

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1823.
York: Charles Fothergill, 1823.

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An Act to Restrain the Selling of Beer, Ale, Cider, and other Liquors, not Spirituous, in certain Towns and Villages in this Province, and to Regulate the manner of Licencing Ale-Houses within the same. Passed March 19th, 1823.

Most Gracious Sovereign,

Whereas it is expedient to provide by law for Licencing houses for the sale of Beer, Ale, Cider, and other Liquors, not spirituous, by retail, in certain towns in this Province, we, your Majesty's dutiful and loyal subjects, the Commons of this Province, beseech Your Majesty that it may be enacted, and 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, entituled "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entituled '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 first day of May next, all and every person or persons who shall open a house for the sale of Beer, Ale, Cider, or other liquor or liquors, not spirituous, within any town or village of this Province, or within one mile thereof, containing twenty houses or more, by retail, shall, and he, she, or they are hereby required to take out a Licence for so doing, which Licence shall be granted under the hand and seal of any two Justices of the Peace residing within such town or village; or if it shall happen that two Justices of the Peace shall not be residing within such town or village, then by any two Justices of the Peace residing nearest thereto, and which Licence shall be in the form following:--

"We, A. B. and C. D., two of His Majesty's Justices of the Peace residing in (or nearest to, as the case may be) the town or village of _____ do hereby authorise and empower E. F. in the house described by the sign of _____ in said town or village, in the _____ district, to keep a common Ale and Victualling House, and to utter and sell therein by retail Ale, Beer, Cider, and other liquors, not spirituous, also Bread and other provisions, Provided, that no unlawful game or games, or any drunkenness or other disorder be suffered in said House, or in the Yard, Garden, or Premises thereto belonging, but that good order and rule be maintained therein--
- This Licence to continue from the date hereof until the _____ day of _____ in the year of our Lord _____ for which Licence the sum of two shilling and six pence may be demanded, and no more.

II. And be it further enacted by the authority aforesaid, That the said Justices, before granting such Licences as aforesaid, shall take bond and surety by recognizance of such person or persons to whom such Licence shall be granted, he, she or they, in the sum of Ten Pounds, and two sureties in the sum of Five Pounds, or one sufficient surety in the sum of Ten Pounds, as well

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against the using of Unlawful Games, as also for the maintenance of good order and rule, which at or before the next General Quarter Sessions, be filed by the Clerk of the Peace of the district, by the Justices taking the said recognizance, and shall be in the following form, for which the person entering into the same shall pay the sum of One Shilling.

District, to wit. Be it remembered, that on the _____ day of _____ in the _____ year of the reign of our Sovereign Lord _____, A. A. of _____ in the said district, yeoman, and B. B. of _____ yeoman, and C. C. of _____ yeoman, personally came before us, D. D. and E. E. Justices of the Peace for the said district, and acknowledged themselves to owe to our Sovereign Lord the King, that is to say, the said A. A. the sum of Ten Pounds, and the said B. B. and C. C. in the sum of Five Pounds each, of good and lawful money of Upper Canada, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our Sovereign Lord the King, His Heirs and Successors, if the said A. A. shall make default in the condition hereunder written. Whereas the above bounden A. A. is licenced to keep a house for the sale of Ale, Beer, Cider, and other liquors, not spirituous, by retail, for one year from the date hereof, in the house wherein he now dwelleth, known by the sign of _____ in _____. Now the condition of this recognizance is such, that if the said A. A. shall suffer no unlawful games, drunkenness, or any other disorder to be used or committed in his said house, nor in any out-house, yard, garden, or other appurtenances thereto belonging, but shall maintain and keep good order and rule within the same, then this recognizance to be void, otherwise to remain in full force and virtue.

III. And be it further enacted by the authority aforesaid, That each and every person to whom such Licence shall be granted, shall yield and pay for the same as follows, that is to say, in or within one mile of towns or villages containing not less than twenty, nor more than fifty dwelling houses, the sum of Ten Shillings; in towns or villages containing no less than fifty, nor more than one hundred dwelling houses, the sum of Twenty Shillings; and in all towns and villages containing more than one hundred dwelling houses, the sum of Forty Shillings; and that all the monies arising from the issue of such licences shall be first paid into the hands of the Magistrates issuing the same, and by them, within six months thereafter, into the hands of His Majesty's Receiver General, to and for the public uses of this Province, to be accounted for through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall be graciously pleased to direct.

