous for the public service so to employ him.

Office hours.

13. The lieutenant-governor in council may, from time to time, appoint the hours of general attendance of the revenue officers at their places of employment,—and may also appoint the times during such hours, or the seasons of the year, at which any particular portions of their duties shall be performed; and a notice of the hours of general attendance so appointed shall be kept constantly posted up in some conspicuous places in such places of employment.

Lieut.-gov. may order books to be kept.

14. The lieutenant-governor in council may direct any revenue officer to keep any books or accounts, for the purpose of obtaining any statistical information touching the resources or public works of the province, or other matters of public interest, and may authorize any necessary expense for such purpose.

Control of revenue officers.

15. The lieutenant-governor in council may, from time to time, assign the immediate oversight and control of any revenue officers, or classes of revenue officers, to such of the public departments as may be deemed convenient; and in default of other assignment, such immediate oversight and control shall rest with the treasury department.

All revenue to be paid in to credit of treasurer.

16. All revenue shall be paid to the credit of the treasurer through such officers, banks or parties, and in such manner as the lieutenant-governor in council may from time to time direct.

Time and mode of accounting for public moneys—duties—and stamps.

17. The lieutenant-governor in council may, from time to time, appoint the times and mode in which any revenue officer shall account for and pay over the public moneys which come into his hands,—and may determine the times, manner and form in which, and the officer by whom, any licenses on which any duty is payable, and any stamps for collection of revenue, are to be issued; but such accounts and payments shall be rendered and made by such officers, at least once in every three months.

Moneys how deposited and paid out.

18. Every revenue officer, on receiving public money, shall forthwith deposit the same in his name of office, in such bank as the lieutenant-governor in council may ap-

point; and no money so deposited shall be paid out again, except for the purpose of being placed to the credit of the treasurer, on the written order or official check of the officer so depositing, or his successor, to whom the bank shall grant a certificate in duplicate of its being so credited; and every such officer shall keep his cash-book written up daily, and all his books, accounts and papers shall, at all times during office hours, be open to the inspection of any person whom the treasurer may authorize to inspect the same; but when such money is received at a place where there is no bank into which it can conveniently be paid, the lieutenant-governor in council may direct it to be paid over in such manner as he may deem expedient.

TREASURER, AND TREASURY DEPARTMENT.

19. All rights, powers, duties, functions, responsibilities and authorities, at the time of the passing of the "British North America Act, 1867," vested in or imposed on the minister of finance, and receiver general, respectively, of the late province of Canada, by law, and not repugnant to the said act, have been by the said act vested in and imposed on the treasurer; and continue so to be, save only in so far as the same may be modified or affected by this act, or by any other act of the legislature, or by any lawful order of the lieutenant-governor in council. Powers and duties of treasurer.

2. The lieutenant-governor in council may, from time to time, assign to the treasurer any other duties or functions, not repugnant to any act of the legislature. Other duties may be assigned to him.

20. There shall be employed on the staff of the treasury department, under appointment by the lieutenant-governor, an assistant-treasurer, and an auditor, both of whom shall be commissioned under the great seal, and such other officers and persons as may be deemed necessary; and their respective duties, in all matters not expressly regulated by law, shall be such as may, from time to time, be assigned them by order of the lieutenant-governor in council, or subsidiarily thereto, by the treasurer. Appointment of assistant-treasurer and auditor; their duties.

21. The accounts of the province shall be kept by double entry in the treasury department, under such regulations for assurance of their fulness and accuracy, and as to the measures of oversight and responsibility attaching in regard to them to the assistant-treasurer and to the auditor respectively, as the lieutenant-governor by order in council, or (subject to all such orders) the treasurer, may make from time to time. Accounts of the province—how kept.

In dollars and cents.

22. Such accounts should be kept in dollars and cents; and all accounts to be rendered to the provincial government, or to any public officer or department, shall be rendered in dollars and cents.

Fiscal year.

[illegible] fiscal year of the province shall be the period fr[illegible] thirtieth of June in one year to and including the thir[illegible] of June in the next year.

Annual statement of revenue and expenditure to be prepared

24. As soon as practicable after the close of each fiscal year, there shall be prepared in the treasury department, for submission to the legislature at its next session, a statement of the public accounts for such year, showing clearly and fully the several revenues and expenditures of the province for the year,—the state of the consolidated revenue fund, and of all trust and special funds under the management of the provincial government,—and all matters requisite to explain the financial transactions and position of the province during and at the close of such year.

Lieut.-gov. may alter period of accounting.

25. The lieutenant-governor in council may alter the period at or to which any accountant for public moneys, public officer, corporation or institution, is required to render any account or to make any return, whenever in his opinion such alteration will facilitate the correct preparation of such statement of the public accounts or of the estimates, anything in any act to the contrary notwithstanding.

What period to be covered by estimates.

26. All estimates submitted to the legislature shall be for the services coming in course of payment during the fiscal year, or during such other term as such estimates may expressly purport to cover; and all balances of appropriation remaining unexpended at the close of such fiscal year or other term, shall lapse and be written off.

Surplus revenue, how invested or disposed of.

27. The lieutenant-governor in council may, from time to time, should such course be deemed advisable, direct the treasurer to invest any portion of the consolidated revenue fund not presently required for expenditure, in public securities of the dominion of Canada; and may afterwards, whenever requisite to meet expenditure, direct him to dispose thereof to that end, in such manner, on such terms, and to such amount, as may be deemed most for the public advantage.

Loans, how effected and applied.

2. The lieutenant-governor in council may also, from time to time, in case of exigency arising out of failure of the revenue from unforeseen causes, direct the treasurer to effect any needed temporary loans chargeable on the consolidated revenue fund, in such manner and form, in such amounts, payable at such periods, and bearing such rates of

interest, not exceeding six per cent per annum, as the lieutenant-governor in council may authorize; but such loans shall not exceed the amount of the deficiencies in the said consolidated revenue fund to meet the charges placed thereon by law, and shall not be applied to any other purposes whatever.

Expenditures to be made under warrant and by checks signed and countersigned

28. All expenditure of public moneys shall be made by official check on some bank, upon the warrant of the lieutenant-governor, signed by himself or by such deputy as he may commission to that end; such check being signed by the treasurer or assistant-treasurer, and countersigned by the auditor.

