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No. 7.

2nd Session, 7th Parliament, 26th Victoria, 1863.

BILL.

An Act to amend the laws in force in Lower Canada, respecting the Sale of Intoxicating Liquors, and the issue of Licenses therefor, and for other purposes.

Received and read, first time, Friday
27th Feb., 1863.

Second reading, Monday, 2nd March, 1863.

Mr. DUNKIN.

QUEBEC.

PRINTED FOR THE CONTRACTORS BY HUNTER,
ROSE & LEMIEUX, ST URSULE STREET.

An Act to amend the laws in force in Lower Canada, respecting the Sale of Intoxicating Liquors and the issue of Licenses therefor, and for other purposes.

WHEREAS it is expedient to amend the laws in force in Lower Canada, respecting the sale of Intoxicating Liquors and the issue of Licenses therefor, as hereinafter is set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The Municipal Council of every county, city, town, or local municipality in Lower Canada, besides the powers presently conferred on them by law, shall have power at any time to pass a by-law for prohibiting the sale of intoxicating liquors and the issue of licenses therefor, Every County or local Council may prohibit the sale of intoxicating liquors
 10 within such county, city, town, or local municipality, in terms of this Act, and subject to the provisions and limitations hereby enacted.

2. Such by-law shall be drawn up, passed and published in ordinary form; and shall not require to have any other heading or title than such as may designate it as a by-law passed under authority of this Act; Form of By-law.
 15 and shall not have embodied therein any other provision than the simple declaration, that the sale of intoxicating liquors and the issue of licenses therefor, is by such by-law prohibited within such county, city, town, or local municipality, under authority of this Act.

3. After the ordinary publication thereof, as by law required, To be communicated to Collector of Inland Revenue.
 20 every such by-law shall be communicated as soon as conveniently may be, by delivery of a certified copy thereof, to the Collector of Inland Revenue within whose official district such county, city, town, or local municipality is situate.

4. As regards such prohibition of issue of licenses, every such by-law shall take effect from the day of the delivery of such certified copy to such Collector of Inland Revenue; and as regards the prohibition of such sale, and otherwise, every such by-law,—if on the day of such delivery there be in force within the Municipality any other by-law for prohibiting or preventing such sale, under the authority of the Consolidated Municipal Act for Lower Canada, shall take effect so as to become substituted for, and to repeal, such other by-law from such day— When the By-law shall come into force.
 25 or if on such day there be no such other by-law in force, shall take effect from the first day of May next after such day; and every such by-law shall continue in force until the first day of May next after the repeal Its duration.]
 35 thereof.

5. From the day of such delivery to him of such copy, and for so long thereafter as such by-law continues in force, no Collector of Inland Revenue shall issue any license to take effect within the county, city, town, No license to be issued while it remains in force.
 35 or local municipality affected by such by-law,—either for keeping an inn, ~~Tavern, or other house~~ or place of public entertainment, and for retailing whisky or any spirituous liquors, wine, ale, beer, porter, cider, or

other vinous or fermented liquors,—or for keeping 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 other spirituous liquors,—or for vending or retailing in any store or shop, brandy, rum, whisky, or other spirituous liquors, and wine, ale, beer, porter, cider, or other vinous or fermented liquors, in a quantity not less than three half-pints at any one time; and no person shall be liable by reason of his not having therein any license of such description, to the penalty of fifty dollars, imposed by the twenty second section of the Act chaptered six of the Consolidated Statutes for Lower Canada, intituled “An Act respecting tavern keepers and the sale of intoxicating liquors”

Nor any penalty for want of a license.

Licenses already issued to become void.

Repayment of duty on such licenses

While the by-law is in force no intoxicating liquor to be sold on any pretence, for any but medicinal or sacramental purposes.

Licenses to be of no effect.

By-law may be concurred in by neighboring municipalities.

And then shall not be repealed except by consent of all.

