

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 the 19th day of October, 1763, in the Third Year of His Majesty's Reign.

3 George III – Chapter 13 (Session 2)

An Act For suppressing unlicensed Houses, and for Granting to His Majesty a duty on Persons hereafter to be Licensed.

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 their wives, 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, about the streets, wharves, highways, lanes, or suburbs of the town of Halifax, or any town or place 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 one Justice of the Peace within 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 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 Justices, to issue a warrant under his hand and seal, for the levying the same by distress and sale of the offenders goods and chattels; 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 she, shall have fully paid and satisfied the said fine and charges as aforesaid.

And be it further enacted, that any person having licence, to sell any spirituous liquors, wine, ale, beer, cyder, or perry, shall within ten days after obtaining such licence, hang out a sign or inscription, with their names thereon; setting forth, that spirituous liquors are there to be sold by licence, on pain of forfeiting five pounds, for each and every such neglect,

And be it also further enacted, that if any persons, no having obtain'd licence therefor, shall presume to hang out, or suffer to remain, any sign or inscription whatsoever, importing, that

rum, or other distilled spirituous liquors, wine, ale, beer, cyder, or perry, are there sold, otherwise than by whole sale; 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 licence.

And be it enacted, that if any person, 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, mixt or unmixt, by whatsoever name or names, they are or may be called or distinguished, by virtue of, or under pretence of licence obtain'd, 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 refuse 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 licence, and the same shall and may be prosecuted for, paid, levied, and dispos'd of in like manner as is directed by this Act.

Provided always, that it shall be in the power of the Governor, Lieutenant Governor, or Commander in Chief for the time being, to grant licences gratis, as an encouragement to any person or persons keeping houses of entertainment on the public roads, for the accommodation of travellers.

Provided, that nothing in this Act contain'd 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 five gallons, delivered at one and the same time.

And be it enacted, that from and after the publication of this Act, the clerk of the licences, 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 contain'd.

And whereas the opening a communication through the Province by making high ways, 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 mention'd:

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 four there shall be paid by every person, who shall have licence to retail wine, beer, ale, cyder or perry, rum, or other distilled spirituous liquors within the peninsula of Halifax, the old districts of Annapolis-Royal, and Fort Cumberland to the clerk of the licences, over and above his customary fees, for making out licences and taking bonds, the sum of eight pounds per annum, to be paid quarterly and in advance as aforesaid.

And for the better securing the payment of the duties imposed by this Act, be it enacted, that no person shall be intitled to receive a licence as aforesaid, without first giving bond with one sufficient surety to the acceptance of the clerk of licences, 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 the said tavern or house of public entertainment; and shall not suffer the using any unlawfull games therein; and shall duly pay into the hands of the clerk of the licences, his, her, or their quarterly payment, within ten days after such payment shall become due, as aforesaid.

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 licences, and to be by him accounted for at the treasury, with the duties he receives in virtue of this Act.

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 Justice 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 suppressing 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 Justice to the Overseers of 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.

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.

And be it further enacted, that the money arising from the duties to be paid by every retailer of wines, beer, rum or other distilled spirituous liquors, on their obtaining a licence for that purpose, and also the fines incurred by this Act, shall be forthwith paid by the clerk of the licences, after deducting five 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.

And be it also further enacted, that all licences granted by virtue of this Act, shall not continue, or be in force for a longer time, than one year after their dates respectively; and any person or persons, who shall continue to sell for a longer time without taking out a new licence, such person or persons, shall be deemed as selling without licence, 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.

And be it enacted, that all licences 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 licences and giving bond, as herein directed, shall forfeit and pay the sum of ten pounds, for each and every offence, to be recovered and appropriated as herein before directed.

And be it further enacted, that when any person or persons licensed shall neglect, or refuse to pay the clerk of the licences 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 under three pounds.

And be it enacted, that this Act shall continue and be in force for two years, from and after the first day of January one thousand seven hundred and sixty four; and until the end of the session of the General Assembly then next following.

Published according to law the 28th day of November 1763.