

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Monday, the Second Day of October, 1758, and in the 32nd year of His Majesty's Reign.

32 George II – Chapter 28

An Act for the better discovering and more effectually suppressing Unlicenced Houses.

Whereas divers idle and ill-disposed persons in this Province, do sell and retail rum, brandy, wine, cyder [cider], perry, and other spirituous and strong liquors, and keep common tipling-houses therein harbouring and entertaining soldiers, sailors, and servants to the weakening and destroying His Majesty's forces in this province, and promoting prophaneness and debaucheries:

Be it enacted by his excellency the governor, council and assembly, and by the authority of the same it is hereby enacted and declared, That if any person or persons whatsoever within this province, shall sell any rum, brandy, wine, ale, beer, cyder, perry, or other strong liquors, mixt or unmixt, by whatever name or names they are or may be called or distinguished, without licence first had and obtained for that purpose, as heretofore hath been used, or as shall hereafter be directed and appointed by his excellency the governor and general assembly of this province: or shall hawk, sell, or expose to sale, any such Liquors unmixt or mixt, by whatever 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 other town or place whatsoever, within this Province, in any wheelbarrow or basket, or upon the Water, in any ship, boat, or vessel, or in any other manner whatsoever; or shall sell 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 he, she or they shall forfeit for every such offence the sum of ten pounds currency of this province. And it shall and may be lawful for any one justice or the peace for this province, on his 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 said sum of ten pounds into the hands of such Justice; and on such offender or offenders neglecting or refusing to pay the said sum, the Justice so convicting, shall by warrant under his hand and seal, commit the offender or offenders to his Majesty's goal within the county where the said offence shall be committed, there to remain in close confinement for the space of two months from the day of the said commitment: and such person or persons shall not be discharged until he, she, or they shall have paid the said sum of ten pounds, or until the full expiration of the said two months. And all monies arising from the conviction of any person or persons as aforesaid, in case there be no informer, shall be wholly paid to the treasurer of this province, and applied to the use of his Majesty's government: But if there shall be an informer, one moiety of such money shall be paid to the said informer, and the other moiety to the said Treasurer, and applied to the use of His Majesty's government as aforesaid.

And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for any grand-juror, provost marshal of this province, his deputy or deputies, or constable or constables, in company with any one justice of the peace to enter into the house or dependencies thereof, bulk or shed of any person suspected upon reasonable grounds of retailing spirituous liquors without licence, and to take with them such assistance as they shall think needful, to make search for rum, brandy, wine, ale, beer, cyder, cerry, or other strong liquors, or mixt drink, by whatsoever name or names they are or may be called or distinguish'd: And in case of refusal of entrance, the Master or other Keeper of such house, so refusing to admit of entrance, shall forfeit and pay the sum of ten pounds, which, upon refusal or neglect to pay, such Justice shall cause the same to be levied by Warrant of Distress under his hand and seal, and for want thereof shall commit such person or persons to goal, there to remain for the space of two months; and if, upon being admitted to enter, the quantity or quantities of such Liquors found, shall, upon view and examination of such Justice, be judged by him to be more than for the necessary use of the family, or what their condition may reasonably allow them to expend, or otherwise to have in their custody, it shall and may be lawful for such Justice immediately to adjudge the same forfeited; and the Constable or Constables attending, shall sell the same, and the money arising thereby shall be one moiety to the use of His Majesty's Government of this Province, and the other for the use of the Justice and Officers attending: provided nevertheless that if any persons shall think themselves aggrieved by such sentence, they may appeal from the judgment of such Justice to the next Court of General Quarter-Sessions.

And be it enacted by the authority aforesaid, that if any person or persons within this Province, shall from and after the passing of this Act, agree or contract with any journeyman, servant, labourer, or other person employed by or working under him, her, or them respectively, in manner following, that is to say, if such person or persons shall agree to pay such journeyman, workman, servant, labourer, or other person employed by or working under him, her, or them, or under his, her, or their directions, so much money for wages, and such a quantity of spirituous liquors or strong waters, as together with such money shall amount to the value of the wages as shall be ordinarily and usually paid for the work such journeyman, workman, labourer, servant, or other person shall be employed in, or shall set off, stop, or deduct all or any part of the wages or hire due to such journeyman, workman, servant or labourer, for any spirituous liquors or strong waters delivered to them, or to any other person by their direction or order, by him, her, or them, or any other person; such person or persons so offending, shall be deem'd a retailer of spirituous liquors without licence, within the meaning of this Act, and shall for every offence forfeit the sum of ten pounds: And such journeyman, workman, servant, labourer, or other person shall be entitled to his or her whole wages, notwithstanding any such agreement, setting off, stopping, or deducting, and shall have the like remedy in law for the same, as if all or any part of such wages were not paid.

Provided, that nothing in this Act contained shall extend or be construed to extend to prevent or debar any merchant, shopkeeper or other person, not licenced to retail rum, or

other distilled spirituous liquors, wine, ale, beer, cyder, or perry, from selling any quantity of such liquors not less than three gallons at one time.

Provided also, that nothing in this Act contained shall extend or be construed to extend to debar or prevent any person or persons from supplying any fishermen actually employed by such person or persons in the fishery, with a necessary quantity of rum or other liquors during the time of the fishing seasons.

And all Officers, as well His Majesty's Justices of the Peace, Grand-Jurors, Provost-Marshal or his Deputy or Deputies, Constables, and all other His Majesty's liege subjects within this Province, are hereby authorized to see that this Act be duly observed, and to present and inform of all breaches of the same, either at the Court of the General Sessions of the Peace, or to some Justice of the Peace, for the immediate apprehending and convicting such offender or offenders.

This Act to continue and be in force for two years from the publishing thereof, and no longer.