

The Provincial Statutes of Lower-Canada, Being the first session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1805.

45 George III – Chapter 10

An Act to prohibit the sale of Goods, Wares and Merchandise, Wine, Spirits and other Strong Liquors, on Sundays. (25th March, 1805)

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 abovesaid, who shall sell, vend or retail such Goods, Wares or Merchandise, Wine, Spirits or other 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.

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 furnish, on the Sunday, Wine, Spirits or other Strong Liquors, for the use of sick persons, and to travelers 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 Usufruit or Produce of the Estates of Minors, Absentees or persons that are interdicted, or the effects arising from the public gatherings, for the benefit of Churches or those destined for pious purposes.

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 authorised 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 Justices of the Peace is hereby authorised to administer: and in all cases, where there is a default 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.

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.

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.