

*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 120

**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.**

Whereas 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.

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 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.