

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 100

An Act to make better provision for granting Licenses to Keepers of Taverns, and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of Intemperance. 30th August, 1851.

Whereas the Act passed in the now last Session of the Provincial Parliament, intituled, *An Act for the more effectual suppression of Intemperance*, has been found defective; and whereas it is expedient that other provisions of law be made for the regulation of Taverns and other Places of Public Entertainment, and for the more effectual repression of Intemperance: 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 the Act first cited in the Preamble to this Act, and the twenty-first clause of the thirty-third section of the Act passed in the Session of the said Parliament held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to make better provision for the establishment of Municipal Authorities in Lower Canada*, and all Acts, Ordinances or Provisions of Law inconsistent with or repugnant to this Act, shall be and the same are hereby repealed, except as to licenses issued and penalties already incurred under and by virtue of any such Acts or Ordinances, but no Act or Ordinance thereby repealed shall revive.

II. And be it enacted, That except Distillers duly licensed under the provisions of the Act passed in the ninth year of the reign of Her Majesty, intituled, *An Act to repeal certain Acts therein mentioned, and to impose a Duty on Distillers and on the spirituous liquors made by them, and to provide for the collection of such Duties*, who are and shall be hereby empowered, as such Licensed Distillers, to sell in the same quantities as Storekeepers or Merchants who may be duly licensed under this Act to sell spirituous liquors, no person shall sell or retail brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, in a less quantity than three gallons at any one time, nor shall any person keep any Inn, Tavern, Temperance Hotel or other House of Public Entertainment for the reception of travellers and others, without a license as hereinafter provided for.

III. And be it enacted, That over and above such duty as may in any of the cases hereinafter mentioned, be payable under the authority of an Act passed in the Parliament of Great Britain and Ireland, in the fourteenth year of the reign of His late Majesty King George the Third, intituled, *An Act to establish a fund towards further defraying the charges of the Administration of Justice and support of the Civil Government within the Province of Quebec, in America*, there shall be paid by every person who shall take out a License for keeping a House or any other place of Public Entertainment, or for the retailing of brandy, rum, whiskey or other spirituous liquors, or wine, ale,

beer, porter, cider or other vinous or fermented liquors, the following duty or duties respectively, that is to say: for every license to keep an Inn, Tavern or other House or Place of Public Entertainment, and for retailing brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of Five Pounds current money of this Province; for every license to keep an Inn, Tavern, or other House or Place of Public Entertainment, and for retailing wine, ale, beer, porter, cider or other vinous or fermented liquors, but not brandy, rum, whiskey or other spirituous liquors, the sum of Two Pounds Ten Shillings currency; for every license to keep a "Temperance Hotel" for the reception of travellers and others, but not for retailing brandy, rum, whiskey or other spirituous liquors, nor wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of One Pound currency; for every license to vend or retail in any store or shop, brandy, rum, whiskey or other spirituous liquors, and wine, ale, beer, porter, cider or other vinous or fermented liquors, in a quantity not less than three half-pints at any one time, the sum of Three Pounds currency; for every license to retail on board any Steamboat or other Vessel, brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, the sum of Five Pounds; and for every license to retail on board any Steamboat or other Vessel, wine, ale, beer, porter, cider or other vinous or fermented liquors, but not brandy, rum, whiskey or other spirituous liquors, the sum of Two Pounds Ten Shillings; and whenever the Act of the Imperial Parliament hereinbefore mentioned shall be repealed, the duty thereby imposed shall nevertheless continue in force by virtue of this Act, as if herein re-enacted: Provided always, that any person who may be desirous of taking out a license under this Act for the remainder of the year, ending on the first day of May, one thousand eight hundred and fifty-two, shall be at liberty to do so, on paying to the Revenue Inspector one half the amount to be paid for one whole year, and on first obtaining a Certificate as hereinafter provided in the case of licenses for a whole year, and on complying with the requirements for a license hereinafter mentioned.

IV. And be it enacted, That the licenses before mentioned shall be granted under the authority of the Governor of this Province, and the duties thereon shall be paid to, and the licenses shall be issued by the Revenue Inspector or Inspectors in the District in which such Houses or Places of Public Entertainment, Stores or Shops shall be situate, and for Steamboats and other Vessels as hereinafter provided, or by such other person, persons or authority only as the Governor may appoint; any law, usage or custom to the contrary notwithstanding.

V. And be it enacted, That no license shall be granted to any person for keeping an Inn, Tavern, Temperance Hotel or other House or Place of Public Entertainment in any part of Lower Canada, unless the person applying for the same shall produce to the Revenue Inspector, a Certificate signed by fifty Municipal Electors, of the parish, township or town, or of the ward of the city, in which such House of Entertainment is situated, and approved after due deliberation by the Municipal Council or Corporation of the County or Division of the County, or of the Incorporated City, Town or Village within the limits of which such Inn, Tavern, Temperance Hotel or other House or Place of Public Entertainment is intended to be kept, in the form expressed in Schedule (B) annexed to this Act, and signed by the Mayor and Secretary of such Council or Corporation.

