

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1836. Toronto: Robert Stanton, 1836.

6 William IV – Chapter 4 (Session 1)

**An Act to repeal and amend certain parts of an Act passed in the Thirty-sixth year of the Reign of King George the Third, entitled, “An Act to amend an Act for regulating the manner of Licensing Public Houses, and for the more easy conviction of Persons selling Spirituous Liquors without License, and for other purposes therein mentioned.” Passed, 20th April, 1836.**

Whereas the Laws now in force inflicting Penalties upon persons selling Spirituous Liquors without License, are found by experience to prove ineffectual, by reason of the Fine in many cases being unreasonably heavy, and the Justices of the Peace having no discretion in the premises: And whereas it is expedient to amend 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 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 so much of an Act of the Parliament of this Province, passed in the Thirty-sixth year of the Reign of His late Majesty King George the Third, entitled, “*An Act to amend an Act entitled, ‘An Act for regulating the manner of Licensing Public Houses, and for the more easy convicting of persons selling Spirituous Liquors without License,’*” as fixes the penalty upon any person or persons selling Spirituous Liquors without License, shall be and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, if any person or persons shall keep an Inn or Public House, for the purpose of vending Wine, Rum, Brandy, or other Spirituous Liquors, or shall vend any Wine, Rum, Brandy, or other Spirituous Liquors, unless he, she or they, shall have previously obtained a License for such purpose, as by Law required, such person or persons shall forfeit and pay a sum of money, in the discretion of the Justices before whom any such conviction shall be had, not exceeding Twenty Pounds, nor less than Five Pounds, to be levied as by the before recited Act is directed, upon being convicted on the oath of any one credible Witness, in addition to the Informer, of his, her or their, having offended against the Laws in such case made and provided: Provided always, that no part of the fines which may be levied under the authority of this or any former Act, shall be paid to any Informer, any provision in any former Statute of this Province to the contrary notwithstanding: Provided always, that all sums collected as fines, under the authority of this Act, be paid over to the Commissioners of Roads, to be by them laid out in making and repairing the Highways.

III. And be it further enacted by the authority aforesaid, That in default of Goods and Chattels of the offender or offenders, to satisfy such fine, with the costs of Conviction, such offender or offenders shall be forthwith committed to the Common Gaol of the District in which the Conviction shall have been had, and the offender is resident, for a period not exceeding Three Months, nor less than One Week, or until the fine and costs be paid.

IV. And whereas the great increase in the number of Licensed Inns and Public Houses in the City of Toronto, and Liberties thereof, and other District Towns, or any other Town or Village containing twenty Dwelling-houses, within a distance of one mile, within this Province, tends greatly to the increase of vice and immorality, and does not effect the object desired, namely, the accommodation of the public: Be it therefore further enacted by the authority aforesaid, That from and after the passing of this Act, no Certificate shall be granted for a License to keep an Inn or Public House, in the City of Toronto, or Liberties thereof, or any District Town, or any other Town or Village, containing twenty Dwelling-houses, within a distance of one mile, within any District of this Province, to any person or persons applying for the same, until the person or persons applying therefor have proved to the satisfaction of the authorities authorized by Law to grant the same, that such person or persons is or are possessed of a Dwelling-house held from year to year, or for a term of years, containing at least three Rooms beyond those required for the use of the family, and that he or they have, at the time of application, at least three good Beds in such House, over and above those required for the use of the family, and are also possessed of a good Stable, capable of stabling at least two pair of Horses.

V. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, no License shall be issued to any person or persons within the City of Toronto, and other District Towns and Villages, containing twenty Dwelling-houses, within a distance of one mile, within this Province, for the sale of Wine, Brandy, Rum, or other Spirituous Liquors, by retail, or for keeping an Inn or Public House, upon the payment of a less sum for such License than the sum of Seven Pounds Ten Shillings, Provincial Currency, any Law, usage or custom, to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That no Brewer resident in the City of Toronto, or Liberties, or within one mile thereof, or any District Town within any District of this Province, shall, after the passing of this Act, sell Beer by retail in a less quantity than Three Gallons, without first having obtained a License for such purpose, from the Justices by Law authorised to issue Licenses for the keeping of Ale and Beer Houses, and that every Brewer applying for such License as aforesaid shall pay such sum of money therefor, not exceeding Two Pounds Ten Shillings, as the Justices granting the same shall think reasonable and just; to be applied, collected and accounted for, in the same manner as the duties payable on Ale and Beer House Licenses; and any Brewer hereafter selling any Beer by Retail contrary to this Act, without having obtained such License as aforesaid, shall be subject to the like pains and penalties by Law inflicted upon persons keeping Ale and Beer Houses without License; to be prosecuted and applied according to the provisions of an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, entitled "*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 Licensing Ale-houses within the same."*

VII. And be it further enacted by the authority aforesaid, That all prosecutions and convictions to be had under this or any former Law of this Province for vending Wine, Rum, Brandy or other Spirituous Liquors, or Beer, Ale, Cider, or other Liquors not Spirituous, without License, shall and may be heard, adjudged and determined, by any two or more Justices of the Peace for the District in which the party or parties complained of shall be resident, or where the offence was committed, any Law to the contrary notwithstanding.

VIII. And be it further enacted by the authority aforesaid, That the Inspectors of Licenses in each District of this Province shall furnish to the respective Clerks of the Peace for his District, and to the Chamberlain of the City of Toronto, on or before the first day of February in each and every year, a list in writing, of all persons who have taken out Licences in their respective Districts, and in the City of Toronto, either as Inn or Tavern Keepers, or as wholesale Store-keepers, which said lists shall be published by the said Chamberlain of the City of Toronto, and by the Clerks of the peace respectively of the several Districts, in at least two Newspapers published in each of the said Districts.

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