

General Issue.] may plead the general issue, and give this Act and the special matter in evidence, on any trial to be had thereon, and that the same was done in pursuance of and under the authority of this Act, and if judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs, shall become non-sued, or shall discontinue his, her or their prosecution, after the defendant or defendants shall have appeared, then such defendant or defendants may and shall recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have to recover costs in cases at law.

Continuance of this Act. XIII. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the first of January, one thousand eight hundred and eight, and from thence to the end of the then next session of the Provincial Parliament, and no longer.

C A P. X.

An Act to prohibit the sale of Goods, Wares and Merchandise, Wine, Spirits and other Strong Liquors, on Sundays.

(25th March, 1805)

Preamble. WHEREAS in defiance of the laws as well divine as human, Shopkeepers, Hawkers, Pedlars and petty Chapmen, Tavern-Keepers and other Persons keeping Houses of Public Entertainment, in the Cities and Towns, and especially in the country parishes of this Province, do sell, vend and retail Goods, Wares and Merchandise, Wine, Spirits and other strong Liquors, on the Lord's day, commonly called, Sunday; in order therefore to remedy such immoral and irreligious practices, Be it declared and enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly, of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, *An Act for making more effectual provision for the Government of the Province of Quebec in North America,*" and to "make further provision for the government of the said Province;" and it is hereby enacted by the authority of the same, that from and after the first day of May next, no Shop-keeper, Pedlar, Hawker, Petty Chapman, Tavern-keeper or other persons who keep a public house of any description whatsoever, in any part of this Province, shall sell, vend or retail any Goods, Wares or Merchandise, Wine, Spirits or any other strong Liquors, during the Lord's day, commonly called, Sunday; and that all and every person or persons of the description aforesaid, who shall sell, vend or retail such Goods, Wares or Merchandise, Wine, Spirits or other strong

Penalty on any shop keeper, &c. who shall after the 1st of May next, sell any goods &c. on Sundays.

Strong Liquors on the Lord's Day, as aforesaid, shall incur and pay for the first offence, a fine or penalty which shall not exceed Five Pounds, and for the second and every subsequent offence, shall incur and pay a Fine or penalty, not less than Five, nor more than Ten Pounds, current money of this Province.

Not to prevent selling wine &c. to sick persons and travellers.

Nor the Estates of minors, &c. on Sundays.

II. Provided always, and be it further enacted by the authority aforesaid, that this Act shall not extend or be construed to extend, to hinder the said Shop-keepers, Tavern keepers, and other persons who keep Public Houses, to sell and furnish, on the Sunday, Wine, Spirits or other Strong Liquors, for the use of sick persons, and to travellers at their meals: Provided also, that the present Act shall not extend or to be construed to extend, to prevent selling at the Church doors of the Country Parishes, on Sundays, the *Ufufruit* or Produce of the Estates of Minors, Absentees or persons that are interdicted, or the effects arising from public gatherings, for the benefit of Churches or those destined for pious purposes.

Fines &c. how recoverable.

III. And be it further enacted by the authority aforesaid, that the Fines and Forfeitures imposed by this Act, shall be recovered before one of his Majesty's Justices of the Peace nearest to the place, where the offence, against this Act shall have been committed, and he is hereby authorized and required to hear and determine such offence, in a summary way, either by voluntary confession of the party accused, or upon the Oath of one or more credible Witnesses, other than the prosecutor, which Oath the said Justice of the Peace is hereby authorized to administer: and in all cases, where there is a default of payment of the sum forfeited, it shall be recovered by seizure and sale of the offender's goods and chattels, by Warrant or Order, under the Hand and Seal of such Justice, addressed to any Peace Officer or Sergeant of Militia, and the surplus of the money so recovered, (if any there be,) after deducting the forfeiture and reasonable charges of seizure and sale, taxed by a Justice of the Peace; shall be returned to the owner.

One moiety of the Fines to the prosecutor the other moiety to his Majesty.

IV. And be it further enacted by the authority aforesaid, that the one moiety or half of the Fines and Forfeitures, imposed by this Act, shall belong to the person or persons prosecuting any such offender or offenders, and that the other moiety or half part thereof, shall be paid to the Receiver General for the use of his Majesty, his Heirs and Successors, and shall remain in the hands of the said Receiver General, for the future disposition of the Legislature of this Province, and shall be accounted for to his Majesty, his Heirs and Successors, through the Lords Commissioners of his Majesty's Treasury, in such manner and form, as his Majesty, his Heirs and Successors, shall direct.

Limitation of actions,

V. Provided always, and be it further enacted by the authority aforesaid, that no Suit or Action shall be instituted against any person for any Fine or Forfeiture imposed by this Act, that shall not be commenced within two months after the offence committed.