VI. And be it enacted, That if on the day appointed for holding a meeting of a Municipal Council there be no *quorum* present, any Certificate in the form (B) by this Act prescribed, submitted to such Council for confirmation on such day, may be confirmed by the Mayor of such Municipal Council and two Justices of the Peace not being Municipal Councillors, residing in the County where the house for which such Certificate is granted, is situate; and in case of a vacancy in the office of Mayor, by any three such Justices of the Peace, and such Council or such Mayor and Justices, or such Justices, as the case may be, may refuse to confirm any such Certificate, if they see fit so to do.

VII. And be it enacted, That every such Certificate shall set forth that the Applicant is a subject of Her Majesty,—that he is personally known to the signers thereof,—that he is honest, sober and of good repute,—and is a fit and proper person to keep a House of Public Entertainment; and every such Certificate shall also state, if it refer to country parts, that a House of Public Entertainment is required at the place where it is intended to be kept, and that the house for which a license is required contains the accommodation required by this Act; and such Certificate shall be accompanied by an Affidavit from the person applying for the same, that he is duly qualified according to law to obtain such license, which Affidavit shall be in the form (A) annexed to this Act.

VIII. And be it enacted, That before any license shall be granted for keeping an Inn, Tavern, Temperance Hotel, or any House or Place of Public Entertainment, the person applying for the same shall enter into a Bond to Her Majesty, in the sum of Fifty Pounds currency, with two good and sufficient Sureties in the sum of Twenty-five Pounds each, conditioned for the payment of all fines and penalties such person may be condemned to pay for any offence against the provisions of this Act, or of any Act, Ordinance or provision of law, relative to Houses of Public Entertainment now or hereafter to be in force, and to do, perform and observe all the requirements thereof, and to conform to all Rules and Regulations that may be established by competent authority in such behalf; and such Bond, to be drawn in the form expressed in the Schedule (C) annexed to this Act, shall be executed in the presence of, and the Sureties shall be approved of by one or more of the Municipal Councillors or Justices granting the Certificate, which Bond, with the Certificate and Affidavit required by this Act, shall be filed in the office of the Revenue Inspector.

IX. And be it enacted, That if any person shall keep an Inn, Tavern, Temperance Hotel, or any other House or Place of Public Entertainment, or shall sell, vend or barter by retail, brandy, rum, whiskey, or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, or shall cause or suffer the same or any of the same to be sold, vended or bartered by retail in his house or premises, or in any boat, barge, craft or other construction floating on or moored in any river, lake or stream, or in any house, shanty, hut, or other building erected upon any frozen water, without the license required by the provisions of this Act, or according to its true intent and meaning, such person shall be liable to a penalty of Twelve Pounds Ten Shillings for every such offence; and any person who shall knowingly purchase any spirituous, vinous or fermented liquor in any quantity less than three gallons at any one time, from any person not being duly licensed to retail the same, shall be liable to a penalty of Two Pounds Ten Shillings for every such offence, unless he give information of such purchase to the District Revenue Inspector within forty-eight hours thereof.

X. And be it enacted, That every licensed Inn or Tavern, Temperance Hotel or House of Public Entertainment, situated in Villages and country parts, shall contain at least three rooms, with at least one good bed in each, for the accommodation of travellers, in addition to those used by the family; and the Keeper of every such Inn, Tavern, Temperance Hotel, or other House of Public Entertainment shall have a stable adjacent or attached to such house, with convenient stalls for at least four horses, and the Keeper of such house shall be constantly supplied with a sufficient quantity of provisions, and of hay and oats, for travellers and their cattle, and in default of any one or more of the foregoing requirements, the Keeper of such house shall be liable to a penalty of Five Pounds.

XI. And be it enacted, That the Keeper of every licensed Inn, Tavern, Temperance Hotel or other House or Place of Public Entertainment, shall at all times, on demand, exhibit his license to the Revenue Inspector, his Deputy or Deputies, hereinafter authorized to be employed, and shall cause the same to be constantly exposed to public view in the Bar-room in a conspicuous place and manner to the satisfaction of the Revenue Inspector, and shall also cause to be painted in legible characters of not less than three inches in height, and of proportionate width, immediately over the door of such house, his name at full length, with the following words in addition, as the case may be: "Licensed to Retail Spirituous Liquors," "License to Retail Wines and Fermented Liquors," "Licensed to Keep a Temperance Hotel;" and whenever such house is situate in country parts, the Keeper thereof shall also expose or cause to be exposed, and keep so exposed, during the whole time of the duration of his license, a like sign in letters not less than four inches in height, and of proportionate width, in a conspicuous place near the house, to indicate the same to travellers, and shall, in default of complying with any of the foregoing requirements, incur a penalty of Five Pounds for each and every offence.

XII. And be it enacted, That the Keeper of every licensed Inn, Tavern, Temperance Hotel, or other House or Place of Public Entertainment, shall keep a peaceable, decent and orderly house, and shall not knowingly suffer any person resorting to his, her or their house to play any game whatsoever at which money or any thing which can be valued in money shall be lost or won, nor shall the Keeper of any house licensed to retail spirituous liquors, or ale or vinous and fermented liquors, be at liberty to keep a Bar or Bars in more than one house, or to vend at any time any such liquors to any intoxicated person, or on Sundays to any person whomsoever, except sick persons or travellers, nor to any soldier, seaman, apprentice or servant, knowing him to be such, on any day after eight o'clock in the afternoon in winter, and nine o'clock in the afternoon in summer, under a penalty of Five Pounds for each offence.

XIII. And be it enacted, That no person holding a license to keep an Inn, Tavern, Temperance Hotel, or other House of Public Entertainment, shall refuse to receive and accommodate any traveller without just cause, under a penalty of Five Pounds for each offence.

XIV. And be it enacted, That if any person not being duly licensed under the provisions of this Act, expose or cause or suffer to be exposed in, on or near his house or premises any sign, painting, printing or writing of a description or character to induce travellers or others to believe or suppose

such house to be a duly licensed House or Place of Public Entertainment, or that spirituous liquors or vinous or fermented liquors are sold, vended or bartered by retail therein, such person shall be liable to a penalty of Five Pounds for each such offence.

XV. And be it enacted, That for every license issued under the provisions of this Act, there shall be paid to the Revenue Inspector, issuing the same, a Fee of Five Shillings, by the person to whom it shall be issued.

XVI. And be it enacted, That the licenses issued under the provisions of this Act, shall expire on the first day of the month of May in each and every year.

XVII. And be it enacted, That in case any person licensed under this Act shall die before the expiration of his license, or shall remove from his house, such person, his heirs, executors, administrators or assigns may transfer such license to any other person, who, under such transfer, may exercise the rights granted by such license, until the expiration thereof, in the house and premises for or in respect of which such license was granted, but in no other place: Provided that the person in whose favor such transfer is made shall produce to the Revenue Inspector a Certificate, and enter into a Bond, with Sureties such as was required of the original holder of such license; such transfer being endorsed on the license by the Revenue Inspector: Provided also, that if such transfer be not executed within three months after the death or removal of the original holder of the license, the said license shall be null and void.

XVIII. And be it enacted, That no Revenue Inspector shall issue any license under the provisions of this Act, after the expiration of thirty days from the date of such Certificate, if obtained on or after the first day of May in any year, nor after the thirtieth day of May, if such Certificate is obtained before the first day of the said month of May; and any such Certificate upon which no license shall have been taken out within the period hereby prescribed, shall become unavailable, void and of no effect.

XIX. And be it enacted, That it shall not be necessary, in any suit or action instituted under the authority of this Act, to prove the precise day specified in such action or suit as the day on which the offense is alleged to have been committed, to obtain judgment against the Defendant: Provided always, that it be proved that the said offence was committed on or about the day set forth in and by the Summons, information or declaration in the said suit or action, and before the commencement of such suit or action.

XX. And be it enacted, That if any Keeper of a licensed Temperance Hotel knowingly suffer to be drunk any brandy, rum, whiskey or other spirituous liquor, wine, ale, beer, porter, cider or any other vinous or fermented liquor, in the said house or on the premises thereto belonging; or if any Keeper of a licensed Inn, Tavern or other House or Place of Public Entertainment, not licensed to retail brandy, whiskey, rum, or other spirituous liquors, knowingly suffer to be drunk any brandy, rum, whiskey, or other spirituous liquor within such house, or any out-building, or in any part of the premises belonging to such Inn, Tavern, or House or Place of Public Entertainment, each and every such person shall be liable to a penalty of Five Pounds for each and every offence.

XXI. And be it enacted, That every Revenue Inspector, either in person or by his Deputy or Deputies, shall visit once at least in each year, every Inn, Tavern, Temperance Hotel, and every other House or Place of Public Entertainment within the District or division of District for which such Revenue Inspector is appointed, shall examine the same, and shall prosecute every Keeper of any such Inn, Tavern, Temperance Hotel, or Place of Public Entertainment, or other person who may offend against the provisions of this Act.

XXII. And be it enacted, That every Revenue Inspector, may, with the consent and approval of the Inspector General of the Province for the time being, appoint one or more Deputy or Deputies for the performance of the duties relating to his office under the provisions of this or of any other Act, and that every such Revenue Inspector and every Deputy to be appointed by him, shall take and subscribe the following oath, which oath shall be taken before any Judge of the Superior Court or of the Circuit Courts, or before the Commissioner of Customs, who is hereby authorized to administer the same; and every such oath shall be deposited in the office of the Inspector General of Public Accounts:

“ I _____, Revenue Inspector for _____ District, _____, do swear, that I will well and truly execute and perform the duty of Revenue Inspector, relating to Inns, Taverns, Temperance Hotels, and other Houses and Places of Public Entertainment, according to the best of my skill and knowledge, and that in all cases of fraud or suspicion of fraud that shall come to my knowledge, I will spare no person from favor or affection, nor will I aggrieve any person from hatred or ill-will, and that I will in all things, to the best of my skill and ability, comply with and enforce the law in this behalf. So help me God.”

XXIII. And be it enacted, That if the Keeper of any licensed Inn, Tavern, Temperance Hotel, or of any licensed House or Place of Public Entertainment, refuse admittance to the Revenue Inspector, or to his Deputy or Deputies, or if any person in any way oppose, or hinder, obstruct or molest the Revenue Inspector, his Deputy or Deputies, in the execution of his or their duty, such Keeper or person shall be liable to a penalty of Ten Pounds for every such offence.