Who may be deputed to sign and countersign checks.

2. In absence of the assistant-treasurer or auditor, any other officer of the department being thereto deputed by him with approval of the treasurer, may sign or countersign such check.

Through what departments moneys shall be applied for.

29. The lieutenant-governor in council may, from time to time, direct through what department or departments, and under what regulations otherwise, the various descriptions of application for expenditure of public moneys, or any thereof, shall pass to the treasury department; and no such expenditure shall be made or authorized, or warrant therefor issued, unless upon application duly reaching the treasury department in the course so indicated.

Certain institutions to render quarterly accounts;

30. All institutions and establishments sustained at public expense, shall render quarterly (and oftener, if required by the treasurer) their accounts in detail, for the purpose of being audited, accompanied by proper vouchers for the expenditure of the moneys received by them; and whenever such accounts or vouchers are insufficient or irregular, or not rendered to his satisfaction, the treasurer shall require the parties to supply all omissions and correct all irregularities, and shall suspend all further advance or payment to the institution or establishment in question, until such accounts and vouchers have been properly furnished.

Consequence of failure to do so.

Certain institutions to make yearly report.

31. All institutions, establishments, associations and bodies sustained or in part aided by public expense, shall render yearly, on or before the thirty-first of July, in such form as from time to time may be required by the lieutenant-governor in council, full report of their condition, management and progress, and also all statistical returns which may, from time to time, be required of them by the lieutenant-governor in council.

Annual return to be made by

32. The secretary-treasurer or treasurer of every municipality for which any sum of money has been raised on

municipalities indebted to municipal loan fund.

the credit of the consolidated municipal loan fund of the late province of Canada, shall, so long as any part of such sum or of the interest thereon remains unpaid by such municipality, transmit to the treasurer, on or before the thirtieth day of January, or such other day in every year as may be ordered by the lieutenant-governor in council, a return, certified under his oath before some justice of the peace, setting forth the amount of movable property in such municipality, according to the then last assessment roll or rolls, a true account of all the assets, debts and liabilities of such municipality, and all such information and particulars as to the resources, debts and liabilities thereof as the lieutenant-governor in council may from time to time require.

To whom such accounts and returns shall be rendered.

33. The lieutenant-governor in council may, from time to time, direct through what department or departments the various accounts and returns referred to in the last three preceding sections, or any thereof, shall be rendered for transmission to the treasury department; and in default of other direction the same shall be rendered directly to the treasury department.

BOARD OF AUDIT, AND ITS POWERS AND DUTIES.

Appointment and duties of board of audit.

34. The lieutenant-governor may, by letters-patent under the great seal, constitute and appoint, during pleasure, a board of audit, whose duty it shall be, under the direction and supervision of the treasurer, from time to time, to examine into and report on all matters coming before them, as hereinafter provided, or upon reference to them by the treasurer.

Who shall compose board of audit.

35. The board shall consist of the assistant-treasurer and auditor, and of such deputy heads of other departments having oversight or control in matters of revenue or expenditure, as the lieutenant-governor by such letters-patent may designate; and the auditor shall be the chairman of the board.

Absent member, how replaced.

36. The lieutenant-governor may, in case of the illness or absence of any member of the board, authorize any officer of the same department to perform all or any of the duties of the absent member as such.

Preliminary audit of certain accounts by each member.

37. Each member of the board, other than the auditor, shall severally audit in the first instance the details of the accounts of such department or departments (including those of all officers and persons under the oversight and control thereof) as may be assigned him by the lieutenant-

governor in council, and shall be responsible for the correctness of such audit.

38. The auditor shall examine, check and audit all other accounts of receipt and expenditure of public moneys, whether appertaining to the province, or received or expended by the province on account of, or in trust for any other party or parties; and all accounts of receipt and expenditure which are required to be primarily audited by other members of the board, shall nevertheless be submitted to the auditor for review and final audit. Other accounts to be audited by auditor.

39. In case of any difference of opinion between the auditor and any other member of the board on any point connected with accounts in charge of such other member, the matter shall be submitted to the board; and any member may bring any question of audit before the board, although it may not relate to the department under his charge. Board to decide differences between auditor and any other member.

2. Upon all matters of importance, the board shall report to the treasurer; and no decision of the board shall be binding until it has been approved by him; and when any such report is made, any member of the board may record his dissent on the minutes, and may submit to the treasurer a minority report. Board to report to treasurer.

40. The board of audit shall frame regulations respecting the method of book-keeping to be used in the several departments and by the several sub-accountants of the province the issuing of warrants, the accounting for public moneys, and the auditing of accounts thereof, and shall submit such regulations to the lieutenant-governor in council through the treasurer; and, from time to time, may suggest any amendments which they may deem advisable in such regulations, and submit them in like manner; and any order in council made on any of those subjects, shall have the force of law until revoked or amended as it may be, by any subsequent order. Regulations to be framed by board of audit

41. The board of audit shall examine the yearly statement of the public accounts, and submit thereon to the treasurer their report, for communication to the legislature. Board to report upon the yearly statement.

42. The board of audit may examine any person on oath or affirmation on any matter pertinent to any account submitted to it for audit, and such oath or affirmation may be administered by any member of the board. Power to examine on oath.

43. Any member of the board, duly authorized by it, may apply, in term or in vacation, to any judge of the superior court, for an order that a subpœna be issued from Mode of compelling evidence.

the court, commanding any person therein named to appear before the said board at the time and place mentioned in such subpœna, and then and there to testify to all matters within his knowledge relative to any account submitted to the board, and (if the board so desire) to bring with him and produce to the board any document, paper or thing, which he may have in his possession relative to any such account as aforesaid; and such subpœna shall issue accordingly upon the order of such judge.

Board may issue commissions to take evidence.

44. If by reason of the distance at which any person whose evidence is required by the board resides from the place where its sittings are held, or for any other cause, the board deem it advisable, they may issue a commission, under the hand and seals of any two members of the board, to any officer or person therein named, empowering him to take such evidence, and report the same to them; and such officer or person, being first sworn before some justice of the peace faithfully to execute the duty entrusted to him by such commission, shall, with regard to such evidence, have the same powers as the board, or any member thereof, would have had if such evidence had been taken before the board, and may, in like manner, apply to and obtain from any judge of the superior court, a subpœna for the purpose of compelling the attendance of any person, or the production of any document, paper or thing, before him; And such subpœna shall issue accordingly on the order of such judge, or such subpœna may issue on the application of any member of the board authorized to make such application, to compel such attendance, or the production of any document, paper or thing before such commissioner.

