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No. 127.

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1st Session, 5th Parliament, 18 Victoria, 1854.

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**BILL.**

An Act to consolidate and amend the laws relating to Tavern Licenses and for the more effectual suppression of intemperance.

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Received and Read, First time, Monday, 16th October, 1854.

Second Reading, Thursday, 26th October, 1854.

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Mr. DORION of Montreal.

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QUEBEC :  
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(127)

1854.]

**BILL.**

[No. 126.]

**An Act to consolidate and amend the laws relating to Tavern Licenses and for the more effectual repression of intemperance.**

**W**HEREAS it is expedient to amend the Act passed in the 13th & 14th years of Her Majesty's Reign, chaptered 100, intituled, "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." so as to repress intemperance and the infractions of the provisions of the laws with respect to the obtaining of Licenses and to consolidate the laws having reference thereto: Be it therefore enacted &c., as follows :

10 I. No person shall sell or retail brandy, rum, whisky or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors for the purpose of being carried away 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. Provided always that when any person shall produce a certificate from a Physician, a Priest, or a Minister of religion stating that such person really requires it as a remedy; then in such a case only, it shall be lawful for any Merchant, Inn or Tavern keeper to sell to such person any quantity he shall required.

*Sale of intoxicating liquors without license prohibited.*

*Proviso.*

II. 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, whisky 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, whisky 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, whisky or 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, whisky, or other spirituous liquors, nor wine,

*Amounts to be paid for licenses.*

ale, beer, porter, cider, or other vinous or fermented liquors, the sum of one pound currency: 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-five, 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. 5

Proviso.  
Licenses how granted.

III. 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. 15

Formalities necessary for procuring license.

IV. No license to keep an Inn, Tavern, Temperance Hotel, or other place of public entertainment shall be granted unless the party asking the same, shall be provided with, and shall produce, a certificate signed by the majority, when it relates to a house in which spirits, wine or beer shall be sold, and in the case of Temperance Houses and Hotels, by at least fifty of the duly qualified Municipal Electors of the Parish, Township or Town or Ward of the City in which the said House of public entertainment is to be kept and approved of by the Municipal Council or the Corporation of the County, Town, City or Parish, (if Parish Municipalities are established, within the limits of which such house is about to be kept according to the form indicated in Schedule B, annexed to this Act, and signed by the Mayor and Secretary of the said Council or Corporation. 20 25 30

Nature of certificate.

V. Such certificate shall be made in Duplicate, every one of which shall bear the genuine signatures or marks of the Municipal Electors who shall have given such certificate, and the marks of those persons who are unable to write shall only be deemed valid, having been made in the presence of two witnesses who shall sign as such witnesses, and every person who shall have signed such certificate, or shall have affixed his mark as aforesaid without being duly qualified as a Municipal Elector as aforesaid, in the Parish, Township, County, Town or Ward of a City in which such house of public entertainment is about to be established shall incur a fine of £5 currency. 35 40

Certificate to be accompanied by affidavit.

VI. 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. 45 50

VII. The certificates aforesaid shall be deposited with the Secretary-Treasurer of the Municipality, summoned to confirm the same, at least eight days before the Session of the Municipal Council, which shall be held in each of the months of April and October in each year, and in 5 towns and cities in which ordinary Sessions shall not be held, at least eight days before the day which shall have been fixed in either of these two months by the Council at least one month previously;—And such certificate shall be read and published together with all the names there- unto annexed, in a loud and intelligible voice, at the Church door of the 10 Parish, Township, Town or City in which such Tavern or House of public entertainment is to be established, on Sunday at the issue of Divine Service in the morning at least eight days before the Session or Meeting of the Municipality and no application for approval of license certificate shall be received at any other time by the said Municipalities or Councils, 15 and any person residing in the Parish, Township, Town or Ward, in which it is proposed to establish or keep one or more Taverns may contest such application, on the ground of omission of any of the formalities required by this Act for the obtaining of such license, or of any thing contained in the said certificate.

Certificates to be deposited with Secretary, Treasurer of Municipality.

Further proceedings.

30 VIII. Every person who shall apply for confirmation of such certificate shall enter into a Bond towards Her Majesty for the payment of £100 currency with two good and sufficient sureties who shall bind themselves to the payment of £50 currency each with *hypothèque* on real estate of the value of £75 currency, to meet all fines and penalties, which might be 25 pronounced against the person applying for a license for contravention of any of the provisions of this Act or of any other Act to be hereafter made and passed relating to houses of public entertainment, and the said bond shall be entered into before a Justice of the Peace or before one or more of the Municipal Councillors of the Municipality or Council assembled to con- 30 firm the certificate aforesaid; provided always that such Councillor shall not be a person selling or retailing spirituous liquors, and this security shall be deposited in the Office of the said Municipality or Town Council there to remain, and authentic copies thereof shall be given by the Secretary-Treasurer or Clerk of the Council, and every person who shall have obtained a 35 judgment against the principal surety by reason of some infraction of the laws relating to houses of public entertainment, may avail himself of such security to obtain payment of what may be legally due him, and it shall be the duty of the person whose certificate shall have been confirmed, to register a copy of the said Bond in the County or Counties in which the 40 real property therein designated and hypothecated shall be situated, before they shall be entitled to obtain the license applied for.

Applicant for confirmation of certificate to give security.

IX. If any person shall keep an Inn, Tavern, Temperance Hotel, or any other house or place of public entertainment, or shall sell, vend, or 45 barter by retail, brandy, rum, whisky 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 50 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 55 person not being duly licensed to retail the same, shall be liable to a

Penalty in case of sale of intoxicating liquor without license.

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.

Proof of signatures may be required.

X. It shall be lawful for the Municipality or Council to require proof under oath of the affixing of the signatures at the foot of the certificate to them presented, to ascertain, the qualifications of the applicants, and to refuse the confirmation of the said certificates, and any Councillor, selling or retailing spirituous and intoxicating liquors, shall not be entitled to vote, in respect of the granting or confirmation of the said certificates.

Proceedings upon approval of certificate.

XI. In case the Municipality or Council should approve of any certificate, a copy thereof shall remain in the Records of the Municipality or Council, who shall have so approved of it, and the Secretary-Treasurer shall certify at the foot of each of the two other copies, the approval thereof by the said Municipality or Council, and also the day on which such approval shall have been so given, and one of the said two copies shall be deposited in the Office of the Clerk of the Peace for the District, and the other given in charge to the Revenue Inspector, whose duty it shall be to give the license thereupon. And the Secretary-Treasurer, the Clerk of the Peace, and the Revenue Inspector shall be bound not to demand any fee for so doing, to give communication of any certificate so deposited in their offices respectively, and to deliver and prepare copies thereof certified by themselves, upon payment of a fee not exceeding six pence per hundred words, and in case of refusal so to do, they shall incur a penalty of 50s. for every such refusal, and also imprisonment not exceeding thirty days, if they should after conviction persist in their refusal, and the copies by them so delivered shall be deemed authentic.

Fees.

Revenue Inspector to grant licenses upon production of confirmed certificates.

XII. It shall not be lawful for the Revenue Inspector to grant licenses to any one whomsoever unless such persons do produce and deliver a copy of the certificate confirmed by the municipalities or Council, a receipt from the Clerk of the Peace acknowledging the deposit in his office of a similar document, and lastly a copy of the security aforesaid with a proof of the registration thereof under penalty of a fine of ten pounds currency for every license by him given without the observance of these formalities, provided always that no license shall be granted after the expiration of twenty days to be computed from the confirmation of the said certificate. And such shall only take effect after it shall have been, during the said period of thirty days, examined by the Secretary-Treasurer or City Clerk, whose duty it shall be to note the day upon which such license shall have been exhibited to him, and he shall be bound to endorse the same, under penalty of a fine of 50s. without prejudice to the civil recourse which the party may have for the damages which might result to him therefrom.

Contents of license.

XIII. 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, whisky, 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, the said license to designate the Parish, Township, Town or Ward for which it may be so granted as aforesaid, 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 liqu or 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. Penalty.

XIV. All proceedings shall be summary.

Proceedings to be summary.

XV. 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, whisky, 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 the first such offence, to imprisonment for the space of three months at hard labor for the second offence, and to imprisonment in the Provincial Penitentiary for the third offence for a period not exceeding three years 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.

Fines and penalties in certain cases.

XVI. Every licensed Inn or Tavern, Temperance Hotel or house of public entertainment, 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.

Number of rooms, &c., in licensed public houses.

XVII. 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," "Licensed 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

Tavern keeper to exhibit license when required.

shall in default of complying with any of the foregoing requirements, incur a penalty of five pounds for each and every offence.

Gaming prohibited.

XVIII. 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 he 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. 5

Accommodation not to be refused to travellers without cause.

XIX. 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. 15

Penalty in case of exposing signs, &c., without license.

XX. 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 persons shall be liable to a penalty of five pounds for each such offence, and the Revenue Inspector and his deputies and the Inspector of houses of public entertainment are hereby authorized to remove or cause the removal of the same. 20 25

Fee to be paid for license.

XXI. 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. 30

Period for issuing licenses.

XXII. 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. 35

Evidence in suits under this Act.

XXIII. 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 offence 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.

Further penalties in certain cases.

XXIV. 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 45 50



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 ten pounds for each and 5 every offence.

XXV. 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 10 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. Duties of Revenue Inspector.

XXVI. Every Revenue Inspector may, with the consent and approval of the Inspector General of the Province for the time being, appoint one 15 or more 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 authorised to administer the same; and 20 every such oath shall be deposited in the office of the Inspector General of Public Accounts:— Revenue Inspector may appoint Deputies.

“I Revenue Inspector for District  
do swear, that I will well and truly execute and perform the duty 25 “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 favour or “affection, nor will I aggrieve any person from hatred or ill-will, and that 30 “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.” Oath to be taken by Revenue Inspector.

XXVII. Each Municipality shall be equally held to appoint annually, at its first quarterly Session, a person who shall be appointed Inspector of 35 houses of public entertainment, whose duty it shall be to visit at least once every month, and whenever so required to do by any reasonable person, all and every the houses of public entertainment within the limits of the said Municipality, for the purpose of ascertaining that they are kept in accordance with the law, and prosecuting all contraventions and infractions of which he shall discover, or of which he shall be satisfactorily 40 informed by credible persons, and every Inspector who shall refuse or neglect to discharge any of the duties of his office, shall incur for each offence a fine of £2 10s. Provided always, that nothing in this Act contained shall prevent the public Revenue Inspector, or any other person, from prosecuting for any contravention of the provisions of this Act. Inspector to be appointed by each Municipality.

46 XXVIII. The person so appointed for the Municipality shall be bound to accept the said Office of Inspector of Houses of public entertainment, under a penalty of twelve pounds ten shillings, payable to the Municipality, which shall thereupon be bound, at a special meeting called for that purpose, forthwith to nominate another Inspector in the place of the person 50 who shall have paid the fine: Provided always, that all persons who shall serve as such Inspectors for the space of one year, or who shall have paid the fine aforesaid, shall not be compelled to serve a second time. Penalty in case of refusal to accept office.

Proviso.

Inspector to be paid expenses of prosecutions.

XXIX. The Municipality shall be bound to pay and reimburse to the Inspector by them appointed, all the disbursements by him made in prosecuting any infraction of this Act, or any other laws relating to houses of public entertainment, upon proof by him that he was unable to recover the same from the persons by him prosecuted.

5

In case of neglect to appoint Inspector.

XXX. Any Municipality refusing or neglecting to appoint such Inspector for a period of two months, shall during the said year be deprived of the fines which would be payable to it by virtue of this Act, and it shall be the duty of the Revenue Inspector for the District to appoint an Inspector of houses of public entertainment for such Municipality, who shall have the same powers and shall be bound to discharge the same duties as if he had been appointed by the Municipality.

10

Parties obstructing Inspector.

XXXI. 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.

Fines in certain cases.

XXXII. 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.

25

By whom complaint may be brought.

XXXIII. Any person may be a competent witness under this Act, although he be related, allied, or of kin to, or in the service of any party who may bring a complaint, or who may be complained against, for any infringement of the provisions of this Act, and if any witness legally summoned to appear on any such complaint, shall refuse or neglect so to do, without reasonable cause, he shall incur a penalty of five pounds, and if any person shall be convicted of endeavoring to prevent any witness from appearing to give evidence, such person shall incur a penalty of five pounds.

35

Magistrate's duties in certain cases.

XXXIV. If it be within the personal knowledge of any Magistrate, or on a complaint upon oath made by any one before such Magistrate, that any person shall have been seen in a state of intoxication in any public place whatsoever, or in any place in which such intoxicated person shall be exposed to public view, such Magistrate shall cause such person to be brought before him, and place him in custody until he shall have recovered his reason; and the person so found intoxicated shall incur a penalty of not less than five shillings nor more than twenty-five shillings for his said offence, together with the cost of suit, the expenses of arresting the person so found intoxicated, and of keeping him in safe custody; and in default of payment, shall be imprisoned in the house of correction or other place of confinement for a space of time not exceeding one month.

45

Sale of liquors on Steamboat &c.

XXXV. No license shall be granted for the sale of spirituous liquors on steamboats or railway carriages.

Inspector to see to observance of foregoing.

XXXVI. The revenue Inspector shall be bound to enforce the observance of the foregoing section and shall be empowered to visit at any time steamboats or railways to ascertain that the law is duly observed.

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XXXVII. 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.

Parties assaulting Revenue Inspector.

XXXVIII. 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 Treasurers 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.

Application of moneys collected under this Act.

Proviso.

XXXIX. Any Municipal Councillor or Elector, who, being a common brewer, distiller, 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.

Penalties in certain cases.

XL. 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, without license.

License may be revoked or suspended.

XLI. 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.

List of houses of entertainment to be published.

**Persons dying from effect of intoxication.** XLII. 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 thereon, 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. 5 10 15

**Persons in a state of intoxication wounded or maimed.** XLIII. When any individual in a state of intoxication shall be wounded, maimed, or receive any contusions or other injuries, the result of any fall or other accident, it shall be lawful for him to appear before any competent tribunal, and recover any damages which may result to him thereby from any tavern keeper or person keeping any house of public entertainment, in whose house he shall have taken any intoxicating liquors, within the twenty-four hours preceding the accident. 20

**Tavern keepers may be summoned in case of persons becoming intoxicated on their premises.** XLIV. When any individual whatsoever shall be found drunk, it shall be lawful for his wife or her husband or any of his or her children of the age of at least 17 years, to summons before a Justice of the Peace any tavern keeper or person keeping a house of public entertainment in which such individual shall have drunk intoxicating liquors, from the effects of which he shall have become intoxicated, and upon proof that such liquor has been so furnished, within the twenty-four hours next preceding such intoxication, he may cause him to be condemned to 30 a fine not exceeding £10.

**Also in case of minor children being intoxicated.** XLV. It shall also be lawful for the father or mother of any minor child, who shall have drunk, and become intoxicated in any Tavern or house of public entertainment, to prosecute the proprietor thereof before a Justice of the Peace and cause him to be condemned to pay a fine not exceeding 35 £10 which shall be payable to the party bringing the complaint, if the Judgment be based upon the evidence of any other person than the one who shall have been so intoxicated, and if not to the Municipality as aforesaid.