XXIV. And be it enacted, That every Revenue Inspector shall, upon receipt of the duties and the fee hereinbefore mentioned, issue to every person applying for the same, a license for retailing in any one shop, store or place, to be accurately designated in such license, brandy, rum, whiskey and other spirituous liquors, and wine, ale, beer, porter, cider and other vinous or fermented liquors, in quantities of not less; than three half pints at any one time, and if any person holding any such license sell any such liquor in quantity less than three half pints, or allow any such liquor to be drunk within such shop, store or place, or on the premises appertaining to the same, either by the purchaser of such liquor or by any person not residing with or in the employ of the person holding such license, or sell any such liquor in any quantity less than three gallons in any shop, store or place not designated in such license, such person shall be liable to a penalty of Twelve Pounds Ten Shillings currency, for every such offence.

XXV. And be it enacted, That if any person who has purchased any brandy, whiskey, rum or other spirituous liquor, wine, ale, beer, porter, cider or other vinous or fermented liquor, in any shop or store, licensed under the provisions of the preceding section, drink the same or any part thereof, Or allow the same or any part thereof to be drunk in the said shop, store, house or out-buildings, or on the premises appertaining thereto, such person shall be liable to a penalty of Two Pounds Ten Shillings for every such offence.

XXVI. And be it enacted, That the Owner or Keeper of every such shop or store shall cause to be painted in legible characters, immediately over the door of such shop or store, his name at full length, with the addition "Licensed Wine and Spirit Store," and shall cause his license to be constantly exposed in a conspicuous place and manner within such shop or store, and shall allow the Revenue Inspector, his Deputy or Deputies to have free access thereto at all reasonable hours, under a penalty of Five Pounds for every offence.

XXVII. And be it enacted, That every owner, master, or person in charge of any Steamboat or Vessel, who shall intend to retail brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors, onboard such Steamboat or Vessel, shall, upon applying for the same, receive from any Revenue Inspector a license for such purpose, as specified in the third section of this Act, without entering into the Bond required for keeping a House or place of Public Entertainment, which license shall be constantly exposed in the Bar-room or Bar-cabin of such Steamboat or Vessel, under a penalty of Five Pounds: Provided always, that if any owner, master or person in charge of any Steamboat or Vessel shall allow any brandy, whiskey, rum or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors to be sold on board such Steamboat or Vessel during the time the same shall be laid up in winter, shall be liable to a penalty of Ten Pounds for each offence.

XXVIII. And be it enacted, That every owner, master or person in charge of a Steamboat or Vessel, who shall, after the passing of this Act, retail or allow to be retailed or vended, any spirituous, vinous or fermented liquors, on board of any such Steamboat or Vessel, without having previously obtained a license, such owner, master or person in charge, shall be subject to a penalty of Twelve Pounds Ten Shillings currency, for each and every offence, which penalty shall be sued for and recovered as hereinafter prescribed, and the amount thereof, with costs, if not forthwith paid, shall be levied by distress and sale of the tackle and furniture of such Steamboat or Vessel, onboard of which such spirituous, vinous or fermented liquors shall have been retailed or vended, by Warrant under the Hand of the Justice or Justices of the Peace before whom the offender shall have been convicted.

XXIX. And be it enacted, That it shall be lawful for any Revenue Inspector, his Deputy or Deputies, at all reasonable hours, to go on board any Steamboat or Vessel to examine whether a license be exhibited, and to ascertain whether all other requirements of this Act be complied with.

XXX. And be it enacted, That if any person by force or violence, or in any way assault, resist, oppose, molest, hinder or obstruct any Revenue Inspector, his Deputy or Deputies, in the exercise

of his or their office, or any person acting under him or them, such person shall be liable to a penalty of not more than Ten Pounds, nor less than Two Pounds for every such offence.

XXXI. And be it enacted, That with the exception of the duties arising from licenses, otherwise appropriated by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's reign, intituled, *An Act to appropriate the moneys arising from Duties on Tavern Licenses in the County and City of Montreal, towards defraying the cost of the new Court House to be erected in the City of Montreal*, or which may be otherwise appropriated by any other Act passed, or to be passed in the present Session; the Duties arising from Licenses for Inns, Taverns, Temperance Hotels and other Houses and Places of Public Entertainment, to be levied and collected under the provisions of this Act, shall belong to the respective Municipal Councils or Corporations of the Cities, Towns, Villages, Counties or Divisions of Counties within which the houses for which such licenses shall be issued are situate, and the same shall be accounted for and paid over to the Treasurer of the respective Municipalities of such Cities, Towns, Villages, Counties or Divisions of Counties having a right thereto, at such time or times, and in such manner as may be directed by the Governor: Provided that an amount equal to ten per centum of the gross proceeds thereof shall be paid over to the Receiver General, or shall be retained and accounted for by the Revenue Inspectors respectively, to be applied under the directions of the Inspector General of the Province, for the purpose of defraying the expenses of collection and of supervision, and the disbursements consequent on or attending prosecutions for breaches of this Act; and the surplus of such per centage, if any remain, shall form part of the Consolidated Revenue Fund of the Province.

XXXII. And be it enacted, That the Duties arising from Stores or Shops, licensed to retail not less than three half-pints of spirituous liquors, or of wine, ale, beer, porter, cider or other vinous or fermented liquors to be consumed out of such shop or stores, and the duties on Steamboats or Vessels on board of which wines and spirituous liquors, or ale, beer, porter or cider are vended or retailed, shall, after deducting such charges and expenses of collection as may be authorized by the Governor, be paid over to the Receiver General for the public uses of the Province.