Power of commissioners.

Penalty for refusal to give evidence.

45. If any person so summoned to attend before the board of audit or any commissioner appointed as aforesaid, fails, without valid excuse, to attend accordingly,—or being commanded to produce any document, paper or thing in his possession, fails to produce the same,—or refuses to be sworn or to answer any lawful and pertinent question put to him by the board or by such commissioner, such person shall, for each such offence, incure a penalty of one hundred dollars, and may likewise be dealt with by the court out of which the subpœna issued, as having refused to obey the process of such court, and as being guilty of a contempt thereof.

SPECIAL DUTIES OF AUDITOR.

Duties of auditor.

46. The auditor shall see that no warrant issues for the payment of any public money for which there is no direct legislative appropriation, or in excess of any portion of such appropriation the expenditure of which has been

authorized by the lieutenant-governor in council; and he shall report to the lieutenant-governor in council, through the treasurer, any case in which a department or sub-accountant has expended money out of the proceeds of any accountable warrant, for any purpose for which there is no sufficient authority, or beyond the amount for which there is such authority.

47. No money warrant shall issue except upon the certificate of the auditor that there is legislative authority for the expenditure; but nevertheless: **No warrant to issue without his certificate.**

1. If upon any application for a warrant, the auditor has reported that there is no legislative authority for issuing it, and the written opinion of the law officer of the crown is then given that there is such authority, citing it, the treasurer may authorize the preparation of the warrant irrespectively of the auditor's report; **Except upon opinion of law officers.**

2. If, when the legislature is not in session, any accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen or provided for by the legislature is urgently and immediately required for the public good, then, upon the report of the treasurer that there is no legislative provision, and of the minister having charge of the particular service in question, that the necessity is urgent, the lieutenant-governor in council may order a special warrant to be prepared, for the issue of the amount estimated to be required; which warrant shall be signed by the lieutenant-governor himself, and the amount thereof shall be placed by the treasurer to a special account, against which warrants may issue from time to time in the usual form, as they may be required; **Or in certain cases of urgency.**

3. It shall be the duty of the auditor, in all such cases, to prepare a statement of all such legal opinions, reports of council and special warrants, and of all expenditure incurred in consequence thereof, which he shall deliver to the treasurer, who shall present the same to the legislature not later than the third day of the session thereof then next ensuing, **Auditor to prepare statement of such exceptional cases.**

48. If the auditor has refused to certify that a warrant may issue, on the ground that the money is not justly due, or that it is in excess of the authority granted by council, or for any reason other than that there is no legislative authority, then, upon a report of the board of audit on the case, the treasurer shall be the judge of the auditor's objection, and may sustain him or order the issue of the warrant, in his discretion. **Treasurer decide between auditor and board.**

LIABILITY OF PUBLIC ACCOUNTANTS AND REVENUE OFFICERS.

Penalty for failure to account.

49. If any person refuses or neglects to transmit any account, statement or return, with the proper vouchers, to the officer or department to whom he is lawfully required to transmit the same, on or before the day appointed for the transmission thereof, such person shall, for every such refusal or neglect, incur a penalty of one hundred dollars; and, in any action for the recovery of such sum, it shall be sufficient to prove, by any one witness or other evidence, that such account, statement or return ought to have been transmitted by the defendant, as alleged, and the onus of proving that the same was so transmitted shall rest upon the defendant.

Proof in suits to recover penalty.

50. Whenever the treasurer has reason to believe that any officer or person has received public money, or money applicable to any public purpose, and has not paid over or duly applied and accounted for the same,—he may direct a notice to such person, or to his representative in case of his death, requiring that, within a time therein named, and not less than thirty nor more than sixty days from the service of such notice, such money be paid over, or applied and accounted for to the treasurer or to the officer to be mentioned in the notice, with proper vouchers.

Notice to party failing to account for or pay over money.

Notice, how served.

2. Such notice shall be served by the sheriff of the district where the service is made, or his deputy, by delivering a copy to the person to whom it is addressed, or leaving it for him at his usual place of abode; and the return of the sheriff, of such service, shall be conclusive evidence thereof.

Proceedings if money be not paid over or accounted for within delay fixed by notice.

51. If any such person fails to pay over, apply or account for any such money, and to transmit such vouchers within the time limited by the notice served on him,—the treasurer shall state an account against such person in the matter to which the notice relates, charging interest from the service thereof, and shall deliver a copy thereof to the attorney-general, and such copy shall be sufficient evidence to support any proceeding for the recovery of the amount thus shewn to be in the hands of the defendant, as a debt due to the crown, saving his right to plead and give in evidence all such matters as may be legal and proper for his defence; and the defendant shall be liable to costs, whatever be the judgment, unless he proves that before the time limited in such notice, he paid over or applied and duly accounted for the money therein mentioned, and transmitted the proper vouchers, or unless he has been sued in a representative character, and is not personally liable for such money, or to render such account.

Costs.

52. Whenever any such person has transmitted an account, either before or after notice as aforesaid, but without vouchers, or with insufficient vouchers, for any sum for which he therein takes credit,—the treasurer may notify him, in the manner mentioned in the next preceding section but one, to transmit vouchers, or sufficient vouchers, within thirty days after the service of the notice; and if such vouchers are not transmitted within that time, the treasurer may state an account against him, disregarding the sums for which he has taken credit, but for which he has transmitted no vouchers or insufficient vouchers, and may deliver a copy of such account to the attorney-general, and such copy shall be sufficient evidence to support any proceeding for the recovery of the amount therein shewn to be in the hands of the defendant, saving his right to plead and give in evidence all such matters as may be legal and proper for his defence;—but such defendant shall be liable to costs, whatever be the judgment, unless the vouchers by him transmitted within the time limited by the notice served on him, or before such service, are found of themselves sufficient for his defence, and for his discharge from all sums demanded of him.

Notice and proceedings when account has been rendered without sufficient vouchers.

