

The Provincial Statutes of Lower-Canada, Being the first session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 9

An Act to amend and continue for a limited time, a certain Act passed in the ninth year of the Reign of His late Majesty, intituled, "An Act further to regulate persons who keep Houses of Public Entertainment, and retail Spirituous Liquors, and for other purposes." (31st March, 1831.)

MOST GRACIOUS SOVEREIGN,

Whereas it is expedient to continue for a limited time and to amend, a certain Act passed in the ninth year of the Reign of His late Majesty, intituled, "An Act further to regulate persons who keep houses of public entertainment, and retail Spirituous Liquors, and for other purposes:" Be it therefore-enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North-America,' and to make further provision for the Government of the said Province;"—And it is hereby enacted by the authority of the same, that the said Act passed in the ninth year-of the Reign of His late Majesty, and intituled, "An Act further to regulate persons who keep houses of public entertainment, and retail Spirituous Liquors, and for other purposes," shall be and the same is hereby continued until the expiration of this Act and no longer.

II. And be it further enacted by the authority aforesaid, that no person shall receive a Licence to keep a House of Public Entertainment and to retail Spirituous Liquors therein, unless the Certificate of his being a fit and proper person to obtain such Licence, required by the Act hereby continued and amended, shall also state that he has entered into a Bond to His Majesty, before one or more Justices of the Peace, and jointly and severally with two sureties to the satisfaction of the persons granting such Certificate, for the payment of all penalties which such person-may be condemned to pay, for any offence against the provisions of the following Section of this Act, during the time for which such Licence shall be obtained.

III. And be it further enacted by the authorty aforesaid, that every person holding a Licence to keep a house of public entertainment, and to retail Spirituous Liquors therein, who shall at any hour refuse to receive any Traveller not residing within the Parish in which such house is situate, or who at any time shall not have in such house two good beds at least, for the accommodation of Travellers in addition to those used by the family, or shall not have in the stable attached to such house, convenient stalls for at least four horses, with a sufficient

quantity of hay and oats, may be prosecuted in the same manner and under the same provisions, and shall on conviction be subject to the same penalties and punishment, as are by law provided with respect to persons who retail Spirituous Liquors without a Licence for that purpose, and such penalties shall be levied, applied and accounted for, and such punishment awarded in the manner by Law provided with respect to those annexed to the offence last named:—Provided always, that if sufficient goods and chattles belonging to the person offending, shall not be found, the said penalties shall be levied of the goods and chattles of the persons who shall have become sureties for the payment thereof.

IV. Provided always and be it further enacted by the authorty aforesaid, that nothing herein contained, shall prevent the Justices of the Peace, in General Quarter Sessions, whensoever they shall deem it expedient so to do, for the Public benefit and that of Travellers, from granting Certificates for Licences for Houses of Public Entertainment on the Highway from Quebec to Pointe au Persil [Port-au-Persil] in the County of Saguenay, having previously ascertained that the morals and character of the applicant render him worthy to have a Licence, and. that such power shall not be exercised by the Quarter Session, unless it shall appear that the other persons hereby empowered to grant Certificates for Licences shall have unduly refused or withheld such Certificates.

V. And be it further enacted by the authority aforesaid, that upon complaint before any two Justices of the Peace, residing within the Parish, Seigniori [Seigneurie], or Township, of any offences against this Act, or against the Act continued by the present Act, such Justices may issue their summons under their hand and seal, enjoining the party complained of to appear before them and answer such complaint, and upon due proof of such offence by the evidence of any one or more credible witness or witnesses, other than the informer, such Justices shall adjudge that the Defendant has forfeited a penalty not exceeding ten pounds sterling, for his said offence, one moiety whereof to His Majesty, and the other to the informer, with costs and may levy such penalty and costs by warrant of distress to seize and sell the Defendant's goods and chattles in satisfaction of the judgment, and for want of sufficient distress, may issue their warrant to cause the Defendant to be apprehended and conveyed to the Gaol of the District there, to remain in safe custody until the said penalty and costs shall have been paid. Provided, always that no person shall be detained, in such custody longer than three months, by virtue of any such warrant.

VI. And whereas no fund has hitherto been provided for defraying the expenses and indemnifying persons prosecuting offenders against this Act for their loss of time. And it is necessary to make provision on the subject: Be it therefore further enacted by the authority aforesaid, that when any person shall have sued any such offender to conviction, and the goods and chattles of such offender shall have proved insufficient to cover the fine and costs and such expences and indemnification, it shall be lawful for the Court to order the Clerks of the Crown, and of the Peace, in their respective Districts, to pay to the prosecutor and witnesses, out of the Monies in their hands, as Fines and Penalties, such sum as the Court shall deem reasonable, not exceeding their actual bond fide expences, and a reasonable sum for their trouble and loss of time, which sum the Clerks of the Crown and of the Peace shall

pay upon such, order, and in case such fines and penalties are insufficient for the purpose, it shall be lawful, for the Governor, Lieutenant-Governor, or person administering the Government, by Warrant under his hand, from time to time, to cause to be paid into the hands of such Clerks of the Crown and Clerks of the Peace, such sum of money as shall be sufficient to enable them to pay to such Prosecutors and Witnesses the amount allowed them by virtue of this Act.

VII. And be it further enacted by the authority aforesaid, that every person possessing a House of Public Entertainment, who shall be convicted of any offence against this Act, or against the Act hereby continued and amended, shall thereby be deprived of his Licence, and become, incapable of holding any Licence for a like purpose, during the continuance of this Act.

VIII. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and thirty-four and no longer.

IX. And be it further enacted by the authority aforesaid, that every person, to whom shall be entrusted the expenditure of any portion of the Public Monies under the authority of this Act, shall make up detailed accounts of such expenditure shewing the sum advanced to the accountant, the sum actually expended, the balance (if any) remaining in his hands, and that every such account shall be supported by vouchers therein, distinctly referred to by numbers corresponding to the numbering of the Items in such account, and shall be made up to, and closed on the tenth day of April, and tenth day of October, in each year, during which such expenditure shall be made and shall be attested before a Justice of the Court of King's Bench, or a Justice, of the Peace, and shall be transmitted to the officer whose duty it shall be to receive such account within fifteen days next after the expiration of the said periods respectively.

X. And be it further enacted by the authority aforesaid, that the due application of the Monies expended under the authority, of this Act and of the fines and penalties received under the authority thereof, shall be accounted for to His Majesty, His Heirs and Successors, through the Lord's Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct.