

An Act to amend the Lower Canada Tavern Licence Act of 1851.

**W**HEREAS it is necessary to amend the Act of 1851, Preamble.  
intituled, *An Act to make better provision for granting* 14, 15 v.  
*Licenses to Keepers of Taverns and Dealers in Spirituous Liquors* c. 100.  
*in Lower Canada, and for the more effectual repression of*  
5 *intemperance*, and to make further provision in relation to pro-  
secutions and appeals from decisions under the same : There-  
fore, Her Majesty, by and with the advice and consent of the  
Legislative Council and Assembly of Canada, enacts as follows :

I. Whereas by the forty-second section of the said Act, it is Recital.  
10 provided that all suits, actions or prosecutions for offences com-  
mitted against the same, shall be commenced in the name of  
one of the Revenue Inspectors, and in the County in which the  
offence has been committed ; And whereas it is necessary to  
amend the said section in this particular : It is therefore  
enacted, that any prosecution for an offence against the said  
15 Act committed within the limits of any County, Parish, Town-  
ship or Village Municipality, may be instituted in the name of  
the Revenue Inspector of the District before any one or more  
Justices of the Peace near the residence of such Revenue In-  
specter, or in the name of the Secretary or Treasurer, or Secretary-  
20 Treasurer of such Municipality, before any Justice of the Peace  
therein or in the neighbouring Parish or Township, and in  
every such latter case the share which would otherwise have  
accrued to the Revenue Inspector, shall be retained by the said  
Secretary or other officer of the Municipality for the purposes  
25 of education within its limits. Section 42,  
amended.  
Penalties may  
be sued for by  
Municipal  
Secretary or  
Treasurers, and  
the prosecu-  
tor's share re-  
tained by the  
Municipality  
for School  
purposes.

II. Whenever any judgment shall be rendered under the said Imprisonment  
of Defendant  
convicted and  
declaring that  
he has not  
goods to satis-  
fy judgment.  
Act, for the amount of any penalty and costs, the Justice or  
Justices trying the case may call upon the Defendant to declare  
whether or not he possesses sufficient goods and chattels to  
30 satisfy the judgment and costs, and in the event of his refusing  
to answer to the satisfaction of such Justice or Justices, he may  
be forthwith imprisoned in the Common Gaol for a period not  
exceeding three months, but no execution shall, in such case,  
issue against his goods and chattels.

III. If the Defendant declare that he possesses sufficient Execution in  
default of im-  
mediate pay-  
ment, if he de-  
clares that he  
has good suffi-  
cient.  
goods and chattels to satisfy the judgment and costs, execution  
in default of immediate payment may issue against them ;  
and if upon the return of the Bailiff or other officer charged  
with the execution of the writ in that behalf, it appear that  
35 there has not been a sufficient levy and the Justice be satisfied  
40 by affidavit or otherwise that there has been misrepresentation,