

Laws of Her Majesty's Province of Newfoundland, passed in the year 1850.

13 Victoria – Chapter 9

An Act to amend an Act passed in the Third Year of the Reign of Her present Majesty entitled “An Act to regulate the Granting of Licenses for the Sale, by Retail, of Ale, Wines, and Spirituous Liquors in Newfoundland” (Passed 30th April, 1850.)

Whereas it is expedient to amend an Act passed in the Third Year of the Reign of Her present Majesty, entitled “An Act to regulate the granting of Licenses for the sale, by retail, of Ale, Wines and Spirituous Liquors in Newfoundland”:

Be it enacted, by the Governor, Council and Assembly, in Legislative Session convened, that it shall and may be lawful for the Justices of the Peace, in Session assembled, in the several Districts of this Island, in addition to or amendment of any rules already made therein, to make and ordain, from time to time, other rules and regulations, not contrary to the provisions of this or the said recited Act, touching or concerning the granting of Licenses to persons selling or intending to sell, by retail, Ale, Wines and Spirituous Liquors, and such rules and regulations to add to, vary and amend, whenever to the said Justices it may seem necessary.

II. And be it enacted, That any person hereafter applying for a License to sell and retail Ale, Wine and Spirituous Liquors, in less quantities than two gallons, shall, before the same is granted, enter into a bond or obligation to Her Majesty, Her Heirs and Successors, whereby the person licensed, and one or more sufficient sureties to be approved of by the Justices granting the certificate hereinafter mentioned, shall become bound in the penal sum of forty pounds, that he, she or they shall at all times observe, fulfil and keep the several conditions, provisions and restrictions contained in the certificate to be granted as aforesaid, and which bond or obligation shall be according to the form annexed to this Act, designated letter A; and any two Justices of the Peace in the district wherein such licensed person may reside, shall, on their view, or on the oath of one or more credible witness, have power to enforce payment of the said bond, with costs, and the penalty and costs may be recovered before the said Justices in Sessions in the same summary manner as debts to small amount may now be recovered before the said Justices.

III. And be it enacted, That whenever any of the Justices in the several districts of this Colony, authorized to grant Licenses as aforesaid, shall entertain the application of any person for a License as aforesaid, such Justices respectively shall, and they are hereby required to, deliver, or cause to be delivered, to such person as aforesaid, a certificate in the form annexed to this Act designated, letter B.

IV. And be it enacted, That every certificate granted or to be granted under the authority of the said recited Act, or this Act, shall be held on the terms, provisions and conditions therein contained; and in case any person or persons authorized to sell and retail Ale, Wines and Spirituous Liquors under such certificate, shall offend against any of the terms and conditions contained in such certificate, every person so offending shall, for every such offence, forfeit and undergo the penalty and disability hereinafter mentioned; that is to say, for such offence the sum of five pounds, with expenses of

conviction, to be ascertained at the time of conviction; and in case such penalty and expenses shall not be paid within the space of three days after such conviction, the offender shall suffer imprisonment for a period not exceeding thirty days, unless he or they shall sooner pay such penalty and the expenses of such conviction, and of executing the same, and in addition to such penalty the certificate granted to such person may, by the Justice before whom any such conviction aforesaid is had, be declared to be forfeited and to become null and void.

V. And be it enacted, That all prosecutions in pursuance of this or the said recited Act, for penalties, fines and forfeitures, shall be commenced within three calendar months after the same shall have been incurred, and shall and may be recovered upon the complaint, in writing, of any person who may inform and sue for the same, subject to the same appropriation as in the said recited Act; and it shall and may be lawful for any Justice of the Peace within whose jurisdiction any person so offending shall reside, to summon such person before him, and on his or her default, upon due proof of service, appearance, or confession, to adjudicate on such complaint in a summary manner, according to the usual practice of Justices in summary cases; and it shall be lawful for any Justice before whom any such proceedings aforesaid may be had, to summon before him any witness or witnesses, and to compel the attendance of such witness or witnesses, by warrant under the hand and seal of such Justice, in the event of such witness or witnesses neglecting to attend without sufficient cause for remaining away, upon proof of due service of subpoena upon him or them, and tender of expenses.

VI. And be it enacted, That in cases not otherwise provided for by this or the said recited Act, it shall and may be lawful for any Justice or Justices of the Peace before whom any person or persons shall be convicted of any offence under the provisions of this or the said recited Act, to issue a warrant of distress against the goods and chattels of the said person or persons for the amount of the fine or penalty and costs, and cause the same to be sold to satisfy the said fine or penalty and costs; and in case no goods or chattels shall be found whereon to levy the same, the said Justice or Justices shall and may commit the person or persons so convicted to the Gaol nearest to where such offence or offences may be committed, for a period not exceeding one calendar month: Provided, that any person or persons convicted under this Act shall have the same right to appeal to the next Court of Quarter Sessions after such conviction, and under and subject to the same conditions as are provided with respect to persons desirous of appealing under the said recited Act: Provided further, that no conviction under this Act, nor any adjudication made on appeal therefrom, shall be quashed for want of form in any of Her Majesty's superior Courts of Justice.

