

Laws of Her Majesty's Province of Upper Canada, passed in the year 1840. York: Robert Stanton, 1840.

3 Victoria – Chapter 14

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 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.

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.

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.

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.