

to continue and amend the same: *Be it therefore enacted* by the Queen'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, it shall not be lawful for any person to sell, barter, exchange or give to any Indian man, woman or child within this Province, any kind of Spirituous Liquors in any manner or way, or to cause or procure the same to be done for any purpose whatever, under the pains and penalties to be inflicted by the authority of this Act.

No kind of spirituous liquors to be sold, bartered, exchanged or given to any Indian.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any Justice of the Peace of any District wherein any offence against the provisions of this Act shall have been committed, upon the testimony of one or more credible Witness or Witnesses, to Fine the offender for each and every offence so complained of, in a sum not exceeding Twenty Pounds, a moiety whereof shall be paid to the Informer, and the other moiety shall be collected and applied in the same manner as Fines and Penalties are now collected and applied under the Act for the summary punishment of Petty Trespasses, to be applied for the improvement of the Roads through the Section of the Country where the offence was committed: *Provided always* that the penalty in this Act mentioned shall not be incurred by the furnishing to any Indian any Spirituous Liquor by a Medical man, in case of sickness, or under the direction of any Medical man.

Justice of Peace to fine offender not exceeding £20 for every offence;

How fines to be collected :

Penalty not incurred by furnishing spirits by medical direction.

## CHAP. XIV.

*AN ACT to prevent the Introduction of Spirituous Liquors into the Common Gaols of this Province.*

[Passed 10th February, 1840.]

**WHEREAS** it is necessary to prevent the practice of secretly introducing Spirituous Liquors into the Common Gaols of this Province: *Be*

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*it therefore enacted* by the Queen'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, after the passing of this Act, give, convey, or supply to any Prisoner confined in any Common Gaol or House of Correction in any District in this Province, any Rum, Brandy, Whiskey, or other Spirituous Liquors, contrary to such Rules and Regulations as have been or shall be hereafter from time to time established by law, every such offender being duly convicted thereof before two Justices of the Peace, shall be liable to pay a Fine not exceeding Five Pounds.

If any person shall supply spirits to a prisoner in gaol;

And be convicted before two Justices, he may be fined £5.

Any one Justice may summon the party accused;

And in default of appearance;

Two Justices may hear and determine the case ex-parte;

Or issue a warrant to apprehend the accused;

One Justice may issue such warrant without any summons.

II. *And be it further enacted by the authority aforesaid*, That when any person shall be charged on the oath of one or more credible Witness or Witnesses, before any one Justice of the Peace, with any offence against this Act, such Justice may Summon the person charged to appear at a time and place to be named in such Summons; and if he shall not appear accordingly, then (upon proof of the due service of the Summons upon such person, by delivering the same to him personally) any two Justices of the Peace for the District where the offence is alleged to have been committed, may either proceed to hear and determine the case ex-parte, or issue their Warrant for apprehending such person, or any one of the said Justices may, if he shall so think fit, without any previous Summons, issue such Warrant.

No conviction or committal to be quashed for want of form.

III. *And be it further enacted by the authority aforesaid*, That no conviction under this Act shall be quashed for want of form, and no Warrant of committal shall be held void by reason of any defect therein: *Provided* it be alleged that the party has been convicted, and there is a good and valid conviction to sustain the same.

Power to summon witnesses;

Fine for non-attendance.

IV. *And be it further enacted by the authority aforesaid*, That such Justices shall have full power and authority to Summon Witnesses, either in support of the prosecution or for the Defendant; and if any person having been personally Summoned to attend as a Witness, shall neglect or refuse to attend, or shall fail to show some reasonable excuse for his non-attendance, he may be Fined for such non-attendance by the Justices assembled to try the offence, in any sum not exceeding Five Pounds.

V. *And be it further enacted by the authority aforesaid, That in default of payment of any Fine imposed under the authority of this Act, together with the Costs attending the same, within the period specified for the payment thereof, at the time of the conviction by the Justices before whom such conviction shall have taken place, it shall and may be lawful for such Justices to issue their Warrant, directed to any Constable, to levy the amount of such Fine and Costs within a certain time, to be in the said Warrant expressed; and in case no distress sufficient to satisfy the amount shall be found, it shall and may be lawful for them to commit the offender to the Common Gaol or House of Correction of the District wherein the offence was committed, for any time not exceeding one calendar month, unless the Fine and Costs be sooner paid.*

In default of payment of fines and costs;

Warrant may issue to levy same;

And if no distress; Offender may be committed;

Not longer than one month.

## CHAP. XV.

*AN ACT to continue an Act passed in the sixth year of His late Majesty's reign, entitled, "An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by Law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province."*

[Passed 10th February, 1840.]

**WHEREAS** it is expedient to continue the Law now in force for the regulation of certain Coins current in this Province: *Be it therefore enacted* by the Queen'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 an Act passed in the sixth year of the reign of His late Majesty William the Fourth, entitled, "An Act to repeal and amend certain Acts of this Province, in relation to the Gold and Silver Coin made current by Law, and to make further provision respecting the rates at which certain Gold and Silver Coins shall pass current in this Province," be and the same is hereby continued for two years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

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6 William 4, chap. 27, continued.