

*Statutes in this Province relative to offences against the person*, it shall and may be lawful for such Justice or Justices, in his or their discretion, to issue his or their Warrant to levy, by distress and sale of the offender's goods and chattels, the amount of fine and costs imposed, and in default of the same being levied or made, the offender or offenders may be committed to the Common Gaol or House of Correction for the period and in the manner prescribed by the above mentioned Statutes, or to proceed, as heretofore, by committal for default of payment, instead of issuing such Distress Warrant.

Costs against prosecution failing may be levied by distress.

V. And be it enacted, That in all cases where costs are payable by parties who may have failed in prosecuting with effect, it shall and may be lawful for the Justice or Justices before whom complaint may have been made, in his or their discretion, to issue his or their Warrant to levy, by distress and sale of the goods and chattels of such person so failing to prosecute, such costs as shall be determined by the Justice or Justices to be payable by him or them.

Act not to authorize fees or allowance to witnesses, in cases above misdemeanors, &c.

VI. And be it enacted, That this Act shall not be construed to authorize any claim being made by the Justices aforesaid, for Fees of any description connected with cases above the degree of misdemeanor; nor shall Witnesses in such cases be allowed anything for their attendance or travel, except under the Order of the Court before which the trial of the case shall be had; anything in this Act to the contrary thereof in any wise notwithstanding.

Commencement of Act.

VII. And be it enacted, That this Act shall come into operation on, and take effect from the first day of November next.

### CAP. CXX.

An Act to explain and amend the Act of the last Session, intituled, *An Act to amend the Laws relating to Tavern Licenses in Upper Canada.*

[ 30th August, 1851. ]

Preamble

**W**HEREAS doubts have arisen as to the true intent and meaning of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to amend the Laws relative to Tavern Licenses in Upper Canada*, which doubts it is expedient to remove: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it was and is the intention of the Act first above cited, that the seventh and eighth sections of the Act of the Parliament of Upper Canada, passed in the sixth year of the Reign of His late Majesty King William the Fourth, chaptered four, and intituled, *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, intituled, '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 a License,' and for other purposes therein mentioned*, should be and they are and have been by the Act first above cited, continued in force in Upper Canada, to all intents and purposes whatsoever.

True intent and meaning of the Act 13 & 14 Vict. to amend the laws relative to Tavern Licenses in U. C., respecting the 7th and 8th sect. of 6 Will. 4, c. 4, declared.

As to the intention of the Act first above cited respecting the powers of Township Municipalities, &c., in U. C., in certain cases.

II. And be it declared and enacted, That it was and is the intention of the Act first above cited, that the Municipality of each Township or Incorporated Village, the Town Council of each Incorporated Town, and the Common Council of each City in Upper Canada, should have, and that they have and have had respectively, from the time of the passing of the said Act, power and authority to make By-laws for preventing the selling of wines or spirituous liquors, or the keeping of Inns, Taverns or Houses of Public Entertainment by persons not thereunto duly licensed, and to impose for any  
contravention

contravention of such By-laws any penalty or punishment which they may lawfully impose for any contravention of other By-laws, and that all penalties incurred under or by virtue of the Act first above cited, or of any By-law made under the authority thereof, shall and may be prosecuted and recovered under the provisions of the said seventh section of the Act of the Parliament of Upper Canada hereinbefore cited, and all such penalties shall belong one half to the Municipality in which the offence shall have been committed, and the other half to the prosecutor, unless he be examined as a witness to prove the offence, in which case the whole shall belong to the said Municipality: Provided always, that nothing herein contained shall apply to any case in which any final Judgment or Order shall have been made or conviction had by or before any competent Tribunal, but with regard to such case, the Provincial Acts hereinbefore cited shall be construed and have effect as if this Act had not been passed.

III. And be it enacted, That whenever any party to whom a license to keep a House of Public Entertainment shall have been granted, shall desire to furnish such refreshments as by law he is permitted to do in the house for which he has obtained a license, at any place out of his said house, but within the limits to which such license extends, or to remove from the house for which the same shall have been granted, into another house in the same Township, Incorporated Village, or Town, or City, and to keep a House of Public Entertainment therein, it shall be lawful for the Inspectors of Houses of Public Entertainment for such Township, Incorporated Village, or Town, or City, or a majority of such Inspectors, in their discretion (but subject always to any By-law which may have been made in that behalf by the Municipal Authority of the locality) to endorse on such license a permission to the party to whom it was granted to furnish such refreshments as aforesaid, or to keep a House of Public Entertainment in the house to which he shall so wish to remove, and such permission shall give such right, and the license shall thereafter apply to the House described in such endorsement, and shall authorize the party to whom such license was granted, to furnish such refreshments or to keep a House of Public Entertainment in the House mentioned in such endorsement during the unexpired portion of the term for which such license was granted, and upon the same terms and conditions; and any Bond or Security which such party may have given for the due observance of the Laws and By-laws concerning Houses of Public Entertainment, and the Keepers thereof, or for any purpose relative to such license, shall apply as fully to the house to which he shall be so authorized to remove, and to his conduct and doings therein, as without such endorsement it would have applied to the house for which the license was originally granted, and to his conduct or doings therein.

### CAP. CXXI.

An Act to repeal so much of the Act thirteenth and fourteenth, Victoria, Chapter Seventy-two, as relates to the construction of Rail-ways.

[ 30th August, 1851. ]

**W**HEREAS it is expedient to repeal so much of the Act hereinafter mentioned as extends the provisions of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other works in Upper Canada, to Rail-roads or Tram Roads*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend and extend the*

Penalties may be recovered;

And to whom to belong.

Proviso.

Case wherein a party is desirous of furnishing Refreshments at any place out of his house, or of removing therefrom.

Inspectors to endorse permission on License.

Subject to regulations.

Right conferred thereby, &c.

Upon what conditions.

Bond or Security how to apply.

Preamble.

12 Vict. c. 84.

Part of 13 & 14 Vict c. 72, repealed.