

Laws of Her Majesty's Province of Newfoundland, passed in the year 1839.

3 Victoria – Chapter 6

An Act to regulate the Granting of Licenses for the Sale by Retail of Wines, Ale, and Spirituous Liquors, in Newfoundland. (Passed 12th October, 1839.)

Whereas in order to conduce to the more equal and efficient collection of License Monies from all the Venders of Wines, Ale, and Spirituous and other Liquors by Retail, it is expedient to amend the Laws relating to the Granting of Licenses, and also to provide a more summary and less expensive mode of proceeding against Persons guilty of Vending the same contrary to Law.

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, that the Justices at the several Sessions of the Peace that shall be holden next after the passing of this Act, or next after the publication thereof in the respective Districts of this Island, shall and they are hereby authorized and required to make and ordain Rules touching and concerning the Granting of Licenses to Persons selling or intending to sell Wines, Ale, and Spirituous Liquors, in less quantities than two gallons at one time, and by such Rules shall regulate the scale of License Monies payable within the several localities in the respective Districts of this Island; Provided that within the Town of St. John's and its Vicinity the said License Money shall not in any place exceed the Sum of Seven Pounds Ten Shillings, and shall not be less than Two Pounds Ten Shillings; And provided further, that in the Towns of Carbonear, Harbor Grace, and Brigus, and their Vicinities, the said License Money shall not exceed in any place the Sum of Five Pounds, nor be less than the Sum of Two Pounds Ten Shillings.

II. And be it further enacted, that the said Rules shall specify the Metes and Bounds within which, in the said several Towns and Vicinages, the said several Sums shall be payable for and on account of such Licenses; Provided that in the other Towns and Places of the Central District of this Island, and in all other Places in the Northern and Southern Districts, the Sum chargeable for such License shall in all cases be Two Pounds Ten Shillings.

III. And be it further enacted, that the Justices of the Peace at every General or Quarter Sessions of the Peace shall be authorized, and they are hereby empowered, to Grant Licenses to such Persons as the said Justices shall, in the execution of the powers herein contained, and in the exercise of their discretion, deem fit and proper, to sell Wines, Ale, and Spirituous and other Liquors, by retail; and such License shall be and continue in force for one whole Year from the date of the issue of the same.

IV. And be it further enacted, that every person who shall Sell, Barter, Exchange, or for valuable consideration otherwise Vend, Wines, Ales, or Spirituous Liquors, by Retail, or shall permit or suffer any Wines, Ale, or Spirituous Liquors to be Sold, Bartered, Exchanged, or otherwise Vended for valuable consideration, by Retail, without being duly Licensed so to do, shall for every such offence, on summary conviction before any one Justice of the Peace, forfeit and pay a Sum or Penalty not exceeding Ten Pounds nor less than Two Pounds Ten Shillings, together with the costs of the conviction; Provided always, that no penalty for such Sale, Barter, Exchange, or other disposal of any such Wines, Ale, or Spirituous Liquors by Retail, without License, shall be incurred by the Heirs, Executors, Administrators

or Assigns, of any Person Licensed under this Act who shall die, become bankrupt, or take the benefit of any Act for the Relief of Insolvent Debtors, before the expiration of his License, so as such Sale, Barter, Exchange, or other disposal of such Wines, Ale, or Spirituous Liquors shall be bona fide for the benefit of the Estate of such Person having Deceased or become Insolvent, and take place prior to the General or Quarter Sessions then next ensuing, unless such General or Quarter Sessions shall be holden within fourteen days next after the Death, Bankruptcy, or Insolvency of the said Person; and in any such case, to the General or Quarter Sessions which shall be holden next after such General or Quarter Sessions as aforesaid.

V. And be it further enacted, that any Person who shall think himself aggrieved by such conviction may appeal against the same to the next General or Quarter Sessions of the Peace holden in or nearest to the place where such conviction shall have been made, unless such General or Quarter Sessions shall be holden within twelve days next following; and in that case to the next following General or Quarter Sessions to be holden as aforesaid, and not afterwards; Provided that such Person shall give to such Justice notice in writing of his intention so to appeal, and of the cause and matter thereof, within Five Days next after such conviction, and shall within such Five Days enter into a recognizance with two sufficient Sureties, before a Justice of the Peace of the District within which such conviction shall have taken place, conditioned to appear at such Session, and to try such appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as by the said Court shall be awarded; And the Judgment of the said Court shall be final to all intents and purposes; And in case the Party shall not within the time limited as aforesaid serve such notice of appeal, and enter such recognizance, or in case such conviction shall have been affirmed by the said Court of General or Quarter Sessions, the said Penalty, with all reasonable Costs, shall be recovered by Distress and Sale of the Offender's Goods and Chattels.

VI. And be it further enacted, that no person shall use, mix, or infuse, or cause to be mixed or infused, any Foreign Grains, Guinea Pepper, Coccus Indicus, Vitriol, Blue Stone, Tobacco, or any other noxious or pernicious ingredient, with any Ale, Porter, Wine, or Spirituous Liquor, or shall fraudulently deteriorate or adulterate any Ale, Porter, Wine, or Spirituous Liquor, for the purpose of Sale; or shall Vend or offer for Sale, any Ale, Porter, Wine, or Spirituous Liquors, in which any Foreign Grains, Guinea Pepper, Coccus Indicus, Vitriol, Blue Stone, Tobacco, or any other noxious or pernicious ingredient shall have been used, mixed or infused; and any person who shall knowingly or wilfully offend in any of the premises aforesaid, shall for each offence forfeit and pay to our Sovereign Lady the Queen, a Sum or Penalty of Ten Pounds, to be recovered upon complaint or information in a summary way before any two or more Justices of the Peace and levied, together with all Costs, upon the Goods and Chattels of the Offender.

VII. And be it further enacted, that no Person other than those duly Licensed to Sell or Vend Ale, Wine, and Spirituous Liquors by Retail, shall keep up or exhibit in or about any house, out house or building, any Sign-board or Sign containing any words or emblem to the purport or effect, or any sign intended or calculated to intimate that such house or out house or building is an Inn or Public House, or that Ale, Wine or Spirituous Liquors are for Sale by Retail, or in small quantities, in any such house, out house, or building, or by the Owner or Occupier of any of the same respectively: And any Person or Persons knowingly or wilfully offending herein, shall respectively forfeit and pay, for each and every offence, to our Sovereign Lady the Queen, a sum not exceeding Two Pounds, to be recovered upon complaint or

information, in a summary way. before any two or more Justices of the Peace, and levied, together with all Costs, upon the Goods and Chattels of the respective Offenders.

VIII. And be it further enacted, that no conviction under this Act, nor any adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by Writ of Certiorari or otherwise in any of Her Majesty's superior Courts of Justice.

IX. And be it further enacted, that all and every Fine and Penalty recoverable by virtue of this Act, shall be paid over to the Treasurer of this Island, to be appropriated by the Legislature to the uses of the Colony; Provided that in all cases where the said penalties, or any of them, shall have been recovered by the testimony of more than one Witness, one Moiety of the same shall be paid over to the Informer and the other Moiety shall be paid unto the Treasurer of the Colony, to be appropriated as aforesaid.