
1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

**An Act to prevent Intemperance, and
to prohibit the Retailing of intoxicat-
ing Liquors.**

Received and Read a first time, Friday, 15th
April, 1853.

Second Reading, Monday, 18th April, 1853.

Mr. SICOTTE.

QUEBEC:

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913.

An Act to prevent Intemperance, and to prohibit the Retailing of intoxicating Liquors

WHEREAS the Retailing of intoxicating Liquors is a cause of drunkenness and demoralization; And whereas it is the interest of all, that some means should be adopted to prevent such demoralization; Be it therefore enacted, &c., Preamble.

5 The retailing of intoxicating liquors, in the manner which is denominated "by the glass" or "by the dram" is prohibited, and the sale of such liquor in any quantity, with a view to being drank on or about the premises where it is sold, is a selling by the glass within the meaning of this Section. Retailing by the glass prohibited.

10 II. And be it enacted, That the places commonly known as "dram shops" or "grog shops" are hereby prohibited, and declared public nuisances, and the establishment or keeping of one shall be held presumptive evidence of the violation by the keeper thereof, of the preceding Section. Grog shops prohibited.

15 III. And be it enacted, That the establishment or keeping of a place of any description whatever, and whether within or without any building, coming within the spirit and intent of this Act, and the establishment or the keeping a place of any description where other persons are accustomed to resort, providing their own liquor of the prohibited character, purchased elsewhere, and drinking it there, shall be taken to be keeping a "grog shop" within the meaning of this Act, and to be prohibited. What shall be deemed a grog shop.

25 IV. And be it enacted, That the sale of any intoxicating liquor in a less quantity than one gallon is prohibited, but nothing in this Act shall prevent or prohibit the sale in any quantity demanded, of intoxicating liquor to any sick person, or for the use of any sick person, if a certificate of the Physician attending such sick person, or of a Priest, or of a Minister residing in the locality, attesting that such liquor is required for such sick person, is exhibited and delivered to the person selling such liquor. Not less than a gallon to be sold, unless for sick persons.

30 V. And be it enacted, That every person committing or concerned in any of the acts above prohibited, or in any way aiding or assisting in any such act, whether as principal or as clerk, bar-keeper, or otherwise, shall be subject to a penalty of *twelve pounds ten shillings* currency of this Province, and shall forfeit for every such offence, the said sum of *twelve pounds ten shillings*, with costs, to such person as shall sue for the same, and such sum may be sued for and recovered in any of Her Majesty's Courts, or before any Justice of the Peace, by action of debt, bill, plaint or information, and no licence issued or to be issued shall be held to justify or excuse any thing done in contravention of this Act, or to exempt the person contravening the same from the penalty hereby imposed. Penalty on persons contravening this Act.
License not an excuse.

40 VI. And be it enacted, That a writ of execution or a warrant of distress may issue, in the usual form, against the moveables and immoveables Execution.

Imprisonment
if penalty be
not paid.

of any person convicted of any of the offences above mentioned, for levying the penalty and the costs, and in default of payment within fifteen days after the condemnation, a warrant or order may issue against the body of the person convicted of such offence, to imprison such person in the Common Gaol, within the limits of the Jurisdiction of the Court or Justice before whom he shall have been convicted, until the penalty and the costs shall be paid. 5

Exception as
to Tavern-
keepers sell-
ing wine at
meals.

VII. Provided always, and be it enacted, That a Tavern-keeper or Hotel-keeper duly licensed, shall not be considered as selling intoxicating liquor by the glass within the prohibition of this Act, or as selling the same in contravention of this Act, by reason of his selling wine to any traveller or to any person lodging and boarding in his house, provided such wine is sold and drunk at the ordinary meals of such traveller or boarder. 10

Interpretation
Giving liquor
prohibited as
well as selling
it.

VIII. And be it enacted, That all Courts, Judges and Justices of the Peace, shall construe this Act so as to prevent evasions and subterfuges and so as to cover the act of giving as well as of selling intoxicating liquor, in the places and manner above prohibited. 15