

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Wednesday the first day of July, 1761, and in the first year of His Majesty's Reign, and there continued by several prorogations until Monday the Twenty-Fifth Day of April, 1763, in the Third Year of His Majesty's Reign.

3 George III – Chapter 4 (Session 1)

An Act in further addition to and Amendment of an Act intituled, “An Act for suppressing unlicensed Houses and for Granting to His Majesty a Duty on Persons hereafter to be licensed.”

Whereas some difficulties have arisen in carrying into execution several of the clauses of the Act intituled, “An Act for Suppressing unlicensed Houses and for Granting to His Majesty a Duty on Persons hereafter to be licensed,” for the conviction of offenders against the said Act; For amendment whereof be 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 any of their children, or known or reputed servants or substitutes under them, directly or indirectly, in any house, shop, warehouse, storehouse 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 [cider], perry, or other strong liquors mixt or unmixt, by whatsoever name or names they are or may be called or distinguished, without licence first had and obtained for that purpose in manner and form as directed by the said act, whether such 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 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 manner whatsoever; 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 or 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 one Justice of the Peace within this Province on his own view, or on confession of the part 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 Justice; and on such offender or offenders refusing or neglecting to pay the said sum together with the charges of prosecution, it shall and may be lawful for such Justice to issue a warrant under his hand and seal, for the levying the same by distress and sale of the offender's good and chattles; And if no sufficient distress can be found then the said Justice shall by warrant under his hand and seal, commit the offender or offenders to His Majesty's Goal 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 they shall have fully paid and satisfied the said fine and charge as aforesaid.

And whereas notwithstanding the prohibition contained in the said Act, to restrain persons selling spirituous liquors by licence in more than one place under the same licence, yet sundry persons have presumed to sell spirituous liquors in two places under one and the same licence, contrary to the intent and meaning of the said Act: Be it therefore further enacted that if any person or persons either by themselves 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 [cider], perry, or other strong liquors, mixt or unmixt, by whatsoever name or names they are or may be called or distinguished, by virtue of or under pretence of licence obtained as in the said 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 in like manner as aforesaid, such person or persons shall be subject and liable to the like pains and penalties as persons convicted of selling spirituous liquors without licence are subject and liable to, and the same shall and may be prosecuted for, paid, levied, and disposed of in like manner as is herein directed by this Act, and in and by an Act intituled "An Act in Addition to, and Amendment of, and for further prolonging, an Act made and passed in the first Year of His Majesty's Reign, intituled 'An Act for Suppressing unlicensed Houses, and for Granting to His Majesty a Duty on persons hereafter to be licensed.'"

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 licensed to retail rum or other 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.