

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

3 Victoria – Chapter 20

An Act for further regulating the manner of granting Licenses to Inn-keepers, and to the Keepers of Ale and Beer Houses, within this Province. Passed 10th February, 1840.

Whereas the several Acts now in force in this Province for granting Licenses to Inn-keepers, and also providing for Licensing Houses for the Sale of Beer, Ale and Cider, and other Liquors not Spirituous, require amendments: 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 the first clause of an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, "*An Act to repeal part of, continue and amend, the Laws now in force imposing a Duty on Licenses to Inn-keepers within this Province,'*" so far as relates to the adjournment of the General Quarter Sessions to the last Monday in December, be and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, That the fifth clause of an Act passed in the thirty-fourth year of the reign of King George the Third, entitled, "*An Act for regulating the manner of Licensing Public Houses, and for the more easy convicting of persons selling Spirituous Liquors without License,'*" and the first, second, third and eighth clauses 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in this Province, and to regulate the manner of Licensing Ale Houses within the same,'*" be and the same is hereby repealed.

III. And be it further enacted by the authority aforesaid, That the Magistrates in General Quarter Sessions assembled, in each and every District of this Province, at their Meeting next preceding the twentieth of December, shall have power and authority to adjourn the General Sessions to the twentieth day of December in each and every year, or if the same shall be on a Sunday, then to the Monday following, for the purposes of receiving applications and granting Certificates to Innkeepers, and for other purposes relating thereto, and they shall have power to adjourn the Court from day to day, until such applications shall have been gone through with.

IV. And be it further enacted by the authority aforesaid, That whenever any application for a License shall have been taken up at such Session, and the Justices or the majority then present, shall refuse to grant a Certificate, it shall not be lawful at any subsequent Session in that year to reconsider such application, unless a greater number of Justices shall be present than were on the Bench when the same was refused.

V. And be it further enacted by the authority aforesaid, That whenever any person applying for a License to keep an Inn, shall have obtained a Certificate according to the provisions of this Act, it shall be obligatory upon such person, and he or she is hereby required to take out such License on or before the fifth day of January in each and every year; and in case such person shall neglect to take out such License on or before that day, then the said Certificate shall be null and void, and it shall not be lawful for the Inspector to issue a License upon such Certificate.

VI. And be it further enacted by the authority aforesaid, That in case any Licensed person shall die before the expiration of his License, or if he or she shall remove from such Licensed House, it shall and may be lawful for the Justices in General Quarter Sessions, to allow such person or his or her Executors, Administrators or Assigns, to transfer such License to any other person to continue open such House, under and by virtue of such License until the expiration thereof: Provided such person shall produce a Certificate, signed in the manner herein-before mentioned, and shall enter personally into such Recognizance, with such Sureties as is directed by the before-recited Act of thirty-fourth George the Third; and if such transfer and Recognizance be not executed as aforesaid, within thirty days after the death or removal of such person, then in such case immediately from and after the expiration thereof such License shall be null and void; and in order to give due opportunity for such applications to transfer Licenses, it shall not be lawful for the Justices to adjourn the Quarter Sessions for a longer period than thirty days at any one time.

VII. And be it further enacted by the authority aforesaid, That every owner or person in charge of any Steam-boat or Vessel in this Province, who shall sell or vend, or allow to be sold and vended Wine, Brandy or other Spirituous Liquors on board of such Steam-boat or Vessel, shall be entitled to receive from the Inspector of the District in which such Steamboat or Vessel shall be laid up during the Winter Season, a License for that purpose, without entering into Bonds or Recognizances to keep an Inn according to the Laws of this Province, upon payment of Seven Pounds Ten Shillings currency: Provided always that no owner or person in charge of any Steam-boat or Vessel, shall allow any Wine, Brandy or other Spirituous Liquors, to be sold on board such Vessel during the time the same shall be laid up during the Winter, under the same penalty as is now imposed for selling Spirituous Liquors without License.

VIII. And be it further enacted by the authority aforesaid, That every owner or person in charge of a Steam-boat or Vessel, who shall after the passing of this Act vend or sell, or allow to be sold or vended any Wines or Spirituous Liquors, on board of any Steam-boat or Vessel, without having previously obtained such License from the Inspector of the District within which such Steam-boat or Vessel shall be laid up during the Winter Season, or from the Inspector of the District in which the Port or Steam-boat Landing next adjacent to the Wintering-place of such Steam-boat or Vessel shall happen to be situated, such owner or person in charge shall be subject to all the penalties now imposed by the Laws of this Province upon persons selling Spirituous Liquors without License; which penalties shall be recovered before any two or more Justices of the Peace, and be levied by distress and sale of the Tackling or Furniture of such Steam-boat or Vessel on board of which such Liquors shall have been sold or vended, by Warrant under the hands and seals of the Justices before whom the offender or offenders shall have been convicted.

IX. And whereas by an Act passed in the third year of the reign of His late Majesty King William the Fourth, entitled, “An Act to define the limits, of the Town of Hamilton, in the District of Gore, and to establish a Police and Public Market therein,” it is among other things enacted, that the Corporation in the said Town shall have power to License Victualling Houses and Ordinaries where Fruit, Victuals, and Liquors not distilled shall be sold: And whereas the said clause has been so construed as to allow the sale of Wine in said Town, (being a liquor not distilled,) under a License for the sale of Ale, Beer, Cider and other Liquors not Spirituous: Be it therefore further enacted by the authority aforesaid, That so much of the eighteenth clause of the above-recited Act as relates to Liquors not distilled, be and the same is hereby repealed; and that from and after the passing of this Act, the said Corporation shall have power to grant Certificates to the Keepers of Victualling Houses and Ordinaries, where Fruits, Victuals, and Liquors not Spirituous shall be sold, to enable such person to apply for and obtain a License from the Inspector of the District.

