

C H A P. VI.

An Act for further altering and amending an Act passed in the thirty-third year of His Majesty's Reign, intituled, "*An Act to encourage the DESTROYING of WOLVES and BEARS in different parts of this Province.*"

[*Repealed by 47 Geo. III. c 2.*]

C H A P. VII.

An Act to repeal for a limited time, part of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, "*An Act for the REGULATION of JURIES.*"

[*Expired, 16th March, 1808.*]

C H A P. VIII.

An Act to authorize the ATTORNEYS now Practicing, or hereafter to be duly admitted to Practice, to take such number of CLERKS as therein mentioned.

[*See 47th Geo. III. c 5.*]

C H A P. IX.

An Act for the better securing to His Majesty, His Heirs and Successors, the due COLLECTION and RECEIPT of certain DUTIES therein mentioned.

[*5th March, 1803.*]

Preamble.

WHEREAS the regulations and usages which have heretofore been established and hitherto observed in the issuing of Licences to persons to sell by Retail, Wine and Spirituous Liquors, or to use and employ Stills for the Distillation of Spirituous Liquors, have been found dilatory and circuitous, and thereby injurious to His Majesty's revenue arising therefrom, for remedy thereof, 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 Upper-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*

more effectual provision for the Government of the Province of Québec in North America, and to make further provision for the Government of the said Province," and by the authority of the same; That from and after the fifth day of April now next ensuing, such parts and so much of five several Acts, which heretofore have passed in the Parliament of this Province, that is to say, an Act passed in the thirty-third year of His Majesty's Reign, intituled, "An Act to establish a further fund, for the payment of the Salaries of the Officers of the Legislative Council and the House of Assembly, and for defraying the Contingent expences thereof;" an Act passed in the thirty-fourth year of His Majesty's reign, intituled, "An Act to lay and collect a Duty upon Stills;" an Act passed in the same thirty-fourth year of His Majesty's reign, intituled, "An Act for regulating the manner of Licencing Public Houses, and for the more easy convicting of persons selling Spirituous Liquors without Licence;" an Act passed in the thirty-sixth year of His Majesty's reign, intituled, "An Act to amend an Act, intituled, 'An Act for regulating the manner of Licencing Public Houses, and for the more easy convicting of Persons selling Spirituous Liquors without Licence;" and an Act passed in the thirty-seventh year of His Majesty's reign, intituled, "An Act to increase the revenue, and to compel the accounting more regularly for the same to the Treasurer of the Province," as regard, or in any wise respect the Secretary of the Province, his Agents or Deputies, or any of them, or which authorize the said Secretary, his Agents or Deputies, or any of them, to receive; distribute, or account for any Licence or Licences, issued by the Governor, Lieutenant Governor, or Person Administering the Government for the time being, for the purposes and to the intents in the said several five last recited Acts; or in any of them mentioned and contained; or which require or direct any application or written requisition to be made to the said Secretary, his Deputies or Agents, or any of them, touching, or in any wise concerning any purpose, matter or thing in such Acts, or any of them, contained, shall cease and determine, and shall be, and the same are hereby severally and respectively repealed accordingly.

Repeal of former Acts.

33d Geo. III. c 18
 —34 c 11—34 c 12—
 36 c 3 & 37 c 11,

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, from time to time, and all times hereafter during the continuance of this Act, to and for the Governor, Lieutenant Governor, or Person Administering the Government in this Province for the time being, by an instrument in writing under his hand and seal, to authorize, commission and appoint, during pleasure, in each and every District in this Province, some fit and discreet person to be Inspector, who shall, in the District for which he shall be so appointed, superintend, collect and account for (as herein after provided) His Majesty's revenue, arising from and by such Licence or Licences, as from and after the said fifth day of April now next ensuing, shall and may at any time or times thereafter, issue to any person or persons within the District in which such person shall be so appointed Inspector to or for any of the purposes, ends or intents in the said last five recited Acts, or in any one of them mentioned or contained, which Inspectors, when so authorized, commissioned and appointed as aforesaid, shall severally, within their respective Districts, have, hold, and possess all and singular the powers and authorities, and shall, and are hereby severally required to exercise, perform and fulfil, all and singular the duties required of or imposed upon the said
 Secretary

Inspectors to be appointed in each District

Secretary of the Province, his Deputies or Agents, or any of them, by any of the said last five recited Acts, except so far as such duties are varied, or are otherwise provided for by this Act.

Mode of obtaining Licences.

III. *And be it further enacted by the authority aforesaid,* That in all cases not otherwise provided for in and by this Act, each and every person desirous of obtaining a Licence or Licences, under the provisions of the said last five recited Acts, or any of them, shall, under the respective restrictions and penalties therein severally specified and contained, and in manner and form therein and thereby respectively directed, make such application, and in and by a written requisition, furnish such specification to the Inspector of the District wherein any such applicant may be desirous of being licenced, as in and by any of the said Acts it is specified, directed and provided to be made or done to the said Secretary, his Agents or Deputies, or any of them.

Inspectors to ascertain persons selling Wine or Spirits without Licence, or using Stills without licence or larger stills than those licenced, and to proceed against offenders.

(See 44th Geo. III. c 7.)

IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of each and every Inspector to be appointed under and by virtue of this Act, in the District in which he shall reside, and each and every of them is hereby required to ascertain by every means in his power, whether there is or are any person or persons in such District, who sell, vend, or barter, directly or indirectly, any Wine or Spirituous Liquors by retail without a Licence, or who shall have in his, her, or their possession any still or stills, used in distilling any Spirituous Liquors, without licence for so doing, or whether any person or persons having received a licence for any still or stills, do make use of any still or stills other than such as shall have been so licenced, or shall use any still or stills of greater capacity than such as shall have been specified by the person or persons using the same to the said Inspector, and if it shall appear to the said Inspector that there is, or are any such person or persons selling any Wine or Spirituous Liquors without licence, by retail, or shall have in his, her or their possession, and shall use any still or stills without licence, or shall use any larger still or stills than such as shall have been licenced as aforesaid, the said Inspector is hereby authorised and required to proceed against such offender or offenders, in the same manner and form as any complainant is directed in the before recited Acts, or any of them, and such offender or offenders shall be convicted in the same manner and form, and be subject to the same pains and penalties, as directed and imposed by the said before recited Acts, or any of them, and the said penalty and penalties so inflicted or imposed, shall be disposed of and paid in the same manner as directed and required by the said Acts, or any of them.

Inspector of the District to render account to the Inspector General of the Province.

V.—[*Repealed by 56th Geo. III. c 3, s 1.*]

Allowance to the Inspector of the District.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for each and every Inspector, out of all and every the sum or sums of money which under and by virtue of this Act he shall collect, receive and account for, from any person or persons to be licenced to sell or distil any Spirituous Liquors under and by virtue of the before recited Acts, or any of them, to take and retain, over and above such sum or sums of money as is, or are herein after allowed him, to his own use and benefit,

a sum not exceeding ten pounds for every hundred pounds which he shall so collect, receive and pay, or cause to be paid, into the hands of the Receiver General of the Province, as herein before directed, and so in proportion for every greater or lesser sum.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for, and each and every Inspector who shall be appointed under and by virtue of this Act, is hereby required, before he shall enter upon the execution of his said office, to take and subscribe the following Oath, which Oath shall be taken before any two of His Majesty's Justices of the Peace in and for the District in which such Inspector shall be so appointed, who are hereby authorised and required to administer the same, and to transmit a certificate of such Inspector having taken such Oath before them, to the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being :

Inspector of each District to take

I A. B. do swear on the Holy Evangelists of Almighty God, that I will well and truly execute, do and perform the duty of Inspector of His Majesty's Revenue arising from Shop, Tavern and Still Licences, and will duly and impartially superintend the Collection thereof, according to the best of my skill and knowledge, and in all cases of fraud, or suspicion of fraud, that shall come to my knowledge, I will spare no person from favor or affection; nor will I aggrieve any person from hatred or ill will; and that I will in all cases faithfully do, execute and perform, to the best of my skill and knowledge, all and every the duties imposed upon me by an Act passed in the Provincial Parliament, in the forty-third year of His Majesty's Reign, intituled, "An Act for the better securing to His Majesty, his Heirs and Successors, the due Collection and Receipt of certain Duties therein mentioned."

Oath:

Provided always, and be it further enacted by the authority aforesaid, That no Inspector to be appointed under and by virtue of this Act, shall enter upon the execution of his office, until he shall have given security by two sureties, in two hundred and fifty pounds each, and himself in five hundred pounds, to His Majesty, his Heirs and Successors, for the due performance of his office.

Inspector of the District to give security.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for each and every Inspector to be appointed under and by virtue of this Act, and he is hereby allowed to demand and to take the following Fees:—For filing every requisition for a Still Licence, one shilling and three pence;—For issuing the Licence, two shillings and six-pence;—For filing the certificate of the Magistrates and Clerk of the Peace to the person requiring Tavern Licence, one shilling and three-pence;—For issuing the Licence, two shillings and six-pence;—For issuing a Shop Licence, two shillings and six-pence. Any thing contained in the said before recited Acts, or any of them, or in any other law, usage or regulation, to the contrary in anywise notwithstanding.

Fees to the District Inspector.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Secretary of the Governor, Lieutenant Governor, or

Fees to the Lieutenant Governor's Secretary.

Person Administering the Government of this Province, to demand and take the sum of forty shillings, on delivery of each and every commission granted under and by virtue of this Act.

Continuance of this Act.
(Continued by 46th Geo. III. c 6.
Perpetual by 48th Geo. III. c 8.
See 56th Geo. III. c 3.)

X. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue to be in force for and during two years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

C H A P. X.

An Act to extend the Provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, "*An Act to restrain the custom of permitting HORNED CATTLE, HORSES, SHEEP and SWINE to run at large.*"

[5th March, 1803.]

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, 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 by the authority of the same, That whenever any Horses, Cattle, Sheep or Swine, taken damage feasant, or running at large contrary to law, shall be impounded in the pound of any township, parish or place, it shall be the duty of the pound-keeper to feed the same, for doing which he shall be entitled to an allowance over and above his fees as pound-keeper, which allowance shall be from time to time regulated by the Justices in Quarter Sessions.

Whenever any horses, cattle, sheep or swine taken, they may be impounded, &c.

The pound-keeper within 48 hours to give notice of sale, &c.

* II. *And be it enacted by the authority aforesaid,* That in all such cases, the pound-keeper, within forty eight hours after the distress shall have been impounded, shall cause a notice thereof in writing to be affixed in three of the most conspicuous and frequented parts of the Township, parish, or place, which notice shall give a description of such distress, and specify when and where the said distress was intended to be sold; and if the owner of such distress, or some person on his behalf, shall not, within fifteen days after such notice shall have been so affixed, redeem the same by paying the charges of the pound-keeper, and also by paying or tendering the damages or penalty, if any, at the place where the pound is kept, it shall and may be lawful to and for such pound-keeper to cause such distress, or so much of the said distress to be sold, and after deducting in the first place his own charges, to pay the damages or penalty, if any, to the person entitled thereto, and after payment of such charges, damage or penalty, to return the surplus, if any, to the owner.