Selling by the intervention of others forbidden, &c.

6. If on or before the day of such delivery, there should have been issued any such license for the year to commence on the first day of May then next to follow, the same shall thereupon, *ipso facto*, become wholly null and void; and the Collector of Inland Revenue shall forthwith notify the person holding the same, to that effect, and shall be held to pay back to him such moneys as he may have paid, by way of duty or otherwise, therefor.

7. From the day on which such by-law takes effect for other purposes, as aforesaid, and for so long thereafter as same continues in force, no person, unless it be for exclusively medicinal or sacramental purposes, or for *bona fide* use in some art, trade or manufacture, shall, within such county, city, town, or local municipality, by himself, his clerk, servant, or agent, directly or indirectly, sell, barter, or in consideration of the purchase of any other property give, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage, and part of which is spirituous or otherwise intoxicating; and neither any license issued to any distiller or brewer,—nor yet any license for retailing on board any steamboat or other vessel, brandy, rum, whisky, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors,—nor yet any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter, cider, or other vinous or fermented liquors, but not brandy, rum, whisky, or other spirituous liquors,—shall in any wise avail to render legal any act done in violation of this section.

8. The Municipal Councils of any two or more neighboring municipalities, after having respectively passed such by-law, may also, each of them, by a further by-law, concur in and confirm, mutually, such by-law of the other or others of them; and in that case, such further by-law shall not require to have any other heading or title than such as may designate it as a by-law passed under authority of this Act,—and shall not have embodied therein any other provision than the simple declaration that such by-law or by-laws of the neighboring municipality or municipalities in question are thereby concurred in and confirmed,—and shall be communicated, in like manner, to the Collector of Inland Revenue, or Collectors, as the case maybe; and no by-law so mutually concurred in and confirmed, shall thereafter be repealed, unless with the like concurrence in and confirmation of such repeal, on the part of the municipalities in question.

9. Whoever, by himself, his clerk, servant or agent, directly or indirectly, on any pretence or by any device, sells, or barter, or in consideration of the purchase of any other property gives, to any other person, any spirituous or other intoxicating liquor, or any mixed liquor capable of being used as a beverage and part of which is spirituous or otherwise in-

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5 toxicating, in violation of the seventh section of this Act, shall incur a penalty of not less than twenty nor more than *fifty dollars* for each such offence; and whoever, in the employment or on the premises of another, so sells, or barbers, or gives, in violation of the said section, shall be held 5 equally guilty with the principal, and shall incur the same penalty.

Penalty.
The agent
equally guilty
with the principal.

10 Any prosecution for such penalty may be brought by or in the name of the county, city, town, or local municipality, as the case may be, or by or in the name of any person, whether authorized by the Council of such municipality or not,—and before any Stipendiary Magistrate or any one or more other Justices of the Peace for the District wherein the offence was committed, or, if the offence was committed in the District either of Montreal or of Quebec, then before the Recorder or Judge of the Sessions of the Peace at Montreal or Quebec, as may be, or, if the offence was committed in any other District, then before the 15 Sheriff of such District. If such prosecution is brought before a Stipendiary Magistrate, Recorder, Judge of the Sessions of the Peace, or Sheriff, no other Justice shall sit or take part therein.

By whom and
before what
tribunal pen-
alties may be
recovered.

20 In the next following eighteen sections, the word "Justice" includes any such Recorder, Judge of the Sessions of the Peace, Sheriff, or Stipendiary Magistrate, or any such one or more other Justices of the Peace, as the case may be.

If before a
stipendiary
magistrate,
&c.

Interpreta-
tion as to next
18 sections.

25 11. Every such prosecution shall be commenced within six months after the alleged offence, and shall be heard and determined in a summary manner, either upon the confession of the defendant, or upon the evidence of one or more witnesses.

Limitation
and form of
suit.