X. And whereas by an Act passed in the fiftieth year of the reign of His Majesty King George the Third, entitled, “*An Act for granting to His Majesty a Duty upon Billiard Tables,*” it is enacted that it shall not be lawful for any person or persons to have in his, her or their possession, custody or power, any Billiard Table set up for hire or gain, directly or indirectly, unless a License shall have been obtained for such Billiard Table: And whereas the payment of the Duty under said Act is evaded: Be it therefore further enacted by the authority aforesaid, That from and after the passing of this Act, every Keeper of an Inn, Ale House, Ordinary or Recess, and all and every other person or persons who shall keep a House of Entertainment, Resort or Boarding, who shall have and keep a Billiard Table in such House, Out-house or Room, or Building connected with or attached thereto, shall be subject as by the said recited Act is directed.

XI. And be it further enacted by the authority aforesaid, That so much of the second clause of an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, “*An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year 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,*” as directs that no part of the Fines levied under that Act shall be paid to any Informer, but that the same should be expended upon the Highways, shall be and the same is hereby repealed; and that from and after the passing of this Act, one moiety of said Fines shall be paid to the Informer, and the remainder only expended in the improvement of the Highways in the manner in the said recited Act directed.

XII. And be it further enacted by the authority aforesaid, That whenever any prosecution shall be instituted by any Inspector in this Province, against any person for the sale of Spirituous Liquors without a License, in case such prosecution shall fail for want of evidence, then it shall and may be lawful for such Inspector to require the Justices before whom the party or parties have been tried, to tax the necessary costs of such prosecution, and the said Inspector shall pay the same out of any moneys in his hands arising from the Duties imposed upon the sale of Spirituous Liquors, and charge the same in his Accounts: Provided the Justices, or a majority of them, shall certify that it did appear to them that there was sufficient cause for commencing such prosecution.

XIII. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, it shall be the duty of each and every Inspector in this Province, and he is hereby required in his own person, or by his deputy duly appointed, to visit every part of the District for which he shall act, at least twice in each and every year, to inspect all Licensed Houses, Distilleries, and Shops where Spirituous Liquors are sold, and to ascertain, by every means in his power, whether the payment of the Duties by law imposed upon the Sale and Distillation of Spirituous Liquors are evaded, and whether the Licensed Inns have the necessary accommodation for travellers required by law, and to make a report of the state of the different Inns and Ale Houses in his District, to the Justices of the Peace, previous to the general Licensing day; and that for the performance of such duty, and defraying the expenses attending the same, such Inspector shall be entitled to the sum of Fifteen Shillings per day, during the period he is actually engaged therein, and is hereby authorised to deduct the amount of the same from any moneys coming into his hands as Inspector: Provided always that previous to his making such deduction his account be audited by the Court of General Quarter Sessions.

XIV. And be it further enacted by the authority aforesaid, That from and after the first day of June next, all and every person or persons who shall open, a House of Public Entertainment, or a House for the sale of Ale, Beer, Cider, or other Liquors not Spirituous, within this Province, by retail, he, she or they, are hereby required to take out a License for so doing; which License shall be applied for and granted in the same manner, and subject to the same regulations and restrictions, as Licenses are now granted to Inn-keepers.

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Inspectors in each and every District to demand and receive from the persons applying for a License, for vending Beer, Cider, or other Liquors not Spirituous, the like Fees for issuing the same as are now by law authorised, to be received for Licenses issued to Inn-keepers.

XVI. And be it further enacted the authority aforesaid, That it shall not be lawful for the said Justices, or the Police Magistrates of any Incorporated Town, or the majority of them, to order or direct the Inspector of the District to receive, or the keeper of such Ale House or House of Public Entertainment, to pay for any such License as aforesaid a greater sum than Five Pounds, nor a smaller sum than One Pound.

XVII. And be it further enacted by the authority aforesaid, That the Revenue arising, or which may be received from the duty imposed upon Ale and Beer Houses and other Houses of Public Entertainment under this Act, shall be paid over by the Inspectors of Licenses to Her Majesty's Receiver-General, to and for the use of Her Majesty, Her Heirs and Successors, for the public uses of this Province.

XVIII. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, no Justice of the Peace, who shall be a common Brewer, Distiller or Retailer of any Spirituous Liquors, who shall be concerned in Partnership with any common Brewer, Distiller or Retailer of Spirituous Liquors, shall act or be present at, any General Annual Licensing Meeting, or at an

Adjournment thereof, or at any Sessions for transferring Licenses under this Act, or shall take part in the discussion or adjudication of the Justices upon any application for a License, or upon any appeal therefrom; and no Justice shall act upon any of the aforesaid occasions, in the case of any house Licensed or about to be Licensed under this Act, of which such Justice shall be the owner.

Certificate, No. 1.

We do hereby certify that A. B. C. has conducted the house for which he obtained a License last year, to the satisfaction of the Public, and that he has maintained his good character for loyalty and sobriety, and we recommend that his License should he renewed for the coming year.

A. B. C., J. P.

D. E. F., J. P.

G. H.

No. 2.

We do hereby certify that A. B. is a person of sober habits, good fame and conversation, and also a good and loyal subject of Her Majesty, and that he is a proper person to be entrusted with a License to keep an Inn, which we further certify is much required in the neighbourhood of the house for which he desires to obtain a License; and we also declare that, to our knowledge, he has the accommodation for travellers required by law. We, therefore, recommend him to the Justices as a proper person to keep an Inn.