XXXIII. And be it enacted, That any Municipal Councillor or Elector, who being a common Brewer, Distiller or Retailer of any Spirituous Liquors, or Keeper or Proprietor of any House or Place of Public Entertainment, shall sign any Certificate for a license for any Inn, Tavern, Temperance Hotel, or House or Place of Public Entertainment, or for the transfer of a license for any such House or Place of Public Entertainment, shall be liable to a penalty of Twelve Pounds Ten Shillings for every such offence.

XXXIV. And be it enacted, That any person who shall knowingly sign any Certificate for a license or for the transfer of a license, without being duly qualified to do so, shall be liable to a penalty of Five Pounds for every such offence.

XXXV. And be it enacted, That if any person licensed under the provisions of this Act to keep an Inn, Tavern, Temperance Hotel, or other House or Place of Public Entertainment, be convicted of any breach or non-fulfilment of the requirements of this Act, or of any felony, it shall be lawful for

the Governor of this Province to cancel, revoke or suspend the license granted to such person; and if such person after being duly notified of such revocation or suspension of his license, shall continue to keep open a House of Public Entertainment, or to retail spirituous liquors, wine, ale, beer, porter or cider, such person shall be liable to the same pains and penalties as are imposed on persons for keeping a House of Public Entertainment, or for retailing such liquors without license.

XXXVI. And be it enacted, That a list of the Licensed Houses of Public Entertainment shall be published by the several Revenue Inspectors once a year, or oftener, at such time or times and in such newspapers as may be directed by the Inspector General of Public Accounts.

XXXVII. And be it enacted, That whenever any person has drunk spirituous or other intoxicating liquors to excess in any Inn, Tavern or other House or Place of Public Entertainment, vended, sold or retailed, by or with the permission or sufferance of the Keeper thereof, for the gain or reward of such Keeper, and while in a state of intoxication or drunkenness arising out of the use of such spirituous or intoxicating liquors, has come to his death by committing suicide or by drowning, perishing from cold, or by any accident occurring in consequence of his being so intoxicated or drunk, the Keeper of such Inn or Tavern shall be liable to be indicted and tried before the Court of Queen's Bench sitting in the District in which such person resides, for a misdemeanor, and if convicted thereof, shall be liable to a penalty of not less than Fifty Pounds, nor more than Two Hundred and Fifty Pounds, to be paid to the heirs or legal representatives of the deceased person, or to be imprisoned for a period not less than one month nor more than six months.

XXXVIII. And be it enacted, That all licenses to Shopkeepers, Merchants and others, for vending and retailing wine and spirituous liquors, issued for the current year prior to the passing of this Act, shall be held to be in force until the first day of May next, and no longer, and shall empower and license the holders thereof to retail brandy, rum, whiskey and other spirituous liquors, wine, ale, beer, porter and cider or other fermented liquors, in any quantity not less than three half-pints at any one time.

XXXIX. And be it enacted, That all licenses for keeping Temperance Hotels, which shall have been issued by any Municipal Council or proper authority, since the first day of January last past, shall, provided the person or persons holding the same record or cause the same to be recorded at the office of the Revenue Inspector, for the District or Division of the District within which such Temperance Hotels shall be situate, within three months after the passing of this Act, remain in force until the first day of the month of May of the next ensuing year, and no longer; and the Revenue Inspector shall endorse on the license the date when it shall be so recorded, for which he shall be entitled to a fee of Two Shillings and Six Pence, to be paid by the holder of the license; and every license for a Temperance Hotel issued as aforesaid, which shall not be recorded in the manner and within the period herein prescribed, shall, at the expiration of three months after the passing of this Act, be null and void, and of no effect.

XL. And be it enacted, That from and after the passing of this Act, all the provisions thereof, so far as they may be applicable, shall apply to all licenses now in force issued by the authority either of the Governor of the Province, or of any Municipal Council, for keeping Inns, Taverns, Temperance

Hotels, or other Houses or Places of Public Entertainment, or for vending or retailing spirituous, vinous or fermented liquors, and the holders of such licenses shall be liable to each and every of the pains and penalties imposed by this Act, for the non-fulfilment or infraction of the provisions thereof.

XLI. And be it enacted, That if the moneys appropriated by the Act passed in the last session of this Parliament, intituled, *An Act to appropriate the moneys arising from Duties on Tavern Licenses, in the County and City of Montreal, towards defraying the cost of the new Court House to be erected in the City of Montreal*, should at any time be found to yield less than the amount produced from the same when the fund was so appropriated, it shall and may be lawful for the Governor in Council to increase the Rate of Duty to be paid for every license to keep an Inn, Tavern or other House or Place of Public Entertainment for retailing brandy, rum, whiskey or other spirituous liquors, wine, ale, beer, porter, cider or other vinous or fermented liquors within the county and city of Montreal, to any amount not exceeding, in the whole, the sum of Twelve Pounds currency, for each license.