**In case of non-payment of fine.** XLVI. In default of payment of such fine referred to in the two preceding 40 sections it shall be lawful for the Justice of the Peace to order imprisonment until payment.

**Inspectors to institute prosecutions in certain cases.** XLVII. The Inspector of houses of public entertainment within the limits of the Municipality for which he is appointed shall be empowered to institute the prosecutions referred to in Sections 50 and 51, if the relations 45 neglect to do so within eight days.

**Persons found intoxicated may be summoned and examined.** XLVIII. It shall be lawful for any Justice of the Peace to cause to appear before him by a warrant, any individual who shall have been found intoxicated, and compel him to declare under oath, where and by whom intoxicating liquor shall have been given to him during the twenty-four hours 50 next preceding his being so intoxicated, and upon his refusal to answer

and to give such information, to condemn him to imprisonment for a period not exceeding \_\_\_\_\_ days, and this declaration shall be communicated to the Inspector of houses of public entertainment, for him to proceed thereupon according to law.

5 XLIX. 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, 10 porter, and cider or other fermented liquors, in any quantity not less than three half pints at any one time. Previous licenses limited.

L. 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 15 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 20 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 25 Act, be null and void, and of no effect. Previous licenses to be recorded.

LI. 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 30 houses or places of public entertainment, 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. All applicable provisions of this Act to apply to previous licenses.

LII. If the moneys appropriated by the Act passed in the last Session of this Parliament, intituled, "*An Act to appropriate the moneys arising 35 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 40 duty to be paid for every license to keep an Inn, Tavern, or other House or place of public entertainment, within the County and City of Montreal, to any amount not exceeding, in the whole, the sum of twelve pounds currency for each license. Governor may increase rates of duty to be paid for licenses.

LIII. No spirituous liquor, wine or fermented liquor shall be sold, 45 given, or furnished to prisoners, without a certificate from the Curé, Pastor, or Minister, or of a licensed physician, under penalty of a fine of \_\_\_\_\_ for the first offence, and of double the amount on repetition of the offence. No intoxicating liquors to be sold to prisoners.

LIV. It shall also be lawful for any person of age and in the exercise 50 of his rights, residing within the Municipality in which an offence shall have been committed, contrary to the provisions of this Act, to prosecute the same to final punishment. All persons may prosecute under this Act.

Prosecutions under this Act to be determined within six months, after Commission of offence.

LV. All suits, actions or prosecutions under any of the provisions, except those of the forty-second section of this Act shall, within six months after the alleged offence, 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.

Proviso.

No prosecution to be dismissed for informality.

LVI. No suit, action or prosecution under any of the provisions, except those of the forty-second 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.

Forms of declaration, &c.

LVII. The forms of declaration, summons, conviction, warrant of distress and commitment, I. D. I. F. G. 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.

Disposition of fines and penalties.

LVIII. All fines and penalties recovered under the provisions of this Act, not other wise applied by the foregoing provisions 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.

Persons tampering with or bribing witnesses.

LIX. 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.

5 LX. 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 be-  
10 come non-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 reason-  
15 shall not be entitled to any costs of suit, nor to more than nominal dam-ages.

Actions under this Act to be instituted within six months, manner of proceeding.

LXI. No Tavern keeper or person engaged in the sale of spirituous liquors, wine or fermented liquors, shall be a justice of the Peace, and all such persons filling the offices aforesaid shall incur a penalty of £50,  
20 half of which shall be given to the prosecutor and the other half to Her Majesty.

No tavern-keeper to be a justice of the Peace.

LXII. No action brought for the value of spirituous liquors, wine or fermented liquors, sold in quantities less than three gallons shall be  
maintained.

Action for value of spirituous liquors, &c.