IV. And be it further enacted by the authority aforesaid, That the Magistrates of every town or village of this Province containing twenty dwelling houses or more, shall assemble at some place within the same, on the first Monday in the month of May in each and every year, of which they are hereby required to give six days previous notice for the purpose of receiving applications for licences from persons desirous of opening houses for the sale of Beer, Ale, Cider, and other liquors, not spirituous. Provided always, that if it shall happen, that two Magistrates do not reside within the limits of such town or village, then any two Magistrates residing nearest to the town or village aforesaid shall assemble as aforesaid, having given notice as aforesaid, upon application being made to them for that purpose by any two or more inhabitant householders of such town or village as aforesaid.

V. And be it further enacted by the authority aforesaid, That if any person or persons shall presume to open a house for the sale of Ale, Beer, Cider, or other liquors not spirituous, by retail, after the first Monday in the month of May next, contrary to the provisions of this Act, he she, or they shall, upon conviction thereof before any two of His Majesty's Justices of the Peace within the District where such person or persons shall reside, upon the oath of one or more credible witness or witnesses, or upon the confession of the party charged, forfeit and pay a sum not less than two pounds, nor more than five pounds, for each and every offence of which he, she, or they shall be convicted, to be levied by distress of the goods and chattels of the offender or offenders, by and under the authority of a Warrant from the Magistrates before whom such conviction shall happen, together with all lawful costs and charges, and for want of sufficient distress, the body of such offender or offenders shall, by order of such Magistrates, be committed to the Common Gaol of the District for a period not less than ten days, nor more than thirty days.

V. And be it further enacted by the authority aforesaid, that one half of every pecuniary penalty which shall be levied under and by virtue of this Act, shall be paid by the person receiving the same into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, to be accounted for through the Lords Commissioners of His Majesty's Treasury for the time being, and the other moiety to the informer or person who shall sue for the same.

VI. And be it further enacted by the authority aforesaid, That any Justice, on complaint or information that any person or persons licenced as aforesaid, whereby in the judgment of such Magistrate the recognizance herein before stated shall be forfeited, or the condition thereof broken, may, by summons under his hands and seal, require such person or persons to appear before the next General and Quarter Sessions, to answer to such complaint or information, and also shall bind the person who shall make complain, or any other person, in a recognizance to appear and give evidence; at which said Sessions a Jury shall be empannelled to enquire of the complaint preferred, and if such Jury shall, upon hearing evidence, determine that the person complained of, hath done any act or thing whereby the condition of his recognizance is broken, such act being by them named, the Justices before whom such matter shall have been tried, shall order the recognizance of such persons or persons to be established in His Majesty's Court of King's Bench of this Province, and such person or persons shall be disabled from obtaining in Licence for the sale of Beer, Ale, Cider, or other liquors not spirituous, as aforesaid, for the space of one year then next ensuing.

VII. And be it further enacted by the authority aforesaid, That in such town or places where any fair shall be kept, for the time only of said fair, it shall be lawful for every person to use common selling of Ale, Beer, or Cider, or other liquors not spirituous, in booths or other places in such town or place, as aforesaid, without being required to take out a Licence for so doing.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Magistrate to whom application shall be made for Licences as aforesaid, to determine the number of houses which shall be licenced in each of the said towns and villages, as aforesaid, Provided

always, That if any person or persons shall have been refused a Licence or Licences by the Magistrates to whom he, she, or they shall have applied for the same, and shall feel aggrieved by such decision, it shall and may be lawful for such person or persons to apply the Magistrates in General Quarter Sessions assembled, at their next Session, for redress; and if the majority of such Magistrates, so assembled, shall be of opinion that such applicant or applicants is or are entitled to a Licence, as aforesaid, it shall be lawful for the chairman of such Court of General Quarter Sessions, and he is hereby required to grant a Licence or Licences to such applicant or applicants, upon his, her, or their compliance with the provisions here before contained.

IX. And be it further enacted by the authority aforesaid, That this Act shall be and continue in force for two years from the passing thereof, and from thence to the end of the then next ensuing Session of Parliament, and no longer.