

Alterations and Ammendments thereto made by this Act, is hereby continued in force for two Years from and after the Expiration of the said Act, and to the End of the then next Session of the General Assembly.

## C A P. VI.

*An ACT* for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed.

*E* it enacted by the Lieutenant Governor, Council, and Assembly, That from and after the Publication hereof, if any Person or Persons whatsoever within this Province, either by themselves, or their Wives, or any of their Children or known or reputed Servants, or Substitutes under them, directly or indirectly, in any House, Shop, Warehouse, or other Place whatsoever, belonging to the Father or Mother of such Child or Children, or to the known or reputed Master or Mistress of such Servant or Substitute, shall sell, barter or exchange, or deliver upon Credit, any Rum, Brandy, Wine, Ale, Cyder, Perry, or other strong Liquors, mixt or unmixt, by whatsoever Name or Names they are or may be called or distinguished, without License first had and obtained for that Purpose, in Manner and Form as herein after directed; whether such Wife, Child, Children, Servant, or Substitute, so sold, bartered or exchanged, or delivered the same, or not, by the Commandment of such Father, Mother, Master, or Mistress; or shall hawk, sell, or expose to Sale, barter or exchange, or deliver upon Credit, any such Liquors, mixt or unmixt, by whatsoever Name or Names they are or may be called or distinguished, about the Streets, Wharves, Highways, Lanes, or Suburbs of the Town of *Halifax*, or any Town or Place whatsoever within this Province, in any Manner whatsoever, or upon the Water, in any Ship, Boat, or Vessel, or in any other Manner whatsoever; or shall deliver upon Credit, or sell, or barter, or exchange, or expose the same to sale on any Bulk or Bulks, Stall or Stalls, or in any Shed or Sheds, or on or in any other Place or Places, the Father or Mother of such Child or Children, the reputed Master or Mistress of such Servants or Substitutes, shall forfeit for every Offence the Sum of Ten Pounds Currency of this Province; and it shall and may be lawful for any two Justices of the Peace within this Province, on their own View, or on Confession of the Party, or by Proof on the Oath of one credible Witness, to convict any Person or Persons so offending; and the Person or Persons so convicted shall immediately on such and every other like Conviction, pay the Sum of Ten Pounds, into the Hands of such Justices; and on such Offender

Persons selling, &c. any Rum, &c. by themselves or their Wives, &c. in any House, &c. without License,

shall forfeit £10.

fender or Offenders refusing or neglecting to pay the said Sum, together with the Charges of Prosecution, it shall and may be lawful for such Justices to issue a Warrant under their Hands and Seals, for the levying the same by Distress and Sale of the Offender's Goods and Chattels; and if no sufficient Distress can be found, then the said Justices shall by Warrant under their Hands and Seals commit the Offender or Offenders to his Majesty's Gaol, within the County where the Offence shall be committed, there to remain in close Confinement for the Space of three Months, or until he or she shall have fully paid and satisfied the said Fine and Charges as aforesaid. *Provided* that all Prosecutions in pursuance of this Act, shall be made within three Months after the Offence committed.

or suffer three Months Imprisonment. Prosecution to be within three Months,

II. *And be it further Enacted*, That any Person having License to sell any Spirituous Liquors, Wine, Ale, Beer, Cyder, or Perry, shall within ten Days after obtaining such License, hang out a Sign or Inscription with their Names thereon, setting forth that Spirituous Liquors are there to be sold by License, on pain of forfeiting Five Pounds for each and every such Neglect.

Licensed Persons to hang out Signs.

on penalty of £5.

III. *And be it also further Enacted*, that if any Person or Persons, not having obtained License therefor, shall presume to hang out, or suffer to remain, any Sign or any Inscription whatsoever, importing that Rum, or other distilled Spirituous Liquors, Wine, Ale, Beer, Cyder, or Perry are there sold, otherwise than by Wholesale; upon Proof thereof in Manner and Form herein described, such Person shall be subject and liable to the like Penalties and Forfeitures, as Persons convicted of selling Spirituous Liquors without License.

Unlicensed Persons, hanging out Signs, &c. liable to the same Penalties as Persons selling without License.