XLII. And be it enacted, That all suits, actions or prosecutions under any of the provisions, except those of the thirty-seventh section of this Act shall, within six months after the alleged offence, be commenced in the name of one of the Revenue Inspectors, and shall be heard and determined in a Summary manner, either upon the confession of the Defendant or upon the evidence of one or more Witness or Witnesses, before one or more Justice or Justices of the Peace for the District, and in the County in which such offence has been committed, if such offence has been committed elsewhere than in or on board of a Steamboat or Vessel, and before any one or more Justice or Justices of the Peace for any District in Lower Canada, if such offence has been committed in or on board of any such Steamboat or Vessel, and in default of immediate payment of the penalty, and such costs as shall be awarded to the Prosecutor, the amount thereof shall be levied by Warrant of Distress out of the goods and chattels of the Defendant; and in default of such goods and chattels, or in case of their being insufficient, the Defendant shall be imprisoned under the Warrant of any such Justice for a period of not less than two months, and not exceeding six months: Provided always that the Defendant may at any time obtain his liberation from such imprisonment by making full payment of the said penalty and of all costs, whether incurred upon or after conviction; and every such suit, action or prosecution may be served, and the service thereof certified under his Oath of Office by any Constable or Peace Officer duly appointed for the District in which the same is brought or instituted.

XLIII. And be it enacted, That no suit, action or prosecution under any of the provisions, except those of the thirty-seventh section of this Act, shall be dismissed or set aside for any alleged defect, informality, error or omission; but if it appear that the party summoned has or may have been thereby deceived or misled, it shall be lawful for the presiding Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day.

XLIV. And be it enacted, That any person against whom any judgment is rendered under the authority of any of the provisions of this Act, (except the provisions contained in the thirty-seventh Section thereof,) who shall within twenty-four hours from the date of such judgment, give notice

to the Clerk, or the person acting as Clerk of such Justice or Justices, of his intention to appeal therefrom, and shall, within fifteen days from the date of such judgment, deposit with the Clerk of the Peace for the District within which such judgment has been pronounced, the amount of the penalty and costs awarded by such judgment, may appeal to the Court of General or Quarter Sessions of the said District, at its next ensuing term, if such term is not to be held within twenty days, or at the second next term, if the first is to be held within twenty days from the date of such judgment.

XLV. And be it enacted, That the forms of Declaration, Summons, Conviction, Warrant of Distress and Commitment, D, E, F, G, H, annexed to this Act, or any other form to the like effect, shall be and are hereby declared to be good and sufficient, and shall be used in any action, suit or prosecution, under this Act, or in proceedings antecedent to, or consequent thereon.

XLVI. And be it enacted, That all fines and penalties recovered under the provisions of this Act, shall be paid to the Revenue Inspector who shall sue for the same, and shall be by him disposed of in the following manner, that is to say: One third thereof shall belong to the person upon whose information the suit shall have been instituted, and such person shall not, on account of his interest in the event of such suit, be considered incompetent to give evidence therein; one third shall belong to and be retained by the Revenue Inspector, being the Prosecutor, and the remaining third shall belong to the Crown; and if there be no informer, then one half shall belong to the Revenue Inspector, being the Prosecutor, and the other half to the Crown; but in cases where the Revenue Inspector or his Deputy shall have been the sole Witness, the whole of the penalty shall belong to the Crown, and the share belonging to the Crown shall be paid to the Receiver General for the public uses of the Province.

XLVII. And be it enacted, That if any person shall tamper with a Witness, either before or after he shall be summoned as such Witness in any trial under this Act, or shall by the offer of money, or by threats, or in any way, either directly or indirectly, induce, or attempt to induce any such person to absent himself or herself, or to swear falsely, such person or persons shall be liable to a penalty of Twelve Pounds Ten Shillings for each and every offence.

XLVIII. And be it enacted, That no suit, action or prosecution shall be brought, instituted or commenced against any Revenue Inspector for any thing done by him in the exercise of his office, unless the same be brought within six calendar months after the cause thereof, and the Defendant may plead the general issue, and give the special matter in evidence; and if the Plaintiff become lion-suited, or discontinue the action, or judgment be given against the Plaintiff, the Defendant shall receive costs; and if judgment be given for the Plaintiff, and the Judge or Court before whom the suit, action or prosecution has been tried, certify that the Revenue Inspector had reasonable grounds for the act or proceeding complained of the Plaintiff shall not be entitled to any costs of suit, nor to more than nominal damages.

XLIX. And be it enacted, That in every action, suit, or prosecution which may be instituted or commenced by, or against any Revenue Inspector under the provisions of this Act, or for any thing done in pursuance of this Act, it shall be lawful for such Revenue Inspector to appeal from the

judgment given therein, within three months thereafter, to any Court having competent jurisdiction.

L. And whereas various doubts and difficulties have arisen with regard to the true intent and meaning of several provisions of the Act passed in the last Session of this Parliament, intituled, *An Act for the more effectual suppression of Intemperance*: Be it therefore enacted, That all and every person or persons who have been concerned in the granting or issuing of Licenses or Certificates for License under the same, shall be and are hereby saved harmless, and shall not be liable to any action, suit or prosecution, for any act or thing done by him or them in respect thereof, and all Licenses and Certificates for License granted or issued under the same before the passing of this Act, shall be held to have been legally granted and issued, notwithstanding any misunderstanding or misinterpretation of the provisions of the said Act.