30 12. It shall not be necessary, in any such prosecution, to set forth or mention on the face of the declaration, summons, conviction, warrant of distress, or warrant of commitment, the by-law bringing the municipality within the special purview of this Act; but such declaration, summons, conviction and warrants may be in the forms A, B, C, D and E, respectively, hereto appended, or to the like effect; and unless the defendant specially puts in issue the fact of such by-law being in force, such fact shall be presumed by the Justice; and if such fact be so put in issue, the 35 prosecutor, of a copy of such by-law, certified under the hand of the Clerk or Secretary-Treasurer of the municipality, having thereon written a certificate under the hand of the same officer, of the due publication and communication to the Collector of Inland Revenue, of such by-law, shall be conclusive proof of the passing and of the tenor thereof, and also of such publication and communication thereof, the whole as so certified; and no fact so certified touching 40 such by-law, shall be incidentally put in issue or questioned in the course of any such prosecution.

What only it
shall be nec-
essary to in-
sert in the
declaration.

As to allega-
tion and proof
of by-law.

45 13. Two or more counts for the same offence, setting forth the same in various ways, and also two or more offences by the same party, may be included in any such declaration, provided the time and place of each offence is duly stated; and in such case, the forms aforesaid shall be altered, so far as need may be, accordingly. But, whatever may be the number of the offences so included in one declaration, the maximum of penalty imposable for them all shall in no case exceed *one hundred and fifty dollars*.

Several
counts or sev-
eral offences
may be in-
cluded.

Proviso—total
penalty
limited.

50 14. Such declaration may be amended before plea to the merits, in any matter of form or substance, and without costs, upon motion in writing for the prosecutor, setting forth the required amendment, but

Amendment
of declaration

without obliterating or altering the original declaration; and if such amendment be allowed, the defendant (should he require it) may have a further delay to plead to the merits, or for plea and proof, as may be ordered; and if the declaration, in the opinion of the Justice, be so defective that a legal conviction cannot be based upon it, and it be not amended, the Justice may dismiss the case, with or without costs in his discretion. 5

If adjudged defective.

Not to be dismissed for informality, &c. —but adjourned in certain cases. **15.** No such prosecution shall otherwise be dismissed for any defect, informality, error or omission; but if it appear that the defendant has been or may have been, materially misled thereby, the Justice may, on such terms as he thinks fit, adjourn further the proceedings in the case to a future day. 10

Service of process, &c.

16. Every summons or other process, proceeding, or paper, in any such case, may be served, and the service thereof certified, under his oath of office, by any bailiff, or by any constable or peace officer duly appointed for the District in which the same is pending. 15

Depositions may be reduced to writing and filed.

17. In every such case, if the Justice so order, or if either party so require, the depositions of the witnesses shall be reduced to writing by such clerk as the Justice may appoint to that end, and shall be filed on record in the cause, in like manner as if the same had been taken in the Superior Court for Lower Canada. Such clerk shall 20

Fees to clerk employed and how paid.

be entitled to charge and receive at the rate of *ten cents* for each hundred words of evidence so reduced to writing, or of *two dollars per diem*, in the discretion of the Justice; to be entered in taxation, and paid by either party, or partly by each party, as the conviction or judgment in the case may ordain; and if no conviction or judgment be rendered therein within two months after the taking of such evidence, then the fees of such clerk shall be paid in equal shares by each party. 25

Proof of precise date of offences dispensed with.

18. It shall not be necessary in any such case, to prove that an offence was committed on the precise day specified, in order to obtain a conviction; provided it be proved that the same was committed on or about such day, and before the date of the declaration. 30

Delivery of liquor in other than private houses to be deemed evidence of a sale.