Costs.

2. The said notice shall be served and the sheriff's return of service shall be of the like effect as provided in section fifty with regard to the notice therein mentioned.

Notice, how served.

53. If at any time it appears clearly, by the books of accounts kept by or in the office of any revenue officer, or by his written acknowledgment or confession,—that he has by virtue of his office or employment received moneys belonging to Her Majesty, and amounting to a sum certain, which he has failed to pay over to the officer duly appointed to receive the same, and in the manner and at the time lawfully appointed,—then upon affidavit of the facts, by any officer cognizant thereof, and thereunto authorized by the lieutenant-governor in council, made before a judge of the superior court, such judge shall cause to be issued against the goods, chattels and lands of such officer, such writ or writs as might have issued out of such court, if the bond given by him had been put in suit, and judgment had been thereupon obtained, for a like sum, and any delay by law allowed between judgment and execution had expired; and such writ or writs shall be executed by the sheriff or other proper officer, and such sum as aforesaid shall be levied under them with costs, and all further proceedings shall be had, as if judgment as aforesaid had been actually obtained.

In certain cases execution may issue against defaulter without bringing suit.

54. If any person has received public money for the purpose of applying it to any specific purpose, and has not

Proceedings against per-

sons failing to apply public money.

so applied it within the time or in the manner provided by law,—or if any person having held any public office and having ceased to hold the same, has in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose for which he has not so applied it,—such person shall be deemed to have received such money for the crown for the public uses of the province, and may be notified by the treasurer to pay such sum back to him, and the same may be recovered from him, in any manner in which debts to the crown may be recovered,—and an equal sum may in the meantime be applied to the purpose to which such sum ought to have been applied.

Other money to be applied in the meantime.

Liability of officers causing loss to public revenue.

55. If by reason of any malfeasance, or of any gross carelessness or neglect of duty, by any revenue officer, any sum of money is lost to the crown,—such officer or person shall be accountable for such sum, as if he had collected and received the same, and it may be recovered from him on proof of such malfeasance, gross carelessness or neglect, in like manner as if he had so collected and received it.

Dismissal of officer receiving a bribe.

56. If any revenue officer receives directly or indirectly any money, service, value or thing whatever, from any person so legally authorized to pay or allow the same, on account of anything done by him in any way relating to his office or employment, except what he receives by order or with the permission of the lieutenant-governor in council,—every such officer shall, on proof to the satisfaction of the lieutenant-governor, be dismissed from his office or employment; and if any person not being an officer duly authorized to pay or allow the same, gives, offers or promises any such money, service, value or thing, he shall, for every such gift, offer or promise, incur a penalty of four hundred dollars.

Penalty against party bribing.

Books, documents, moneys, &c., held by officer as such defined to belong to the crown.

57. All books, papers, accounts and documents of what kind soever, kept or used by, or in the possession of any revenue officer by virtue of his employment as such, shall be deemed to be chattels belonging to Her Majesty,—and all moneys or valuable securities received or taken into his possession by virtue of his employment, shall be deemed to be moneys and valuable securities belonging to Her Majesty.

Penalty for refusal to deliver up the same.

2. If any such officer or person at any time refuses or fails to pay over or deliver up any such chattel, money or valuable security, to any officer or person who, being duly authorized by the lieutenant-governor in council, demands the same, he shall, for every such refusal or neglect, incur a penalty of one thousand dollars.

58. Nothing contained in this act shall prevent, lessen or impair any remedy already given by law to Her Majesty or any other party. This act not to impair any recourse already given.

MISCELLANEOUS PROVISIONS.

59. In all cases wherein any oath, affirmation or declaration is required by this act, or by any law relating to the revenue, or is necessary for the satisfaction or consideration of the lieutenant-governor in council, in any matter relating to the revenue, and no person is specially named before whom the same is to be made,—it may be made before any person appointed to receive the same by the lieutenant-governor, and such person shall administer such oath or affirmation or receive such declaration; and in any case or class of cases where an oath is required by this act or by any law in force, in any matter relating to the revenue, the lieutenant-governor in council may authorize the substitution for such oath, of a solemn affirmation or of a declaration, which shall then avail to all intents and purposes as such oath would have done. Who may administer oaths under this act. Affirmation instead of oath in certain cases.

60. Upon all examinations and enquiries made by order of the lieutenant-governor in council, for ascertaining the truth as to any fact concerning the revenue, or the conduct of revenue officers,—and upon like examinations and enquiries made by any person authorized by the lieutenant-governor in council to make the same,—any person to be examined as a witness shall deliver his testimony on oath, to be administered to him by the person making the examination or enquiry. Examinations to be under oath.

61. The lieutenant-governor, whenever he deems it conducive to the public good, and when great public inconvenience or great hardship and injustice to individuals would otherwise ensue, may remit any tax, duty or toll payable to Her Majesty, imposed or authorized either before or since the Union, and relating to any matter within the scope of the powers of this legislature, or any forfeiture or pecuniary penalty imposed or authorized to be imposed, for any contravention of the laws relating to the revenue or to the management of any public work producing toll or revenue, although any part of such forfeiture or penalty be given by law to the informer or prosecutor, or to any other party;—and such remission may be made by any general regulation or by any special order in any particular case, and may be total or partial, unconditional or conditional; but if conditional, and the condition be not performed, the order made in the case shall be null and void, and all proceedings may be had and taken as if it had not been made. Lieut.-gov. in certain cases may remit penalties, &c. Form of remission.

Statement of remissions to be submitted to legislature.

2. A detailed statement of all such remissions as aforesaid, shall be annually submitted to the several branches of the legislature, within the first fifteen days of the next ensuing session thereof.

Recovery of penalties.

62. The attorney-general may sue for and recover in Her Majesty's name any penalty or forfeiture imposed by any law relating to the revenue, or may direct the discontinuance of any suit for any such penalty or forfeiture, by whom or in whose name soever the same has been brought; and the whole of such penalty or forfeiture shall belong to Her Majesty for the public uses of the province, unless the lieutenant-governor in council do, as he may if he sees fit, allow any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered.

Application of penalties.

Appointments of officers prior to this act, and their duties, &c., to continue the same.

