

The Provincial Statutes of Lower-Canada, Being the fifth session of the Special Council, begun and holden at the City of Quebec, in the said Province of Lower Canada, the eleventh day of November, 1839. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

3 Victoria – Chapter 42 (Session 5)

An Ordinance to repeal in part, and to amend and to vnder permanent as amended, a certain Ordinance therein-mentioned, relative to Taverns and and Tavern Keepers, and to make further provision relative to the same subjects.

Whereas it is expedient to amend and render permanent a certain Ordinance passed in the second year of Her Majesty's Reign, and intituled, "An Ordinance to amend a certain Act therein mentioned, and to provide for the better regulation of Taverns and Tavern Keepers," and to make further provision with regard to the same subjects:— Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada," and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, and intituled, "An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada," and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that any complaint for any offence against any of the provisions of the Ordinance hereinbefore cited, may be prosecuted before any two Justices of the Peace, residing in the county in which the offence shall have been committed; and such Justices of the Peace shall, with regard to such offender, and to such offence, and to all the legal consequences thereof, have all the powers, authority and jurisdiction, vested with regard to the same in any two, Justices of the Peace residing within the Parish, Seigniorie [Seigneurie] or Township in which the offence may have been committed, by the seventeenth section of the said Ordinance: Provided always that no such offender shall, by such Justice of the Peace, be enjoined to appear or to answer such complaint, at any place out of the limits of the Parish, Seigniorie or Township in which the offence shall have been committed.

II. And be it further Ordained and Enacted by the authority aforesaid, that no person who shall, after the passing of this Ordinance, obtain a licence to retail wine, brandy, rum or other spirituous liquors, (commonly called a Grocer's or Store-keeper's licence,) but shall have no licence to keep a House of Public Entertainment and to retail spirituous liquors therein, shall under such licence, or under any pretext whatever, retail such wine, brandy, rum or other spirituous liquors in a less quantity than three half pints at one time, any law, statute or ordinance to the contrary notwithstanding; and any person or persons who shall

contravene the provisions of this section, shall thereby incur the same penalty, (to be sued for, recovered and levied in the same manner and under the same provisions) as, by the laws now in force in this Province, is imposed on any person or persons, selling wine, brandy, rum or other spirituous liquors without a licence.

III. And be it further Ordained and Enacted by the authority aforesaid, that the nineteenth section of the Ordinance hereinbefore cited and hereby amended, which said section is in the words following "And be it further Ordained and Enacted by the authority aforesaid, that every person keeping a house of Public Entertainment, who shall be convicted of any offence against this Ordinance, shall be thereby deprived of his licence, which shall by such conviction alone, be cancelled and annulled, and such person shall be incapable of holding any licence for a like purpose during the continuance of this Ordinance," shall be and the said section is hereby repealed.

IV. And whereas it appears that from insufficient information laid before the Justices of the Peace, residing in the City of Montreal and the Suburbs or Banlieu thereof, at and before their Special Session held between the twentieth and thirtieth days of January one thousand eight hundred and forty, the said Justices were induced to refuse certificates of qualification for keeping houses of Public Entertainment and retailing spirituous liquors therein, according to the provisions of the second section of the Ordinance above cited, to divers persons to whom they would otherwise have granted such certificates; for remedy thereof and for the relief of the persons to whom certificates were so refused as aforesaid; Be it further Ordained and Enacted by the authority aforesaid, that it shall and may be lawful for the Justices of the Peace residing in the said City of Montreal, and the Suburbs or Banlieu thereof, at a Special Session which they are hereby authorized to hold on some day in the month of July, in the present year one thousand eight hundred and forty, to grant certificates of qualification for keeping houses of Public Entertainment, and for retailing spirituous liquors therein, to all persons to whom they were induced by insufficient information to refuse such certificates at the said Special Session held in the month of January one thousand eight hundred and forty; and the certificates to be so granted shall have the same force and effect until the twentieth day of May one thousand eight hundred and forty-one, as if they had been granted at the said Special Session in the said month of January one thousand eight hundred and forty; any thing in the said Ordinance to the contrary notwithstanding.

V. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance and the Ordinance hereinbefore cited as hereby amended, shall be and are hereby made permanent, and shall remain in force until repealed or altered by competent authority.

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Twenty-

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fifth day of June, in the Fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,
W. B. LINDSAY,
Clerk Special Council.