25 LXIII. And whereas great disorders result during elections by the retailing of spirituous liquors; Be it enacted, that it shall not be law-ful for any tavern keeper during the days upon which elections shall be held, to furnish or give any intoxicating liquors, wine, or fermented  
30 liquor shall have been sold, retailed, furnished or provided, the said penalty to be recovered before any Magistrate.

Sale of liquors at elections prohibited.

LIV. And whereas numerous evils result from the use of spurious and adulterated liquors, the effect of which is injurious to the public health, and it is expedient to adopt sanitary measures to provide a remedy for the  
35 evils resulting therefrom: Be it enacted, that the Municipalities of every County or City shall be bound to appoint a Liquor Inspector, who shall be a Chemist whose duty it shall be from time to time, and as often as he shall think proper, to visit the stores and shops throughout the extent of the said County or City, in which the retailing and sale of liquors is carried on, in  
40 order to ascertain whether they have been adulterated or contain deleterious or pernicious matter calculated to affect or destroy health, and such chemist is hereby authorized, and it shall be his duty to confiscate the said liquors, and to throw it upon the public roads, in order to the destruction thereof; and any person who shall impede, trouble, or molest the said Liquor Inspector  
45 in the execution of his duty, may be condemned to pay a fine not exceeding £12 10s., and to an imprisonment not exceeding one month: And the Municipality of the said County shall be bound to pay to the said Li-  
50 quor Inspector the costs incurred by him, and such indemnity as shall be deemed adequate and reasonable, and failing the said Municipalities to appoint such Liquor Inspector and to replace him, within three months alter he shall have ceased to discharge the duties of the office, for any reason whatsoever, it shall be lawful for the Governor to appoint one, upon

Liquor Inspector to be appointed.

His duties.

the application of twenty-five of the duly qualified electors of the said County or City, and the costs and emoluments incurred by and due to the said Liquor Inspector shall be paid by the said Municipalities, provided they do not exceed the sum of £ per annum. 5

No appeal from judgments in pursuance of this Act.

LXV. No judgment or conviction in pursuance of the Act cited in the preamble of this Act shall be removed by *Certiorari* or otherwise unto any of Her Majesty's Superior Courts of Record in Lower Canada, and no appeal shall be granted from such judgment or conviction to the Court of Quarter Sessions or to any other tribunal. 10

Interpretation.

LXVI. The words "Spirituous Liquors," wherever made use of in this Act, shall comprehend all spirituous liquors, wine, ale, beer, porter, cider, or any other fermented liquor.

Contrary laws repealed.

LXVII. Any provision or law contrary to this Act shall beand is hereby repealed. 15

Extent of application.

LXVIII. 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 . }  
 in the, , of , in the County of  
 I to keep , who am desirous of obtaining a License  
 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 Dis-  
 trict of , who is desirous of obtaining a License to keep\*  
 at † is perfectly known to each of

NOTE.—At the mark \* insert "A House or Place of Public Entertainment for retailing Spirituous Liquor, &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.



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 accomodation for travellers, as required by Law.)

If in Country parts, add, we furthercertify 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 cap. \_\_\_\_\_ we do hereby confirm the same.

(Signature.)

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, vir tue and effect.

In witness whereof, we have signed these presents with our hands, and sealed them with our own seals, this \_\_\_\_\_ day of \_\_\_\_\_

185 \_\_\_\_\_

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

T. U. [L. s.]  
V. W. [L. s.]  
X. Y. [L. s.]

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 (*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 \_\_\_\_\_, a (*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  
mentioned.

Hand and Seal, the day and year first above-

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 me \_\_\_\_\_ (*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 \_\_\_\_\_ pence, 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, making 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 shall 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. Thereof fail not.

Given under            hand and seal, this            day of           , in the year one thousand eight hundred and

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

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## II.

### WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

To all or any of the Bailiffs, Constables and other Peace Officers, in the District of           , and 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 abovementioned 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 (*House 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 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.

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.)