IV. *And be it Enacted*, That if any Person or Persons, either by themselves, or their Wives, or any of their Children, or known or reputed Servants or Substitutes under them, directly or indirectly, shall presume to sell any Rum, Brandy, Wine, Ale, Cyder, Perry, or other strong Liquors, mixed or unmixed, by whatsoever Name or Names they are or may be called or distinguished, by virtue of, or under Pretence of License obtained as in this Act is directed, in any other Place than at the House or Place where such Person or Persons themselves shall, *Bona fide*, actually and constantly reside and dwell, upon Conviction thereof, such Person or Persons shall be subject and liable to the like Pains and Penalties, as Persons convicted of selling Spirituous Liquors without License, and the same shall and may be prosecuted for, paid, levied, and disposed of, in like manner as is directed by this Act.

Any Person selling Rum &c. by Virtue of one License, in more than one House, shall be liable to the same Penalties as Persons selling without License.

V. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend to prevent or debar any Merchant, Shopkeeper, or other Person not licensed to retail Rum or other distilled

Not to extend to Persons selling in any Quantity more than five Gallons.

distilled Spirituous Liquors, Wine, Ale, Beer, Cyder, or Perry, from selling any Quantity of such Liquors, not less than Five Gallons delivered at one and the same Time.

Clerk of the Licenses to prosecute Offenders.

VI. *And be it Enacted*, That from and after the Publication of this Act, the Clerk of the Licenses shall be, and is hereby empowered and required to make diligent Enquiry after, and prosecute any Person or Persons, who shall presume to retail any Kind of Spirituous Liquors, contrary to the Intent and Meaning of this Act, or that shall offend in any of the Particulars therein contained.

Licensed Persons at Halifax, to pay Six Pounds per Ann. in other Places Four Pounds per Ann.

VII. *And Whereas the opening a Communication through the Province by making Highways, Roads and Bridges, and keeping the same in Repair, are highly necessary; We do therefore grant unto his Most Excellent Majesty, His Heirs, and Successors, the Duties hereafter specified, for the Purposes herein mentioned: Be it therefore Enacted*, That from and after the First Day of January, which will be in the Year of Our Lord One Thousand Seven Hundred and Sixty Nine, there shall be paid by every Person, who shall have License to retail Wine, Beer, Ale, Cyder, or Perry, Rum, or other distilled Spirituous Liquors, within the Peninsula of Halifax, to the Clerk of the Licenses, over and above his customary Fees for making out Licenses and taking Bonds, the Sum of Six Pounds per Annum, to be paid quarterly, Three Months in Advance; and that there shall be paid by every Person, who shall obtain License in every other Town and Place within the Province, Four Pounds per Annum, to be paid quarterly and in Advance as aforesaid.

Licenses to be granted by the Governor &c.

Licensed Persons to give Bond in £20. to observe the Laws &c.

VIII. *And for the better securing the Payment of the Duties imposed by this Act, Be it enacted*, That all Persons purposing to take out Licenses for selling Spirituous Liquors, shall apply to the Governor, Lieutenant Governor, or Commander in Chief for the Time being, who are hereby authorized and empowered to grant the same; previous whereto every Person, so to be licensed, shall first give Bond with one sufficient Surety, to the Clerk of the Licenses in the County or District where such Person shall reside, in the Sum of Twenty Pounds, that he, she or they shall well and truly comply with and yield Obedience to the Laws of this Province, already made or to be hereafter made in relation to Persons licensed to sell Liquors, and shall keep and maintain good Order in said Tavern or House of Public Entertainment, and shall not suffer the using any unlawful Games therein, and shall duly pay into the Hands of the Clerk of the Licenses, his, her, and their Quarterly Payment, within ten Days after such Payment shall become due as aforesaid; for which the Clerk of the Licenses shall receive as his Fees, from each Person so licensed, Five Shillings and no more.

IX. *Provided always*, That it shall be in the Power of the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to grant Licenses *Gratis*, as an Encouragement to any Person or Persons keeping Houses of Entertainment on the Public Roads for the Accommodation of Travellers.

Licenses may be granted *Gratis*, to Persons on Public Roads

X. *And be it further Enacted*, That all the Monies arising from the Conviction of any Person or Persons for the Breach of any Part of this Act, shall, after deducting the Charges of Prosecution, be paid by the Justices before whom the same shall be recovered, two third Parts to the Person or Persons who shall inform and sue for the same, and the remaining one Third Part to the Clerk of the Licenses, and to be by him accounted for at the Treasury, with the Duties he receives in virtue of this Act.