19. In all such cases the delivery of intoxicating liquor of any kind, in or from any building or place, other than a private dwelling house or its dependencies, or in or from any dwelling house or its dependencies, if any part thereof is used as a tavern, eating house, grocery, shop, or other place of common resort, —such delivery in either case being to any one not *bona fide* a resident therein, —shall *prima facie* be deemed evidence of and punishable as a sale in violation of the seventh and ninth sections of this Act; and any such delivery in or from a private dwelling house or its dependencies, or in or from any other building or place whatever, to any one whether resident therein or not, with payment or promise of payment, either express or implied, before, on or after such delivery, shall *prima facie* be deemed evidence of and punishable as a sale in violation of the said sections. 35

What shall be so deemed in private houses.

As to interest of witnesses.

20. No person shall be incompetent on account of interest in the event of such case, to give evidence therein. 45

Witnesses bound to answer all relevant questions.

21. Any person examined or called as a witness in any such case shall be bound to answer all questions put to him, and which the Justice deems relevant, notwithstanding his answers may disclose facts subjecting or tending to subject him to any penalty or other criminal pro- 50

ceeding; but such his answers shall not be used against himself in any prosecution or criminal proceeding.

22. Any person who, either before or after the summons of any witness in any such case, tampers with such witness, or by any offer of money, or by threat or otherwise, directly or indirectly, induces or attempts to induce any such person to absent himself or herself, or to swear falsely, shall be liable to a penalty of *fifty dollars* for each such offence.

Penalty for tampering with witnesses.

23. Whenever judgment is rendered under the said seventh and ninth sections of this Act for the amount of any penalty and costs, the Justice, if he sees fit, may call on the Defendant to declare whether or not he possesses sufficient goods and chattels to satisfy the same, and if the answer be affirmative, may further examine him as to the sufficiency of such goods and chattels and as to their being or not being readily available for seizure under a warrant of distress; and if the Defendant either answers in the negative, or refuses to answer, or fails to answer to the satisfaction of such Justice, he may be forthwith imprisoned under the warrant of such Justice, in the common gaol or house of correction of the district, for a period of not less than one nor more than three months; and such imprisonment, when fully undergone, shall be taken as a satisfaction and discharge of such judgment.

Defendant may be examined as to his means of satisfying the judgment.

Imprisonment if his answers are not satisfactory.

24. If the Defendant be not present at the time of the rendering of such judgment, and it be made to appear to the satisfaction of the Justice, by affidavit, that the issue of a warrant of distress would be likely to fail of realising the full amount thereof, in penalty and costs, the Defendant may be forthwith imprisoned in such common gaol or house of correction under warrant of the Justice, for a period of not less than two nor more than six months; but the Defendant, in that case, may at any time obtain his liberation from such imprisonment, by making full payment of such amount and of all subsequent costs.

Imprisonment if defendant is absent and does not appear to have goods to satisfy judgment.

25. If the Justice do not so interrogate the Defendant, being present,—or if the Defendant being interrogated shows that he possesses a sufficiency of available goods and chattels to satisfy the amount of the judgment, in penalty and costs,—or if in the absence of the Defendant it be not shown to the satisfaction of the Justice that the issue of a warrant of distress would be likely to fail of realising the full amount of the judgment, in penalty and costs,—then in default of immediate payment, such amount 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 in such common gaol or house of correction, under warrant of the Justice, for a period of not less than two nor more than six months; and the Defendant, in that case, may at any time obtain his liberation from such imprisonment, by making full payment of such amount and of all subsequent costs.

Execution if defendant has sufficient goods.

In default of goods,—imprisonment.

Liberation on payment in full.

26. All such penalties shall be disposed of in the following manner, that is to say:—

Application of penalties.

If the prosecution was brought by or in the name of the municipality, or by or in the name of any person authorized by the Council thereof, two third parts shall belong to such municipality; and the Council of the municipality may pay over one of such two third parts either to ~~such person, or to~~ any other person upon whose information the prosecution may have been instituted.

If prosecution is in the name of a municipality.

