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~~No 82~~

C H A P. IV.

An ACT for the summary conviction of persons selling Spirituous Liquor by retail without Licence.

I. FOR the summary conviction of persons selling spirituous liquor by retail without licence, Be it 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 Upper-Canada, constituted and assembled by virtue of, and under the authority of an act passed in the parliament of Great-Britain, entitled an act to repeal certain parts of an act passed in the fourteenth year of his Majesty's reign, entitled, "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 by the authority of the same, That if any person or persons shall, directly or indirectly, sell any wine, brandy, rum, or other spirituous liquor by retail without licence for that purpose previously obtained, such person or persons having, if resident in the District in which the offence shall have been committed, been summoned to appear before any three or more of his Majesty's Justices of the peace, who are hereby authorized and empowered to hear and determine the matter, and being lawfully convicted thereof, by the oath of one credible witness, shall forfeit and pay the sum of twenty pounds of lawful money of this province, to be levied with costs of suit, by distress and sale of the goods and chattels of such offender or offenders, one half of which penalty shall be paid to the person or persons informing, and the other half into the hands of his Majesty's Receiver-General, to and for the public uses of this province; and in default of the said offender or offenders, having goods and chattels, from which the said penalty may be raised, it shall and may be lawful for the said Justices to commit him, her or them to the goal of the District in which the offence shall have been committed, for, and during the space of three calendar months.

*Manner of conviction when offender resides in the district.*

II. And be it further enacted by the authority aforesaid, That if any such offender or offenders, be not usually resident within the District in which the offence shall have been committed, it shall and may be lawful to, and for any one of his Majesty's Justices of the peace in, and for the District in which the offence shall have been committed, upon information upon oath made before him, to issue his warrant for apprehending such offender or offenders, and to oblige him, her or them, to enter into recognizances with one or more suf-

*Manner of conviction when offender does not reside within the district.*

LAWS OF THE PROVINCE OF UPPER CANADA,

efficient sureties for his, her or their appearance at such time and place as shall be appointed for the hearing of the said complaint, or in default thereof, to commit him, her or them for safe custody to the common goal of the District, until the said complaint shall have been finally heard and determined.

No shop-keeper to sell less than one quart of wine, brandy, &c.

III. And be it further enacted by the authority aforesaid, That from and after the fifth day of April now next ensuing, it shall not be lawful to or for any shop-keeper licenced to sell wine, Brandy, rum and other spirituous liquors by retail, to sell or vend the same, in any less quantity, or by any smaller measure than one quart; and if any shop-keeper or shop-keepers shall from and after the said fifth day of April sell, or vend any wine, brandy, rum or other spirituous liquors, in less quantity, or by smaller measure, than one quart, he, she, or they shall, for such offence, forfeit and pay the sum of twenty pounds, to be levied in manner and form herein before mentioned, and the monies arising therefrom, shall be divided and applied in like manner and to the same uses as herein before is directed.

Limitation of prosecution.

IV. Provided also, and be it further enacted by the authority aforesaid, That no information, or complaint, shall be received under this act, if more than six calendar months have elapsed since the time of the offence committed.