LI. And be it enacted, That this Act shall apply to Lower Canada only.

Schedules.

(A.)

Form of Affidavit to be Made by a Person Desirous of Obtaining a License to Keep a House or Place of Public Entertainment.

Province of Canada, }
District of _____ }

I, _____, of _____, in the County of _____, in the District of _____, who am desirous of obtaining a License to keep * _____ situated at _____, being duly sworn, do make oath and say, that I am a subject of Her Majesty, and that I am in all respects duly qualified according to law, to keep a House or Place of Public Entertainment.

(Signature.)

Sworn to before me, at _____, this _____ day of _____, one thousand eight hundred and fifty _____.

J. P. District of _____.

(B.)

Form of Certificate for Obtaining a License to Keep an Inn or Tavern, or Temperance Hotel, (as the case may be.)

Province of Canada, }
District of _____ }

We, the undersigned Municipal Electors of the _____ of _____, in the County of _____, do hereby certify that _____, of _____, in the County of _____, in the District of _____, who is desirous of obtaining a License to keep * _____ at _____ † is personally known to each of us, that he is a subject of Her Majesty, is honest, sober, and of good repute, and is a fit and proper person for keeping a House of Public Entertainment, (where in country parts, add: that we have visited or are acquainted with the house and premises situated at, for which the license is required, and that he has in and in the same, bedding, stabling and accommodation for travellers, as required by law.)

If in country parts, add: We further certify that a House of Public Entertainment is required at the place where the said house is situate.

Given under our hands, the _____ day of _____, in the year one thousand eight hundred and fifty _____

} Municipal Electors for
} the County of _____

The foregoing Certificate having been this day submitted to the Municipal Council of (or to the Corporation of) _____ and the said Council (or Corporation) being duly assembled, and having deliberated thereon, confirm the same Certificate in favor of _____ therein mentioned.

Signed at _____, this day of _____, one thousand eight hundred and fifty _____;

P. Q., Mayor.
R. S., Secretary.

When the Certificate is Confirmed Under the Provisions of the Sixth Section.

The foregoing Certificate having been this day submitted to us, conformably to the sixth clause of the Provincial Act 14 & 15 Victoria, ch. _____ we do hereby confirm the same.

(Signatures.)

Note.—At the mark * , insert “a House or Place of Public Entertainment for retailing spirituous liquors, &c.” or, “a House or Place of Public Entertainment, and for retailing vinous and fermented liquors or, “a Temperance Hotel,” as the case may be. At the mark †, describe the exact locality as nearly as possible.

The Note is common to the forms A. B. and C.

(C.)

Know all Men by these Presents, that we T. U. of _____, V. W. of _____, and X. Y. of _____, are held and firmly bound unto Her Majesty Queen Victoria, Her Heirs and Successors, in the penal sum of One Hundred Pounds of good and lawful money of the Province of Canada, that is to say, the said T. U. in the sum of Fifty Pounds, the said V. W. in the sum of Twenty-five Pounds, and the said X. Y. in the sum of Twenty-five Pounds, of like good and lawful money, for payment of which, well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas, the above bounden T. U. is about to obtain a license to keep * _____, the condition of this Obligation is such, that if during all the time such license shall remain in force, the said T. U. shall pay all fines and penalties he may be condemned to pay for any offence or breaches of the law relative to Houses of Public Entertainment now or hereafter to be in force, and shall do, perform and observe all the requirements thereof, and shall conform to all Rules and Regulations that are or may be established by (Competent authority in such behalf, then this Obligation to be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof, we have signed these presents with our Hands and sealed them with our Seals, this _____ day of _____, 185 _____.

T. U. [L. S.]
Y. W. [L. S.]
X. Y. [L. S.]

Signed, Sealed and Delivered,
in the presence of us _____ }

(D.)

Form of Declaration.

Province of Canada, }
District of _____ }

Special Sessions of the Peace.

(Name of Revenue Inspector,) of the City, Town, Township or Parish of (name of the City, Town, Township or Parish,) in the District of (name of the District,) Revenue Inspector for the (Division if the District be divided,) District of (name of District,) in behalf of our Sovereign Lady the Queen, prosecutes, (name of Defendant,) of the City, (Town, Township or Parish) of _____ in the District of _____.

For that whereas the said (name of Defendant,) did at the City, (Town, Township or Parish,) of _____ in the District aforesaid _____, on _____, and at sundry times before and

since (here state succinctly the offence,) contrary to the Statute in such case made and provided;
Whereby and by force of the said Statute, the said hath _____ become liable to pay the sum
of _____ Pounds _____ Shillings.

Wherefore the said Revenue Inspector prays judgment in the premises, and that the said (name of
Defendant,) may be condemned to pay the sum of _____ Pounds _____ Shillings
_____ for the said offence, with costs.

Revenue Inspector,
for the District of _____
Prosecutor.

(E.)

Form of Summons.

Province of Canada, }
District of _____ }

To (name of Defendant,) of the (City, Town, Township or Parish,) of (name of the City, Town,
Parish or Township,) in the District of (name of District.)

