

An Ordinance for regulating and re-
specting the retailing of spirituous Liquors in small quantities
without Licence.

Preamble

Whereas in all well-regulated Governments, in
order to prevent those evils which would otherwise arise, no Person
is allowed to retail spirituous Liquors, without first obtaining a regular
Licence for that purpose.

Be it therefore ordained and ordered, by His
Excellency the Lieutenant Governor, by and with the Advice and
Consent of His Majesty's Council, and it is hereby ordained and ordered

After Publication of by the Authority of the same, That from and after the publication
of this Ordinance, no Person, or Persons whomsoever within this
Island and Dependencies, shall on any account or pretence what-
soever, sell, Retail, Part, Bargain, Exchange, or deliver
any spirituous, or strong Liquors to any Person, or Persons whom-
soever, in any less Quantity than three Gallons, bona fide

delivered at one and the same Time, without a Licence for, so
long, first had and obtained under the Hand and Seal of the Gov-
ernor or Commandant in Chief for the Time being, of this Island,
and its Dependencies, (which Licence shall be, and continue
in force for such Term or Time only, as the said Governor or

After Publication of
this Ordinance no
Person to retail &c.
spirituous Liquors
in less Quantities than
three Gallons.

without Licence
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or Commandant in
Chief.

to be in force
for such Time only
as the Governor

Com-

Commander in Chief for the Time being shall judge fit) under the pain
and penalty of forfeiting to His Majesty for the Public use of this
Government for each, and every Offences, a Fine of Nine pounds and
costs of prosecution to be recovered in a summary way, before any
One of His Majesty's Justices of the Peace of the District wherein
the said Offence shall be committed, upon the Oath of one or more
credible Witnesses or Witnesses, the Party or Parties accused, being
first duly summoned to appear, and permitted to produce and
offer any Evidence, Matter or Thing in support of his, her, or
their Defence; which penalty on conviction, together with the
costs of Prosecution on such Conviction, shall in case of default of
immediate payment, be levied on the Goods and Chattels of the Of-
fender or Offenders by Warrant of Distress and Sale under the
Hand and Seal of such Justice who shall have tried and deter-
mined the same, directed to the Proost Marshal, or his Deputy
or Deputies, or to all, or any of the Constables of the District, where
the said Offence shall have been committed, and for want of
Goods and Chattels being found sufficient to satisfy such Fine and
costs of Prosecution, such Offender, or Offenders shall, by Warrant
under the Hand and Seal of such Justice, be committed to the
Common-Goal of the said Island, or to the Goal of the District
where the said Offence, shall have been committed, there to
remain in close Confinement, without Bail or Main-prize
for three Months, for the space of Three Months, unless the said Fine, together

shall judge fit.
under penalty of
recoverable before
one Justice of the Peace
within the respective
District.
on Oath of one Wit-
ness.
Parties accused to be
summoned and permitted
to offer Evidence and
make Defence.
Penalty and Costs to
be levied by Distress on
the Goods and Chattels
of the Offender.

and for want of Goods
and Chattels the Offend-
er to be committed to
Goal.

with

with the penalty with the Costs, Charges and Goal-Fees, shall be sooner paid and
and Costs are sooner
paid.

satisfied, and in case the said Offender or Offenders shall not
pay and satisfy such Fine, Costs, Charges, and Goal-Fees, within

and after the said
three Months, un-

the space of Three Months, the said Offender or Offenders shall
nevertheless be kept in close Confinement, until the said Costs,

and Goal Fees shall
be paid.

Charges and Goal Fees, are paid and satisfied, provided always

that when a Distress and Sale shall be made of any Goods or Chatt-

surplus of Distress tels to satisfy the said Fine, Costs, and Charges, and a surplus
to be paid to the Of-

fender, or kept by the Justice until the
Party shall demand
the same.

Offenders, or in case of a refusal to receive the same, it shall

be left in the Hands of the Justice before whom the Convicti-
on shall be had, for the use of the said Offender or Offenders

to be paid, whenever the same shall be Demanded.

And be it further Ordained and ordered

by the Authority aforesaid, That all Licences to be granted, in

manner aforesaid shall, by a Clerk of the Licences, to be appoint-

ed by His Excellency the Governor, or the Commander in Chief

for the Time being, be fairly entered in a Book to be kept by him

for that purpose, as also an entry of the Days of the Date and

Time of granting, and revoking the same Licences, for every of

which Licence such Clerk shall be intituled to demand and re-

ceive from every Person or Persons obtaining the same, a Fee

of twenty shillings; which Book shall be open for the search

Clerk of the Li-
cences to be paid
a Fee of 20/-
the Book to be

and

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man for inspection and inspection of all Persons whomsoever, paying to such Clerk
and Searcher his Fee
for a Search Warrant one shilling for every search and two Shillings and six pence for
a Copy or Extract 2/6.
each attested Copy or Extract.

