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2nd Session, 6th Parliament, 22 Victoriæ, 1859.

B I L L .

An Act to amend the Municipal Act for
Upper Canada as to the issue of Shop
and Tavern Licenses.

As passed by the Legislative Council

[Printed by Order of the Legislative
Assembly.]

S. Derbishiro & G. Desbarats, Queen's Printer.

B I L L .

[As passed by the Legislative Council.]

An Act to amend the Municipal Act for Upper Canada as to the issue of Shop and Tavern Licenses.

WHEREAS it is necessary for the prevention of crime that further restraints be placed upon the issue of Licenses for the sale of Intoxicating Liquors in Taverns or otherwise: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. So far as respects Cities, the first five sub-sections of the two hundred and forty-fifth section of the Act "respecting the Municipal Institutions of Upper Canada," passed in the twenty-second year of Her Majesty's Reign, are hereby repealed.

2. In every City, the Board of Commissioners of Police shall have power, and it shall be the duty of the said Board, from time to time, while no prohibitory By-law enacted and approved under the sixth sub-section of the said section, is in force in such City:

1. To grant Tavern Licenses (that is licenses for the retail of spirituous, fermented or other manufactured liquors to be drunk in the Inn, Ale-house, Beer-house or other house, or place of public entertainment in which the same is sold,) and to grant Shop Licenses (that is licenses for the retail of such liquors in Shops, Stores or places other than Inns, Ale-houses, Beer-houses or places of public entertainment);

2. To determine the terms and conditions to be complied with by all applicants for Tavern Licenses, and the security to be given by them for observing the same;

3. To determine the security to be given by all applicants for Shop or Tavern Licenses for observing the By-laws of the City;

4. To limit the number of Tavern and Shop Licenses respectively;

5. To make regulations for the houses or places licensed, the time the licenses are to be in force, not exceeding one year, and the sums to be paid therefor respectively to the Chamberlain of the City, prior to the issuing thereof; subject always to the provisions of the two hundred and forty-sixth section of the said Act;

6. To classify the houses or places to be licensed as Taverns, and the houses or places to be licensed as Shops respectively, and to fix the sum to be paid, subject to the provisions of the next preceding sub-section of this section, and of the section of the said Act therein cited, for either description of license for each and every class of house or place in respect of which the same may be granted.

3. So far as respects Cities, the two hundred and fifty-second section of the said Act, except so much thereof as authorizes and empowers City Councils to pass By-laws for fixing and defining the remuneration to be received by Inspectors of Shop and Tavern Licenses, shall be and the same is hereby repealed; and the Board of Commissioners of Police in each City is hereby authorized and directed :

1. To appoint annually one or more fit and proper persons, possessing the same property qualification as that required for the Councillors of such City, to be Inspectors of Shop and Tavern Licenses, who shall hold office during the current year; and any vacancy occurring during the year shall be filled by the Board for the remainder of such year ;

2. To fix and define the duties, powers and privileges of the Inspectors so appointed, and the security to be given by them for the discharge of the duties of their office.

4. The Board of Commissioners of Police in each City shall conform to the provisions of any By-law passed and duly approved therein under and according to the two hundred and forty-sixth section of the said Act; and the said section, as well as the two hundred and forty-seventh, the two hundred and forty-eighth, the two hundred and forty-ninth, the two hundred and fiftieth, the two hundred and fifty-first, what remains unrepealed as to Cities of the two hundred and fifty-second, and the whole of the two hundred and fifty-third, the two hundred and fifty-fifth, the two hundred and fifty-sixth, and the two hundred and fifty-seventh sections of the said Act shall apply to Licenses issued and Inspectors appointed by such Boards, and to all acts, matters and things done or omitted to be done, defaults made, penalties incurred and offences committed in relation to the same.

5. All By-laws heretofore, or at any time previous to the first day of January, one thousand eight hundred and sixty, lawfully made by City Councils in virtue of the said two hundred and forty-fifth and two hundred and fifty-second sections of the said Act, shall continue in force until repealed or altered under the authority of this Act.

6. It shall not be lawful for the Council of any Town or Incorporated Village to grant Tavern Licenses in more than the following proportion to the number of names on the Assessment Roll of such Town or Incorporated Village, that is to say, for two hundred names or less two Tavern Licenses, and for every hundred names beyond two hundred, an additional Tavern License.

7. This Act shall apply to Upper Canada only, and shall take effect upon, from and after the first day of January, one thousand eight hundred and sixty, and not before.