63. All commissions and appointments of revenue officers, issued or made before the passing of this act, whether before or after the Union, shall continue in force, unless and until revoked or altered by competent authority; and the nature of the duties and local extent of the powers of each office, shall, unless and until they be expressly altered, and so far as they are not inconsistent with any act of this legislature, remain the same as if granted or made under the authority of this act, subject always to the provisions and enactments thereof; and all bonds which have been given by such officers or persons, or their sureties, shall remain in full force and effect.

Con. stat. Can., c. 14 & 16, and 27 & 28 V., c. 6, partially repealed.

64. So much of chapters fourteen and sixteen of the consolidated statutes of the late province of Canada, or of chapter six of the acts of the legislature of the said province, passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, or of any other act or law in force in this province, as is inconsistent with this act or makes any provision in any matter provided for by this act other than such as is hereby made, is repealed, in so far as relates to matters subject to the control of this legislature.

Short title.

65. This act may be cited as "The Treasury Department Act."

ANNO [illegible]-SECUNDO

VICTORIÆ REGINÆ.

CAP. IX.

An Act respecting the Security to be given by Officers of the Province of Quebec.

[*Assented to 5th April*, 1869.]

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

Interpretation.

1. The following terms shall, in this act, unless the context otherwise requires, have the meanings hereby assigned to them, that is to say:

"Public officer."

The term "public officer" shall mean every person holding, or who may hereafter hold, or be appointed to, any office or employment, under the control of this province, which is remunerated out of the consolidated revenue fund of the province, or out of moneys provided by the legislature, or out of, or by, fees authorized by some public statute or by some order in council or departmental order made thereunder.

"Security."

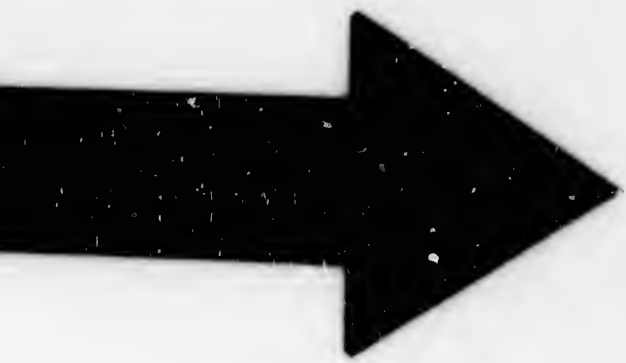
The word "security" shall mean security for the due performance by the public officer of any trust reposed in him, for his duly accounting for and paying over all public moneys entrusted to him, or under his control, and for the due fulfilment in every way of his duty, or of any obligation undertaken by him or legally imposed on him as such.

"Treasurer."

The word "treasurer" shall mean the treasurer of the province.

Public officers may be required to give security.

2. The lieutenant-governor in council may require any public officers, or classes of public officers, to give security, and may, by regulations or otherwise, determine the amount of such security, the time within which it shall be given, and the manner of receiving, recording and depositing the same; and may, from time to time, declare any security already given to be insufficient, and require other sufficient security to be given in lieu thereof.



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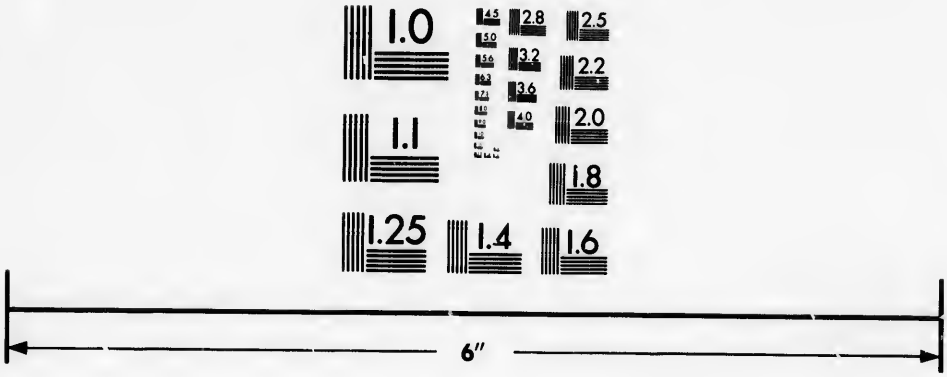

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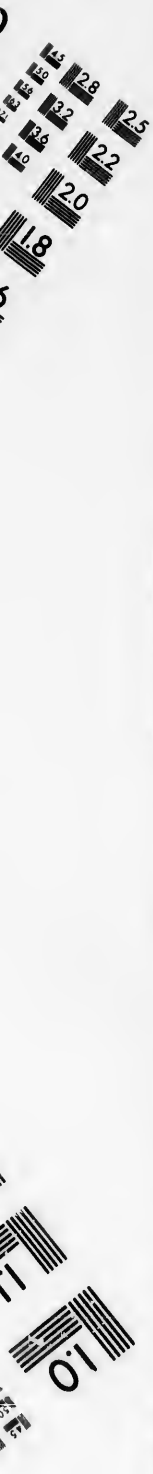
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What kind of security.

3. Such security may be either hypothecary security, deposit security, stock security, or guarantee security.

Hypothecary security.

Hypothecary security shall consist in a duly registered hypothecation of a sufficient property, by the public officer or by any surety for him, for the amount required, and in favor of the treasurer.

Deposit security.

Deposit security shall consist in the deposit in money of the amount of the security, by the public officer or by any surety for him, in the hands of the treasurer, or to the treasurer's credit in any bank approved by him.

Stock security.

Stock security shall consist of the transfer, to the treasurer, by the public officer or by any surety for him, of such debentures, stock or shares as the treasurer may approve of, and to the amount required.

Guarantee security.

Guarantee security shall consist in the bond or policy of guarantee, given in favor of the treasurer, by the European assurance society mentioned in the Imperial act, twenty-second Victoria, chapter twenty-five, or by any incorporated or joint stock company, incorporated and empowered for like purposes, and approved of by the lieutenant-governor in council.

Articles 2017, 2044, C. C. Effect of hypothecary security.

4. Notwithstanding articles 2017 and 2044 of the civil code, any hypothec given under this act shall be considered as a principal obligation for the stated amount thereof, and be valid although the amount recoverable for a breach of the security be contingent and uncertain in amount, and shall rank for any amount which may become recoverable under the security, from the date when such security was given.