And be it further Ordained and Ordered
by the Authority aforesaid, that the Costs and Charges to be al-
lowed upon every such Conviction, shall be as follows, and no
other or greater. *viz.*
Costs to be allowed
on Conviction.

Justices Fees.

For receiving each Information, and Complaint,
and issuing his Summons to the Party accused and Witnesses
to support the Charge; Two shillings and six pence.
Justices Fees.

For the Examination of every Witness to be taken in
Writing and signed by the Deponent and attested by the Justice
Two Shillings and six pence.

For the Conviction in Writing signed by the Justice,
two shillings and six pence.

For each Warrant of Distress and Sale, one Shilling.

For each Warrant of Commitment, one Shilling.

Prevent Marshals
Fees.

To the Precent Marshal or other Officer serv-
ing process; each Summons two shillings and six pence.

For Travelling-Charges if on Land, six pence each
Mile

Mile; but should it be necessary to pass by Water, the cost attending the same shall be attested on oath by the serving Officer, and shall then be regulated by the said Justice in such manner as he shall judge right and reasonable.

For levying and paying in the Fine and Costs one shilling in every pound.

On every Commitment five shillings.

Travelling Charges if by Land each Mile sixpence.

To each Witness on the Part of the Prosecution to

Witnesses Fees

be allowed on Conviction only, for every Days Attendance two shillings and six pence. Travelling Charges if by Land six pence, if by Water, the same as allowed to the Officers as above.

Goalers Fees.

To the Goalers on every Commitment five shillings.

For every Discharge two shillings.

For every Days Diet, if supplied by the Goalers

one shilling.

And if any greater Fees shall be demanded

greater Fees demanded and taken,

ed and taken by any of the Officers or Persons in this Ordinance

the Offender liable named for any of the Matters or things aforesaid, the Offender or to be prosecuted, as

for Extortions in any Offenders shall and may be prosecuted as for Extortions, in any of

Court of Record, by Bill, Plaintiff or Information.

His Majesty's Courts of Record, within this Island and its Depend-

encies, by Bill, Plaintiff, or Information, and on being duly Con-

and liable to a Fine at the Discretion of the Court, not exceeding £5.

victed shall pay a Fine to His Majesty for the Public Use of

this Government, at the discretion of the Court before which such

Conviction shall happen, not exceeding five Pounds, with Costs

of

and to pay triple the sum extorted to the Party aggrieved. of Suit, to be taxed, and shall be liable to pay to the Party aggrieved, the sum extorted

Proviso for Persons supplying their Servants, Tradesmen and Labourers with Liquor as Part of their Diet. Provided always that nothing in this Ordinance contained shall extend or be construed to extend to prevent any person or persons from supplying his, her, or their Servants, Tradesmen or Labourers actually employed in their service, any such Daily, Weekly, or other allowance of Rum or other strong Liquors for their own particular use, and as part of their Diet.

And Whereas, great disorder and injury may arise to His Majesty's Service, if Persons Licenced to sell any Spirituous Liquor by retail, to Soldiers, without leave from the Commanding Officer of the Corps

not to sell any Spirituous Liquor by retail, to Soldiers, without leave from the Commanding Officer of the Corps. the same to the Soldiers without leave first had and obtained from the Commanding Officer of the Corps Regiment or Company to which they respectively belong; Be it therefore hereby Ordained and ordered by the Authority aforesaid, that no Licenced Retailer shall sell, barter, Exchange or deliver any Spirituous-Liquor to any Soldier or Soldiers within this Island, or its Dependencies without the consent first had and obtained from the Officer commanding the Corps, Regiment, or Company to which he or they respectively do belong, and in case any such Retailer or Retailers, shall transgress in the Premises

under penalty of £5 and Costs, to be recovered aforesaid. es; he, she, or they shall be liable to a Fine of five pounds for every such Offence, with Costs of Prosecution, which Fine shall be adjudged to His Majesty for the Public-Use of this Government, to be recovered in the like manner

as herein before is directed, in cases of selling Spirituous Liquors
without Licence.

Passed in Council
the 11th Day of August 1785.

R. Gibbons Pres^t

Approved, ordained and or-
dered accordingly. —

A true Copy, examined
and compared from the Minutes
of Council.

J. M. DesBarres

Secretary C. C.