

*Statutes of Upper-Canada, Passed in the third session of the seventh provincial parliament (1818).*  
From *The Provincial Statutes of Upper-Canada, Revised, Corrected, and Republished by Authority*  
(York, Samuel Smith, 1818)

58 George III – Chapter 2 (Session 3)

**An act to alter the laws now in force for granting licenses to innkeepers, and to give to the justices of the peace, in general quarter sessions assembled, for their respective districts, authority to regulate the duties hereafter to be paid on such licenses. (Passed 27th November, 1818.)**

Whereas it is expedient to repeal part of, and amend the laws now in force, regulating the manner of licensing public houses, and for the retaking of wine, brandy, rum, or any other spirituous liquors; be it 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 Upper Canada, constituted and assembled by virtue of and under the authority of an act passed in the parliament of Great Britain, entitled, "An act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, '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 by the authority of the same, That the third clause of an act of the parliament of this province passed in the thirty-fourth year of his Majesty's reign, entitled, "An act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without license;" also the second clause of an act passed in the thirty-sixth year of his Majesty's reign, entitled, "An act to amend an act, entitled, 'An act for regulating the manner of licensing public houses, and for the more easy convicting of persons selling spirituous liquors without license,'" also the third clause of an act of the parliament of this province passed in the forty-fifth year of his Majesty's reign, entitled, "An act for altering the time of issuing licenses for the keeping of a house or any other place of public entertainment, or for the retailing of wine, brandy, rum, or any other spirituous liquors, or for the having and using of stills for the purpose of distilling spirituous liquors," and for repealing so much of the fifth clause of an act passed in the forty-third year of his Majesty's reign, as relates to the periods of paying into the hands of the receiver general, the monies collected by the inspector of each and every district throughout this province for such licenses, and an act of the parliament of this province passed in the fifty-sixth year of his Majesty's reign, entitled, "An act to repeal part of, and to continue and amend an act passed in the fifty-fourth year of his Majesty's reign, entitled, 'An act for granting to his Majesty an additions duty on shop and tavern licenses,'" be, and the same are hereby repealed.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the justices of the peace in general quarter sessions assembled, in each and every district respectively, in this province, and they are hereby required at their meeting next before the fifth day of January in each and every year, except the present, to adjourn

the said court of general quarter sessions to the last Monday in the month of December, in which adjourned sessions the said justices shall have power to limit the number of inns and public houses in the respective districts, and then and there to hear and receive applications from all such persons as desire to take out licenses for opening inns or public houses within, their said several districts; and the said justices shall, upon hearing and receiving any application from any person, praying to have a license granted to him or her, inquire into the life, character, and behavior of the person so applying, and if it shall appear proper and necessary to the said justices, or a majority of them then and there assembled, to grant a certificate, and that the party applying is a sober, honest, and diligent person, and a good subject of our lord the King, the presiding magistrate shall then and there grant him or her a certificate under his hand and seal, which certificate shall enable the party so holding the same to apply for and take out a license, on or before the fifth day of January then next ensuing the date of such certificate, and that the said certificate shall be a proper and sufficient warrant for the inspectors of the several districts respectively to grant, and they are hereby required to grant, to the said person holding the said certificate, such license, on receiving payment of such duties as are imposed by this act, or hereafter may be imposed by law on the same, and that all the rules, regulations, restrictions, penalties, matters, and things which are by any act or acts of the legislature of this province in force, touching and concerning the applying for, allowing, granting, obtaining, or in any wise relating to the said licenses hereinbefore mentioned, except so far as they are varied or changed by this act, shall and are hereby extended to such licenses as aforesaid, any thing herein contained to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That the Justices of the Peace in each and every District respectively, shall have power and authority to assemble on the last Monday in December next, at the usual place for holding the Quarter Sessions in their respective Districts, for the purpose of carrying into effect the provisions of this Act for the present year, in the same manner and as effectually as they are authorised by this Act to adjourn the said Quarter Sessions to the first Monday in December, in each and every ensuing year, during the continuance thereof.

IV. And be it further enacted by the authority aforesaid, That on granting such certificate as aforesaid, it shall and may be lawful for the said justices, and they are hereby required to direct the inspectors of the several districts respectively, to receive from the person taking out any license for keeping such public house or inn, as aforesaid, such sum as they, or the majority of them assembled, as aforesaid, shall adjudge just and proper, according to the situation of such inn, Provided always, That it shall not be lawful for the said justices, or a majority of them, as aforesaid, to order or direct the said inspectors respectively, to receive for any such license, as aforesaid, a greater sum than twelve pounds ten shillings, or a lesser sum than one pound sixteen shillings, sterling, and the additional sum of twenty shillings, currency, now imposed by law, any law to the contrary thereof in anywise notwithstanding.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, not having obtained a license for keeping an inn or house of public entertainment, upon a certificate from the justices assembled on the last Monday in December, as aforesaid, for the purpose aforesaid, or from the adjourned quarter sessions in each and every year, during the continuance of this act, being desirous of keeping an inn or public-house, to apply for such certificate at any time during the year, to the justices of the district in which he resides, in general quarter sessions assembled, and it shall be lawful for the said justices to inquire into the character and behavior of the person applying, and if it shall appear to them expedient to increase the number of inns or public houses, and the party applying is qualified, as aforesaid, the presiding magistrate shall then and there grant a certificate, in manner and for the purpose, and under such regulations and restrictions, as are hereinbefore mentioned.

VI. And be it further enacted by the authority aforesaid, That it shall and maybe lawful, and it is hereby required, that the magistrates, at the time of granting such certificate, as aforesaid, shall make and frame rules and regulations for the observance of the several innkeepers in their respective districts, which rules and regulations the said innkeepers are to be bound by their recognizances to abide by; a copy of which rules and regulations, for the information of travellers, to be fixed in some conspicuous place in every house so licensed within the province.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the clerk of the peace in each and every district of this province, and he is hereby required to transmit quarterly to the inspector general of this province, a detailed statement of all orders of sessions, relative to duties to be taken by the said district inspector for any license granted under the authority of this act.

VIII. And be it further enacted by the authority aforesaid, That each of the said inspectors shall account for the monies in the same manner, and pay in the same to the receiver general at the same time he is now obliged to pay over all public monies which come to his hands, and in default of such account or payment, shall be liable to the penalties imposed by any law now in force requiring such account and payment.

IX. And be it further enacted by the authority aforesaid, That this act shall continue in force for two years, and from thence to the end of the then next ensuing session of the provincial parliament, and no longer.