Hypothec may be cancelled according to 2151 C. C.

5. The hypothec of any hypothecary security may be cancelled by means of the certificate of either of the law officers of the crown, and in accordance with article 2151 of the civil code.

Certificate for cancelling to be given within 6 months unless there has been a breach of the security.

6. In the case of the hypothecary security having been given by the public officer himself, and of the death of such officer, the certificate mentioned in the preceding article shall be granted within six months from such death, unless the treasurer is of opinion that there has been a breach of the security.

In the case of the hypothecary security having been given by a surety, and of the death of the public officer, or of the withdrawal of the surety, the said certificate shall be granted within six months from such death or from the notice of such withdrawal, as the case may be, unless the treasurer is of opinion that there has been a breach of the security.

7. In the case where deposit security or stock security shall have been given, all interest, dividends or profits whatever, arising from or payable on account of the moneys deposited, or the debentures, stock or shares transferred, shall continue to be payable to and recoverable by the person who has given such security, in the same manner as if such deposit or transfer had not been made.

Interest and profits of deposit or stock security to be payable to surety.

8. Notwithstanding and without prejudice to article 1954 of the civil code, any surety of a public officer may free himself, and the land, money, debentures, stock or shares given in security, from future liability under his suretyship, by giving at least three months previous notice to that effect to the treasurer.

1954, C. C. Surety may withdraw after 3 months notice.

9. No money, debentures, stock or shares, given in security under this act, shall, while such security lasts, be liable to seizure or attachment either before or after judgment.

Property given in security to be exempt from seizure.

10. In any action brought for the recovery of any sum due in virtue of any security in consequence of any breach thereof, the certificate of the treasurer shall be *primâ facie* evidence of such breach, and of such amount being due.

Certificate of treasurer to be evidence of breach.

11. It shall be the duty of the treasurer to enquire from time to time into the sufficiency of any security given under this act, and to report to the lieutenant-governor in council if the same shall have ceased to be sufficient.

Treasurer to enquire and report as to sufficiency of sureties.

12. Every public officer failing to give security in accordance with this act when duly required to do so, shall forfeit his office; but such forfeiture shall not annul or make void any act or thing done by him during the time he actually held such office; and the lieutenant-governor in council may remit the forfeiture in any case in which the failure to give security has not arisen from wilful neglect.

Forfeiture of office in default of security.

Remission of forfeiture in certain cases.

13. Any public officer giving security under this act shall not be bound to do so under any other act; and upon his giving security under this act, any other security already given shall cease for the future, but shall continue to avail for any liability previously incurred by reason of any breach thereof.

Security under this act to be sufficient.

14. The security given under this act shall enure preferentially to the treasurer, to cover any loss to the province arising from any breach thereof, and secondarily to any person who has suffered loss by reason of any such breach; and any such person having first obtained the authorization of one of the law officers of the crown may, for his own be-

To whose benefit security shall enure.

nefit, but at his own risk as regards costs, bring suit in the name of the treasurer for the recovery of his loss out of such security.

Person requiring authorization to sue as surety must give security

15. The authorization mentioned in the preceding article shall not be granted, unless the person applying for the same gives security, to the satisfaction of the law officer of the crown, for the payment of all costs that may be incurred by reason of his failure in any such suit, or in any proceeding therein.

Person authorised to sue may obtain copy of instrument of security.

Copy to be evidence.

16. Any person having such authorization may, on payment of such fee as may be chargeable, obtain from the officer having custody of the securities given under this act a copy of the document evidencing the particular security upon which he intends to bring suit. This copy shall be certified by such officer, and shall be authentic evidence of the security.

Treasurer to furnish statement of all securities given.

17. The treasurer shall cause to be prepared, for the information of the legislature, within fifteen days after the opening of every session thereof, a detailed statement of all bonds or securities given under this act, and of any changes or entries that have been made in reference to the names and residence of any securities, and of the amounts in which they have become severally liable, since the period of the previous return submitted to the legislature.

Securities already given to continue valid.

18. All bonds and securities heretofore given by any public officer, and his sureties, or any of them, under any law now in force in this province, shall be held to be and continue valid and binding, notwithstanding the changes effected by the British North America Act, 1867, until other security shall have been given in lieu thereof under this act, and even after such other security shall have been given, in so far as regards liabilities incurred for any breach of such bonds or securities; subject nevertheless to the right of the sureties therein named to relieve themselves from liability in the manner provided for that purpose by this act, or by the act under which such bonds or securities were given.

Personal name of treasurer need not be used.

19. In any document made, or suit brought, or other legal proceeding had, under this act, the personal name of the treasurer need not be used.

Commencement of this act.

20. This act shall come into force on such day as shall be fixed for that purpose by proclamation.

ANNO TRICESIMO-SEXTO

VICTORIÆ REGINÆ.

CAP. XV.

An Act respecting the Securities of certain Judicial Officers of the Province of Quebec.

[*Assented to 24th December*, 1872.]

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

The security to be given hereafter by certain officers shall be given under 32 V., c. 9.

1. All security required of sheriffs, prothonotaries of the superior court, clerks of the circuit court, registrars, coroners, and bailiffs of the superior court, under the law, in relation to the same, whether such security must be given in place of any other, or by reason of a new appointment to any of such offices, shall in future be given exclusively under the authority of the act thirty-second Victoria, chapter nine.

Without prejudice to previous laws as amount of security, &c.

2. The foregoing section shall be without prejudice to the provisions of law respecting such officers, in so far as the same relate to the amount of security to be furnished, to the delays within which it shall be given, and to the penalties imposed for the neglect to furnish such security, provided that such provisions be consistent with those of this act.

Amount of security to be given by certain officers.

3. The securities to be given by the officers hereinafter mentioned, shall, any law to the contrary notwithstanding, be for the amounts following, that is to say:

1. By the sheriff of the district of Montreal, twelve thousand dollars; by the sheriff of the district of Quebec, eight thousand dollars; by the sheriff of the district of Three Rivers, four thousand dollars; and by the sheriffs of the other districts, two thousand dollars each;

2. By the prothonotaries of the superior court for the districts of Quebec and Montreal, four thousand dollars each; and by those of the other districts, two thousand dollars each;

3. By the clerks of the circuit court, six hundred dollars each.

ORDERS IN COUNCIL.

