

No. 292.

4th Session, 3rd Parliament, 14 & 15 Vict., 1851.

BILL.

An Act to explain and amend the Act of the last Session, intituled, "*An Act to amend the Laws relative to Tavern Licences in Upper Canada.*"

Received and read a first time, Monday, 11th August, 1851.

Second reading, Wednesday, 13th August, 1851.

Mr. Sol. Gen. MACDONALD.

TORONTO: PRINTED BY LOVELL AND GIBSON.

1777

B I L L .

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."

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 Licences, in Upper Canada,*" which doubts it is expedient to remove: Be it therefore declared and enacted, 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-six 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 Licence,' 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.

Preamble.

13 & 14 Vict. c. 65.

Sections 7 and 8 of Act of U. C. 6 Will. 4 c. 4. declared in force.

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.

Municipal corporations declared to have power to make By-laws for preventing the keeping of Taverns without licence.

How penalties under such By-laws may be recovered.