

CHAP. XVIII.

AN ACT to prevent the consumption of Spirituous Liquors in Shops.

[Passed 6th March, 1834.]

Preamble.

WHEREAS doubts are entertained whether by Law Shopkeepers licensed to sell Wine, Brandy, Rum and other Spirituous Liquors, are prohibited from allowing the same to be consumed within their Shops, notwithstanding the license granted for that purpose declares that the same shall be consumed out of the Shop; and whereas it is expedient that such doubts should be set at rest: *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 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 from and after the passing of this Act, no Shopkeeper licensed to sell Wine, Brandy, Rum or other Spirituous Liquors, shall allow any Wine, Brandy, Rum or other Spirituous Liquors sold by him, to be consumed within his Shop, or within the Building of which such Shop is part, either by the purchaser thereof or by any other person not usually resident within the Building comprising such Shop.

No licensed Shop-Keeper to allow Spirituous Liquors to be consumed within his Shop or Building.

Penalty.

II. *And be it further enacted by the authority aforesaid,* That if any Shopkeeper licensed to sell Wine, Brandy, Rum or other Spirituous Liquor, shall allow the Wine, Brandy, Rum, or other Spirituous Liquor sold by him, or any part thereof, to be consumed within his Shop, or within the Building of which such Shop is part, either by the purchaser thereof or any other person not usually resident within the Building comprising such Shop, he, she, or they, shall upon conviction thereof, before any three Justices of the Peace within the District where the offence may have been committed, upon the oath of one credible witness, other than the informer, forfeit and pay the sum of Five Pounds, together with costs of suit, to be recovered and applied in the same manner and form as the penalty imposed for selling Spirituous Liquors by Retail without license.

May be recovered before three Justices.

Application of Fine.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons who shall have purchased any Wine, Brandy, Rum or

other Spirituous Liquor, from any Shop, shall consume the same or any part thereof, or allow the same or any part thereof to be consumed in the Shop or any part of the Building comprising such Shop, without the permission of such Shopkeeper or person in charge of such Shop, then and in such case, the person so offending shall be liable to the same penalties, to be recovered and applied in the same manner as hereinbefore provided, in respect to any Shopkeeper who shall be convicted of an offence under this Act.

Purchaser consuming Spirits &c., within the Shop or Building, liable to the same penalty.

IV. *Provided always, and be it further enacted by the authority aforesaid,* That if it shall appear to the Magistrates before whom any person shall be prosecuted under this Act, that such person did not intend to violate the provisions of this Act, then no penalty shall in such case be imposed.

Justices may consider the intentions of the parties.

V. *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 shall have elapsed from the time the offence was committed.

Prosecution must be within six months.

VI. *And be it further enacted by the authority aforesaid,* That this Act shall be and remain in force for the space of four years, and from thence to the end of the then next ensuing Session of Parliament and no longer.

Act to continue in force four years.

CHAP. XIX.

AN ACT to establish the present Survey of certain Side Lines in the Second Concession West of Green Point, in the Township of Sophiasburgh.

[Passed 6th March, 1834.]

WHEREAS certain Inhabitants of the Second Concession West of Green Point, in the Township of Sophiasburgh, in the Midland District, have by their petition set forth, that in consequence of two conflicting Surveys of the said Concession, the Petitioners are liable to be disturbed in their possessions; *And whereas* the original side line between Lots number Twenty-two and Twenty-three has been found to correspond with the possessions of the Petitioners by a Survey lately made of the same; *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 Upper Canada, constituted and assembled by virtue of

Preamble.