You are hereby commanded to be and appear before me, the undersigned Justice of the Peace for
the said District, at (name of place,) on the _____ day of _____, at the hour of
_____ of the Clock in the _____ noon, or before such other Justice or Justices of the
Peace for the said District, as may then be there, to answer to the complaint made against you by
(name of Revenue Inspector,) Revenue Inspector, who prosecutes you in Her Majesty's name and
behalf, for the causes mentioned in the declaration hereunto annexed, otherwise judgment will
be given against you by default.

Given under my Hand and Seal, this _____ day of _____, in the year of Our Lord,
one thousand eight hundred and _____, at _____, in the District aforesaid.

J. P. [Seal.]

Certificate of Service.

I, the undersigned _____, do hereby certify, upon my oath of Office, that on the
_____ day of _____, I did serve the within Summons, and the Declaration thereto
annexed, on the within named Defendant, at the Hour of _____ of the clock in the
_____ noon, by leaving a true and certified copy of the said Summons and of the said
Declaration at the domicile of the said Defendant, in the _____ speaking to _____ of
_____ day of _____ 18 _____

Note — The Copy left with or for the Defendant is to be certified as a “true copy” by the Justice of the Peace signing the Summons.

(F.)

Form of Conviction.

Province of Canada, }
District of _____ }

Be it remembered, That on the _____ day of _____, in year one thousand eight hundred and _____, at (name of place where convicted) in the said District, _____ is convicted before the undersigned (one) of Her Majesty’s Justices of the Peace for the said District, for that he, the said (name of Defendant or Defendants) did (state the offence succinctly of which he or they were convicted) and (I or we) adjudge the said (name of Defendant or Defendants) for his said offence, to forfeit and pay to _____ the sum of _____, and also to pay to the said _____ the sum of _____, for his costs in this behalf.

Given under _____ Hand and Seal, the day and year first above mentioned.

Signature, J. P. (Seal or Seals.)
or Signatures.

(G.)

Form of Warrant of Distress.

Province of Canada, }
District of _____ }

(Name of Justice or Justices) Esquire, _____ of Her Majesty’s Justices of the Peace in and for the said District.

To any Bailiff, Constable, or other Officer of the Peace, in and for the said District:

Whereas (name of Defendant or Defendants) of the Parish of (name of Parish or Township,) in the said District, hath (or have severally) been convicted before (one) of Her Majesty’s Justices of the Peace for the said District, of having (state the offence) whereby the said (name of Defendant or Defendants) hath forfeited, and hath by the said Justice been adjudged to pay the sum of _____ Pounds _____ Shillings _____, and further the sum of (amount of costs allowed by (me or us) the said Justice allowed and adjudged to be paid by the said (Defendant or Defendants) to (name of Officer) Revenue Inspector, for costs by him laid out about the conviction aforesaid (*); These are therefore to command and require you, and each and every of you, to

distrain the goods and chattels of the said (name of Defendant or Defendants) wheresoever they may be found within the said District; and on the said goods and chattels so distrained to levy the said penalty and costs, malting together the sum of _____ Pounds _____ Shillings and _____ Pence; and if within the space of four days next after such distress by you made, the said last mentioned sum of _____ Pounds _____ Shillings and _____ Pence, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do sell the said goods and chattels so by you distrained as aforesaid, and out of the money arising from such sale that you do pay the said sum of _____ Pounds _____ Shillings and _____ Pence unto the said _____ Revenue Inspector, returning to the said _____ the overplus, the reasonable charges of taking, keeping and selling the said distress being first deducted; and you are to certify to with the Return of this Precept what you shall have done in the execution thereof. Hereof fail not.

Given under _____ Hand and Seal, at _____, in the said District, this _____ day of _____, in the year one thousand eight hundred and _____

Signature, J. P. [Seal or Seals.]
or Signatures.

(H.)

Warrant for Commitment for Want of Distress.

To all or any of the Bailiffs, Constables and other Peace Officers, in the District of _____, and to the Keeper of the (House of Correction) at _____ in the said District of _____:

Whereas (&c. as in the foregoing Distress Warrant to the (*) and then, this): And whereas afterwards, on the _____ in the year aforesaid, I, or, as the case may be, issued a Warrant to all or any of the Bailiffs, Constables or other Peace Officers of the District of _____, commanding them or any of them, to levy the said sums of and by distress and sale of _____ the goods and chattels of the said _____; And whereas it appears to me, as well by the return to the said Warrant of Distress by the (Constable) who had the execution of the same, as otherwise, that the said (Constable) hath made diligent search for the goods and chattels of the said _____, but that no sufficient distress whereon to levy the sums above mentioned could be found; These are therefore to command you, the said Bailiffs, Constables or Peace Officers, or any one of you, to take the said _____ and him safely to convey to the (Home of Correction) at _____ aforesaid, and there deliver him to the said Keeper, together with this Precept; and I do hereby command you the said Keeper of the said (House of Correction) to receive the said _____ into your custody, in the said (House of Correction) there to imprison him, (and keep him to hard labor) for the space of _____, unless the said several sums, and all the costs and charges of the said distress, (and of the commitment and conveying of the said _____ to the said House of Correction) amounting to the further sum of _____, shall be sooner paid unto you the said Keeper; and for so doing, this shall be your sufficient Warrant.

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bnald.lib.unb.ca

Given under my Hand and Seal, this _____ day of _____, in the year of our Lord
_____, at _____, in the District aforesaid.

Signature, J. P. [L. S.]