

The Provincial Statutes of Lower-Canada, Being the third session of the eleventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1823.

3 George IV – Chapter 15

An Act further to regulate Persons who keep Houses of Public Entertainment, and retail Spirituous Liquors, and for other purposes. (22nd March, 1823.)

Whereas it has become expedient and necessary to make further provision to regulate persons who obtain Licences to keep Houses of Public Entertainment, and to retail Spirituous Liquors in the Country Parishes, Townships and Seigneuries of this Province; Be it therefore 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 no licence shall hereafter be granted to any person or persons, for keeping any House or other place of Public Entertainment within any Country Parish, unless that the person or persons applying for the same, shall produce a Certificate from the senior Justice of the Peace, the senior officer of Militia and the senior Church-Warden, or when there is not a Justice of the Peace residing or present within such parishes, from the two senior officers of Militia, and the senior Church-Warden in office, or a majority of them, residing within the Parish for which such license shall be applied for. Provided always, that in such Seigneuries and Townships as are not yet erected into parishes, such certificates may be granted by the senior Justice of the Peace, and the senior Officer of Militia of such Seigneurie or Township.

II. And be it further enacted by the authority aforesaid, that on the last Monday of the month of March, in each and every year, the senior Justice of the Peace, the senior Officer of Militia, and the senior Church-Warden in office residing in the Country Parishes within this Province, or when there is not a Justice of the Peace residing or present within any of the said parishes, the two senior Offices of Militia, and the senior Church-Warden in office, or a majority of them, shall and they are hereby authorised and required to assemble and meet within their respective parishes at such place as may be appointed by the senior Justice of the Peace, or in his absence the senior Officer of Militia, and then and there determine and fix the number of Licences for keeping Houses of Public Entertainment, or for retailing Spirituous Liquors, which may be necessary for their respective parishes for the year, then next ensuing, and shall then also grant certificates to such applicants for Licences as they or the majority of them shall deem and consider to be fit and proper persons to keep Houses of Public Entertainment, or to retail Spirituous Liquors, and the senior Justice of the Peace, or where no Justice shall be present, the senior Officer of Militia shall preside at such Meeting, and shall within sixteen days from the time of granting such certificates, transmit to the Clerks of the Peace within their respective Districts, a list of the persons to whom Certificates have been granted in their respective parishes.

III. And be it further enacted by the authority aforesaid, that no Licence shall be granted for keeping such House, or other place of Public Entertainment, till the person or persons applying for the same shall have entered into Bond before one or more Justices of the Peace, in the sum of forty pounds, current money of this Province, with two sureties in the sum of twenty pounds, of like currency each, to do, perform and observe the conditions required by an Act passed in the thirty-fifth year of the Reign of His late Majesty, chapter the eighth, which Bonds shall within one month from the time of taking the same, be transmitted by the said Justice or Justices, to the Clerks of the Peace of their respective Districts.

IV. And be it further enacted by the authority aforesaid, that all Licences to be granted by the Governor, Lieutenant-Governor or Person administering the Government of this Province, in the manner provided by the aforesaid Act passed in the thirty-fifth year of His late Majesty's Reign, shall be renewed between the first and the twentieth day of May in every year, and shall be issued under the Seal at Arm of the Governor, Lieutenant-Governor, or the Person administering the Government, and under the signature of the Secretary of the Province, or of the person executing the office of the Secretary of the Province for the time beings any Law, usage or custom to the contrary notwithstanding.

V. Provided always, and be it further enacted by the authority aforesaid, that persons who shall hold Licences for the purpose of Keeping Houses of Public Entertainment, and retailing Spirituous Liquors, granted in the year one thousand eight hundred and twenty-three, and which Licences will expire on the fifth day of April, one thousand eight hundred and twenty-four, may and they are hereby anthorised to continue to keep such Houses of Public Entertainment, and to retail Spirituous Liquors, in virtue of such Licences, until the same shall have been renewed in the manner and at the time herein provided.

VI. And be it further enacted by the authority aforesaid, that it shall not be lawful for any person or persons who shall or may have obtained a Licence or Licences in the manner herein before mentioned, to proceed to sell or retail spirituous liquors, or to keep a House or Houses of Public Entertainment until he, she or they shall have exhibited such licence or licences to the person or persons, who shall have presided at the meeting herein before directed to be held, which person or persons shall on the first Sunday thereafter cause such licence to be read publicly at the Church door of the parish, Seigniorie [Seigneurie] or Township, for which the same shall be granted immediately after Divine Service in the morning, or where there shall be no such church, then at the place of the most public resort in the Township or Seigniorie for which such licence shall be granted, and shall affix or cause to be affixed on the door of such church, or where there is no church, at the place of the most public retort a notification that the person to whom such licence hath been granted, hath been and is duly qualified and authorised to sell spirituous liquors, or to keep a House of Public Entertainment in such parish, and every such person or persons holding such licence who shall sell spirituous liquors, or keep a House of Public Entertainment, before he, she or they shall have exhibited such license in the manner herein before provided, shall be considered and deemed to be liable to the penalty or penalties which are by Law imposed on persons selling spirituous liquors without licence.

VII. And be it further enacted by the authority aforesaid, that whenever any person holding a licence to keep a House of Public Entertainment and to retail spirituous liquors, shall be convicted of having kept a disorderly House, or convicted before two Justice of the Peace of knowingly vending any spirituous liquors during Divine Service on Sundays or holidays (except for the use of the sick or travellers) or of suffering any seamen, soldier, apprentices, servants or minors to remain tippling in his or her house after seven o'clock in the evening in winter, or after nine in the evening in summer, or of having committed any felony, the Court or such Justice of the Court of King's Bench, or the Provincial Judge, or the Justices of the Peace, before whom such person shall have been convicted, shall, if he or they see fit, adjudge and order that the licence thus held by such person so convicted, shall be forfeited, and that he or she shall no longer keep a House of Public Entertainment, or retail spirituous liquors in virtue thereof, and that he or she shall be incapable of having or holding any licence for such purposes thereafter.

VIII. And be it further enacted by the authority aforesaid, that any person or persons (excepting such persons as may have obtained licences, to keep houses or other places of Public Entertainment) who shall sell or retail ale, or other malt liquor or cider, to drink in their house, out-house, yard, garden, orchard, or other place, shall be considered and deemed to be liable to the penalty or penalties which are by Law imposed on persons keeping Houses or other places of Public Entertainment without a licence, and such penalty or penalties shall be sued for, recovered, distributed and applied in the manner and form provided by Law.

IX. And be it further enacted by the authority aforesaid, that this Act shall remain in force until the first day of May, one thousand, eight hundred and twenty-six, and no longer.