Application of Fines

XI. *And be it Enacted*, That when an Information shall be made against any Person or Persons offending against this Act, and any Person or Persons shall be summoned to give Evidence relative thereto, and that such Person or Persons so summoned, shall neglect or refuse to give his or her Attendance at the Time and Place mentioned in the Summons, not having any just or reasonable cause therefor, to be allowed of by the Justices before whom such Information shall be made, or wilfully withdraw himself or herself before sworn, or shall wilfully refuse to be sworn, or shall refuse to give his or her Evidence; in every such Case the Party so offending shall forfeit and pay the Sum of Five Pounds, to be levied by Warrant of Distress and Sale, from the said Justices, on the Offenders Goods and Chattels, and to be applied to the Use of the Poor of the Town, where such Offence shall be committed, and to be paid by such Justices to the Overseers of the Poor of the said Town; and for Want of such Distress, such Person or Persons shall be committed to Goal, there to remain for the Space of One Month, or until the said Sum of Five Pounds shall be paid.

Witnesses refusing to attend &c.

Shall forfeit £5.

XII *Provided nevertheless*, That no Person shall be obliged to give Evidence, on any Information, before such Person be paid or secured their reasonable Charges for Attendance, to be allowed of and ordered by such Justice.

Witnesses to be paid their Charges;

XIII. *And be it further Enacted*, That the Money arising from the Duties to be paid by every Retailer of Wine, Beer, Rum or other distilled Spirituous Liquors, on their obtaining a License for that Purpose, and also the Fines incurred by this Act, shall be forthwith paid by the Clerk of the Licenses, after deducting Five Pounds *per Cent.* for his Trouble, into the Hands of the Treasurer of the Province; which Money is hereby appropriated to and for the making, opening and repairing the publick Roads through the Province; and that such making, opening and repairing, shall be under the Direction of the Governor, Lieutenant Governor, or Commander in Chief of this Province.

Monies arising from the Duties, to be applied to the making and repairing publick Roads.

XIV. *And*

Licenses to be in force for two Years only.

XIV. *And be it also further Enacted*, That all Licenses granted by Virtue of this Act, shall not continue or be in force for a longer Time than Two Years after their Dates respectively; and any Person or Persons who shall continue to sell for a longer Time, without taking out a new License, such Person or Persons shall be deemed as selling without License, and shall forfeit and pay the Sum of Ten Pounds for each Offence, to be sued for and recovered as herein before directed, and to be appropriated as aforesaid.

Licenses granted before this Act, to be in force till the 31<sup>st</sup> December next.

XV. *And be it Enacted*, That all Licenses granted before the Publication of this Act, shall continue and be in force until the Thirty First Day of December next, and no longer; and the Person or Persons who shall neglect to pay due Obedience to this Act, and continue to sell without taking out new Licenses and give Bond, as herein before directed, shall forfeit and pay the Sum of Ten Pounds for each and every Offence, to be recovered and appropriated as herein before directed.

In what manner the Duties shall be recovered.

XVI. *And be it further Enacted*, That when any Person or Persons licensed, shall neglect or refuse to pay to the Clerk of the Licenses the Money due by him or them, in virtue of this or any former Act, the same may be recovered upon Complaint of the said Clerk, by Bill, Plaint, or Information in any of His Majesty's Courts of Record in this Province, if above the Sum of Three Pounds, or before any Two of His Majesty's Justices of the Peace, if the Sum be Three Pounds or under.

Monies to be accounted for in Great Britain, and audited by the auditor General or his Deputy.

XVII. *And be it also further Enacted*, that the Monies arising by the Operation of this Act, shall be accounted for unto His Majesty in the Kingdom of Great Britain, and to the Commissioners of His Majesty's Treasury or High Treasurer for the Time being; and audited by the Auditor General of His Majesty's Plantations or his Deputy.

Continuance of the former Act.

3. Geo. 3. c. 3.

XVIII. *And be it Enacted*, That the Act made in the Third Year of His present Majesty's Reign, intituled *An Act for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed*, shall be and continue, and the same is hereby continued in force until the Thirty first Day of December next and no longer.

Continuance of this Act.

XIX. *And be it also enacted*, That this Act shall continue and remain in force from the First Day of January One Thousand Seven Hundred and Sixty Nine, until the Thirty first Day of December One Thousand Seven Hundred and Seventy.