

The Provincial Statutes of Lower-Canada, Being the sixth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fifth day of November, 1840, and ending the ninth day of February, 1841. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 28 (Session 6)

An Ordinance to amend the Law relative to the granting of Licences to keep houses of public entertainment, and to enable the Magistrates resident in the City of Montreal, to hold another special session for granting certificates, on which such Licences may be granted during the present year.

Whereas it is expedient to amend the Law relative to the granting of Licences to keep houses of public entertainment, by extending that provision of the Law by which such Licences may in certain cases be granted by the Person Administering the Government, without the certificates required in other cases: Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower-Canada, by and with the advice and consent of the Special Council for the affairs of this 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, intituled, "An Act to amend an Act of the last Session of Parliament, for making 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 third and fourth years of the Reign of Her present Majesty, intituled, "An Act to Re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada;" and it is hereby Ordained and Enacted by the authority of the same, and by virtue of the powers in them vested by the said Acts of Parliament, that from and after the passing of this Ordinance it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province to grant a licence to keep a house of public entertainment and to retail spirituous liquors therein, to any person or persons, if it shall appear to his satisfaction that such Licence ought to be so granted, although such person or persons may have failed to obtain any certificate heretofore required before such Licence could be granted; and any Licence granted under the provisions of this Ordinance shall have the same effect to all intents and purposes whatever, as if it had been granted on such certificate as aforesaid; any thing in 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," or in any other Ordinance, statute or law to the contrary notwithstanding: Provided always, that no Licence shall under the provisions of this Ordinance be granted to any person who shall not during the then current year have taken an oath in the form of the Schedule A, to the said Ordinance annexed, and that no such

Licence shall be granted for any period extending beyond the twentieth day of May in the year next after that in which such Licence shall be granted.

II. Provided always, and be it further Ordained and Enacted, that the same duty shall be payable on and for any Licence granted under the authority of this Ordinance, as if such Licence had been granted under the provisions of the Ordinance last cited, and that nothing in this Ordinance shall extend or be construed to extend to repeal, alter or affect any part of the said Ordinance or any Act, Ordinance or Law relative to persons keeping houses of public entertainment or retailing spirituous liquors except only in so far as the same may be repugnant to or inconsistent with the express enactments of this Ordinance.

III. And for the relief of certain persons to whom certificates were not granted by the Justices of the Peace resident in the City of Montreal, during their Special Session held between the twentieth and thirtieth days of January in the present year, be it further Ordained and Enacted, that it shall and may be lawful for the Justices of the Peace residing in the said City of Montreal, and the suburbs and banlieue thereof, at a Special Session which they are hereby authorized to hold on any day during the month of March in the present year of our Lord one thousand eight hundred and forty one, 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 Special Session held in the month of January in the present year; and the certificates which may be so granted shall have the same force and effect until the twentieth day of May in the year one thousand eight hundred and forty two, as if they had been granted at the said Special Session in the said month of January, in the present year; any thing in the Ordinance herein first above cited or in any other Ordinance or Law to the contrary notwithstanding.

SYDENHAM.

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 Sixth day of February, 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-one.

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