Order in Council dated on the 3rd February, 1871, *as amended by Order in Council dated on the 19th June,* 1873.

PROVINCE OF QUEBEC.

EXECUTIVE COUNCIL CHAMBERS.

Quebec, 3rd February, 1871.

Present:

THE LIEUTENANT-GOVERNOR OF THE PROVINCE OF QUEBEC.

WHEREAS in section one hundred and ninety-six of the act passed at the last session of the legislature of this province, chapter two, intituled: "The Quebec License Act," the words "District" and "Revenue Office," are declared to mean and refer to "District" and "Revenue Officers" named and assigned by the lieutenant-governor in council, under the tenth section of the "Treasury Department Act," and that in order to carry out the provisions of the said "Quebec License Act," and to ensure the efficient collection of revenue and the proper attention of the revenue officers, and for their guidance and instructions in the performance of their duties, it is necessary that the province of Quebec be divided into districts, for revenue purposes, and that regulations be made for the due performance of the duties of the said revenue officers.

IT IS ORDERED that the said province of Quebec be divided into *twenty-four districts for revenue purposes*, to be described and named as follows:

Revenue District:—

Arthabaska.....To consist of the judicial district of Arthabaska:

Beauce.....To consist of the judicial district of Beauce;

Beauharnois.....To consist of the judicial district of Beauharnois;

Bedford.....To consist of the judicial district of Bedford;

Bonaventure..... To consist of the county of Bonaventure;

Chicoutimi.....To consist of the judicial district of Chicoutimi;

Gaspé.....To consist of the county of Gaspé, save and expect the Magdalen Islands;

Iberville.....To consist of the judicial district of Iberville;

Joliette.....To consist of the judicial district of Joliette;

Kamouraska.....To consist of the judicial district of Kamouraska, save and except the county of Témiscouata;

Magdalen Islands..To consist of that part of the district of Gaspé, known as the Magdalen Islands;

Montmagny.....To consist of the judicial district (1) of Montmagny, except the parish of Beaumont, now attached for revenue purposes to the Quebec district (2);

Montreal.....To consist of the judicial district of Montreal;

Ottawa.....To consist of the county of Ottawa, in the district of Ottawa;

Pontiac.....To consist of the county of Pontiac, in the district of Ottawa;

Quebec.....To consist of the judicial district (1) of Quebec and the parish of Beaumont;

Richelieu.....To consist of the judicial district of Richelieu;

Rimouski.....To consist of the judicial district of Rimouski;

Saguenay.....To consist of the judicial district of Saguenay;

St. Francis.....To consist of the judicial district of St. Francis;

St Hyacinthe.....To consist of the judicial district of St. Hyacinthe;

Témiscouata.....To consist of the county of Témiscouata, in the district of Kamouraska;

Terrebonne.....To consist of the judicial district of Terrebonne;

Three Rivers.....To consist of the judicial district of Three Rivers.

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(1) *As constituted before the coming into force of the act* 36 *V.*, *c.* 35.

(2) *In virtue of the Order in Council dated on the* 19*th June*, 1873.

And with regard to the above referred to allegations :—

IT IS ORDERED that the several officers hereafter to be named for any of the said revenue districts, shall be understood to be named for and assigned to act, for the respective districts as above described, and all revenue officers shall be guided by the requirements of the said Treasury Department Act, and those of any other acts in force, and by such orders of the lieutenant-governor in council, as are or may hereafter be passed, and of the treasurer of the province, as may from time to time be issued ;

That in case of any vacancy occurring in the office of any revenue officer, the treasurer of the Province shall have power to authorize any other revenue officer to act temporarily in any such district where a vacancy exists, and to perform all the duties thereof, until such vacancy shall be filled by the lieutenant-governor in council, in the usual way ;

That the usual fees and percentage shall be allowed to the collectors of inland revenue, respectively, for their services, as have heretofore been allowed and paid, subject however to the provisions of law, in that behalf, as to amount of remuneration and to holding any other office or employment, and also subject to such orders in council, as may hereafter be issued with respect thereto ;

That all revenue officers shall keep proper books of account, showing the number of licenses issued, the names of parties to whom licenses have been granted, the kind of license, the amount received for such license, and generally all such statements as may be directed by the treasurer, to be kept, and such books shall be open, at all times, for the inspection of such officer or officers as may be charged, from time to time, by him to inspect and report upon the same ;

That such instructions and orders as may, from time to time, be given to any revenue officer by the treasurer, as to the mode of keeping the books of account, as to rendering accounts of licenses issued and money received therefor, and as to payments of moneys into the treasury department, the inspection of houses and places of public entertainment, the publishing of lists of parties to whom licenses have been issued, annually or oftener, and any other matter or thing relating to the collection of revenue or appertaining thereto, shall be binding upon such revenue officers, and that it shall be their duty to obey and carry out the same ;

That the oath mentioned in section nine of the treasury department act, shall be taken by every revenue officer within thirty days after his appointment, and the same transmitted to the treasury department, which said oath may be administered by any justice of the peace residing in the district where the officer resides and to which he has been assigned.

FÉLIX FORTIER,
Clk. E. C.

PROVINCE OF QUEBEC.

EXECUTIVE COUNCIL DEPARTMENT,

Quebec, 15*th March*, 1871.

Present:

THE LIEUTENANT-GOVERNOR OF THE PROVINCE.

WHEREAS the Act passed at the last session of the Legislature of the Province, chapter two, intituled: "Quebec License Act," requires the appointment of the revenue officers for the Province of Quebec.

IT IS ORDERED that the Inland Revenue Collectors who are now in charge and acting as such, be continued as Inland Revenue Collectors for the respective districts for which they have heretofore acted, and are now acting as such, and that they be recognized and considered as Inland Revenue Collectors for this Province, under the laws now in force or which may hereafter come into force.

FÉLIX FORTIER,
Clerk, Executive Council.

Certified extract,
FÉLIX FORTIER.