VII. And be it enacted, That all persons so licensed as aforesaid shall, within ten days after obtaining such License, cause sign-boards to be affixed to some conspicuous part of the outside of their respective houses, in such manner as the Justices aforesaid shall order and direct, subject to the same penalty, and punishment, upon non-payment upon every neglect to comply with such order and direction as is provided by the fourth section of this Act.

VIII. And be it enacted, That the Constables within their respective districts may, at such times as they may think fit, visit the retail shops and public rooms of persons holding licenses, to see that the several provisions of this Act are complied with, and are hereby required and commanded to prosecute all offenders under this Act, under pain of being dismissed from their respective offices; and in case any

person or persons keeping retail shops or public rooms as aforesaid, or any person being in or about such shop or room at the time any Constable may be visiting the same, shall interrupt or assault such Constable while in the execution of this Act, he shall, upon conviction before any Justice of the Peace for the district, be subject and liable to a fine not exceeding two pounds.

IX. And be it enacted, That if any action or suit shall be commenced or brought against any Justice or other officer or person, for doing or causing to be done any thing in pursuance of this Act, the defendant in such action may plead the general issue, and prove the special matter in evidence.

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Know all men by these presents, that We, _____ are held and firmly bound unto our Sovereign Lady Queen VICTORIA, Her Heirs and Successors, in the sum of _____ sterling money of Great Britain, to which payment we jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents. In Witness whereof we have hereunto set our hands and seals, the _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Whereas the above bounden _____ hath applied for and obtained a License for the Sale, by Retail, of Ale, Wines and Spirituous Liquors, in the house kept by him situate _____ Now the condition of this obligation is such, that if the above _____ shall in no way or manner at any time offend against or violate, but at all times well and truly observe and comply with all and singular the provisions of any Act or Acts of the Legislature as are now or may hereafter be passed during the continuance of the License so aforesaid granted to the said _____ for regulating the Sale by Retail of Ale, Wines, and Spirituous Liquors aforesaid, and shall well and truly observe all rules and regulations made or to be made by the Justices aforesaid, under the provisions of the said Acts, and shall further comply with and in no manner offend against the several conditions contained in the certificate of License granted to the said _____ then and in such case the foregoing obligation shall be void, otherwise to remain in full force and effect.

Signed, sealed, delivered,

this _____ day of _____ A, D. 185 ____.

NEWFOUNDLAND.

District of _____

At a General Meeting of Her Majesty's Justices of the Peace for the said District, held at in and for the said District, for Licensing Persons to Sell Ale, Wines and Spirituous Liquors, the _____ day of _____ in the year of Our Lord 185 ____.

In pursuance of the Statutes of the General Assembly of this Colony regulating the granting of Licenses for the sale by retail of Ale, Wines, and Spirituous Liquors, We, two of Her Majesty's Justices of the Peace for the said District, whose Hands and Seals are hereunto set, by virtue of the power and authority to us given, do hereby License and Authorise _____ of _____ within the District aforesaid, to utter and sell by retail, in the house in which _____ the said _____ now dwelleth, and in the premises thereunto belonging, situate at _____ and

not elsewhere, Ale, Wines and Spirituous Liquors aforesaid, for the time and period of One Year from the date hereof, and no longer: Provided, that _____ do not fraudulently dilute or adulterate any such Ale, Wines, or Spirituous Liquors, or sell any of the same knowing them to have been fraudulently diluted or adulterated, and do not use in the selling thereof any weights, or measures that are not of the legal standard, and do not wilfully or knowingly permit drunkenness or any other disorderly conduct whatsoever therein, and do not knowingly suffer or permit any cards, dice, or any other unlawful games or gaming whatsoever therein, and do not knowingly suffer or permit any persons of notoriously bad character to assemble together and meet therein, and do not suffer Ale, Wines or Spirituous Liquors to be sold from or out of any part of _____ premises on Sunday, nor during the usual hours of the morning and afternoon Divine Service on Christmas Day or Good Friday, and provided that good order and rule be at all times maintained and kept in the said house or premises, and that the provisions contained in any of the statutes aforesaid already passed or to be passed during the continuance of this Certificate, and all rules and regulations made or to be made by the Justices aforesaid, be at all times observed and obeyed by the said _____ . The house to be closed and no Liquor sold or vended after the hour of eleven o'clock at night.

Given under our Hands and Seals the Day and Year first above written.