REGULATIONS

For the receipt, conveyance, storage and delivery of Gunpowder, made by Order in Council of the 10*th May*, 1871, *and amended by Order in Council of the* 9*th August*, 1871, *under the authority of the Quebec License Act.*

No. 1.—The Revenue Officer, or any deputy or deputies appointed under section 138, of the said Quebec License Act, shall, from time to time, at any reasonable hour visit and enter any building or premises wherein gunpowder is stored or kept for sale, or wherein he has reason to believe it to be stored or kept, and shall report to the Treasury Department, Quebec, any infractions of the law or of these regulations, which he may have discovered in any such visit or inspection.

No. 2.—No gunpowder shall be conveyed through or along any street of either of the cities of Quebec and Montreal, unless contained in packages of the description hereinafter mentioned.

No. 3.—The vehicles carting gunpowder in the said cities of Quebec or Montreal, shall be kept at a distance of one hundred yards, at least, from each other.

No. 4.—No gunpowder over twenty-five pounds weight shall be conveyed and brought for being shipped on any vessel, railroad or conveyance of any kind, (within either of the said cities of Quebec or Montreal), unless the kegs containing the same be packed in boxes or casks, without any combustible material being used in the packing of the said boxes or casks.

No. 5.—No larger quantity than twenty-five pounds of gunpowder shall be in or upon any vessel, railroad or other means of shipping or transporting within either of the said cities of Quebec or Montreal, unless the kegs containing the same be packed in boxes or casks unbroken and well secured, will the word "Powder," written in large letters, on the outside thereof, and each box, cask or package shall moreover be marked on both ends or both sides with the word "Powder" in large letters, and no gunpowder shall be conveyed or transported in any vessel or upon any railway within the Province, without being packed as aforesaid, except in fire-proof railway cars, built expressly for the purpose of carrying gunpowder.

No. 6.—No gunpowder, except it be packed as mentioned in No. 5 of these regulations, shall be carried, conveyed or delivered at any place, or on board of any ship, vessel or railroad, within either of the cities of Quebec or Montreal, unless the said powder be carried or conveyed in vehicles which shall be duly numbered and approved of, in the manner hereinafter provided for, and which shall be of the following kinds or description, to wit: closed and covered vehicles, the tops and sides of which shall be securely covered with tarpaulin or oil cloth, and the body of such vehicles shall be fastened with no other kind of metal than copper, brass or zinc, the door of the said vehicles shall be closed at all times, excepting when powder is put into or removed from the said vehicles, and the word "Powder," in both the English and French languages, shall be painted in large letters, on each side of the said vehicles.

No. 7.—No such vehicles as described in No. 6 of these regulations, shall be used to carry or convey gunpowder or to deliver powder, until authority shall have been obtained, for each and every year, to that effect, and until the said vehicles shall have been duly registered, at the office of the Revenue Officer, and a certificate and number obtained from that Officer, for which certificate a fee of five dollars shall be paid.

The said number shall be fastened to the said vehicle in a conspicuous place, as shall be directed by the Revenue Officer.

No. 8.—No person shall be allowed to drive any such vehicles, without having previously obtained a permit from the Revenue Officer, who shall be entitled to a fee of one dollar for the same.

No. 9.—Large boxes, casks or packages containing kegs of gunpowder may be carted or conveyed on carts, trucks or waggons, such as are used for ordinary purposes (without requiring to be licensed), provided that the same shall be well secured and covered with a tarpaulin or oil cloth, sound and unbroken, with the word "Powder" written in large letters on the outside thereof, and each box, cask or package shall moreover be marked on both ends or both sides, with the word "Powder" in large letters.

No. 10.—No person whatever carting or handling gunpowder, shall have about his person or clothes, any lucifer matches or other substance of a dangerous or inflammable nature.

No. 11.—Packages, kegs or casks of powder shall be carefully carried to and from the vehicles employed in the conveyance of the same, and the said packages, kegs or casks while "*in transitu*" shall not be broken or opened, nor powder removed therefrom, and the same shall be carried as aforesaid and not rolled along the floor on the earth.

No. 12.—When gunpowder in larger quantity than twenty-five pounds, shall have arrived at its immediate destination, if within either of the said cities of Quebec or Montreal, it shall not be there detained for a longer period than is necessary to forward, repack and distribute the same, in conformity to these regulations, or send it to a licensed powder magazine, and in no instance exceeding four hours from the time of its arrival; otherwise it will be deemed to be stored within the meaning of the Statute of Quebec, 34 Vic., ch. 2.

No. 13.—Whenever gunpowder shall be found stored within either of the said cities of Quebec or Montreal, in a larger quantity than twenty-five pounds in weight, within any building or premises, against the provisions of the Statute, 34 Vict., ch. 2, the same shall be taken in charge by any member of the police force, by any Revenue Officer,

any of his deputies or person authorized by the latter, and transferred to a licensed powder magazine, if there be one in the vicinity, or otherwise kept in safe keeping, if there be not one, under any order of a recorder or judge of the sessions of the peace, or police or district magistrate, or a justice of the peace, until in case of conviction the fine hereafter mentioned, and costs of removal and taking care of said powder and costs of prosecution be paid, or until an order to release the same be granted by the justice or magistrate, before whom the charge has been brought.

No. 14.—Any person offending against any one of the provisions of these regulations shall be liable to a fine not exceeding two hundred dollars, for each offence.

So soon as Pov der Magazines are built near the cities of Montreal and Quebec respectively, in conformity to law, regulations will be made respecting the conveyance of powder to and from, a' the storage thereof therein.

The following shall be the price of Licenses for the sale or keeping for sale of gunpowder under sec. 126, 34 Vic., cap. 2, viz:

For a license to sell gunpowder in the cities of Quebec and Montreal, by wholesale and retail	$20.00
By retail only	8.00
In any city of the Province of Quebec, other than the cities of Quebec and Montreal, by wholesale and retail	10.00
By retail only	5.00
In any incorporated town, by wholesale and retail	5.00
By retail only	2.50
In county parts, by wholesale and retail	2.50
By retail only	1.00

Quantities over twenty-five pounds, or one dozen canisters, of one pound each, sold at any one time, shall be considered as wholesale, and lesser quantities than above mentioned as retail.

A fee of twenty-five cents, for each such license, shall be paid the revenue officer, in addition to the License fees mentioned above.

F. FORTIER,
Clerk Executive Council.

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