If brought by another person. If the prosecution was brought by or in the name of any person not so authorized, one third part (unless he declares that he declines the same) shall belong to him, and one third part shall belong to the municipality; and if such person so declares, then the two third parts shall belong to the municipality, and one of them may by the Council be paid over to any other person upon whose information the prosecution may have been instituted. 5

One third in all cases to the Crown. In all cases the remaining one third part shall belong to the Crown; and shall be paid over to the Collector of Inland Revenue, and by him, (after deduction of any percentage which he may be authorized to retain, by any general regulation or special order of the Minister of Finance, to the Receiver General, for the public uses of the Province. 10

Indemnification of prosecutors as to costs. 27. Any person bringing such prosecution under authorization from a Municipal Council, shall be indemnified by the municipality for all costs therein, whatever may be the result of the prosecution; and any person bringing such prosecution to a successful issue, without having been so authorized, shall be indemnified by the municipality for any amount of costs which, without default on his part, he may have failed to recover from the Defendant. 15

No appeal or *certiorari* allowed. 28. No conviction, judgment or order, in any such case, shall be removed by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record in Lower Canada; nor shall any appeal whatsoever be allowed from any such conviction, judgment or order, to any Court of general Quarter Sessions, or other Court whatever. 20

In prosecutions for sale without license under present law, certain presumptions sufficient to put defendant on his defence, and convict him in default of rebuttal. 29. In prosecutions for the sale or barter, in any locality where in no by-law passed under authority of this Act is in force, of intoxicating liquor of any kind, without the license therefor by law required, or contrary to the true intent and meaning of the law in that behalf, it shall not be necessary that any witness should depose directly to the fact of such sale or barter as having taken place with his participation, or in his presence and to his absolute knowledge; but the Justice or Justices trying the same, so soon as it may appear to him or them that circumstances raising a reasonably strong presumption of the infraction of law complained of, are sufficiently put in evidence, shall put the Defendant on his defence, and in default of his rebuttal of such presumption, shall convict him accordingly. 25 30

Sect. 30 of Con. Stat. L. C. amended. 30. The thirtieth section of the said Act chaptered six of the Consolidated Statutes for Lower Canada, is hereby so amended as to read thus:— 40

Liability of Inn-keepers or persons in their employ, &c., who give liquor to persons who become intoxicated and commit suicide or perish from cold, &c. "Whenever any person has drunk to excess of intoxicating liquor of any kind, in any inn, tavern, or other house or place of public entertainment, or in any store or place wherein intoxicating liquor of any kind is sold, whether legally or illegally, and while in a state of intoxication from such drinking has come to his death by suicide, or drowning, or perishing from cold, or other accident caused wholly or in part by such intoxication, the keeper of such inn, tavern, or other house or place of public entertainment, or of such store or place wherein intoxicating liquor is so sold, and also any other person who for him or in his employ delivered to such person any of the liquor whereby such intoxication was caused, shall be liable to be indicted and tried for a misdemeanor, before the Court of Queen's Bench sitting in the District wherein such person met his death, and if convicted, shall be liable to a penalty of not less than one hundred nor more than one thousand dollars, 45 50

Penalty.

payable to the heirs or legal representatives of such deceased person, or to be imprisoned for a period of not less than one month nor more than six months."

31. If a person in a state of intoxication assaults any person, or injures any property, whoever furnished him with the liquor which occasioned his intoxication, or with any part thereof,—if such furnishing was in violation of this Act, or otherwise in violation of law,—shall be liable to the same action by the party injured as the person intoxicated would be liable to; and such party injured, or his legal representatives, may bring either a joint action against the person intoxicated and the person who furnished such liquor, or a separate action against either.

Persons who furnish the liquor liable for assault committed by a person thereby intoxicated.

32. The husband, wife, parent, child, brother, sister, tutor, or employer, of any person who has the habit of drinking spirituous or other intoxicating liquor to excess, may give notice in writing, signed by him or her, to any person licensed to sell, or who sells or is reputed to sell, spirituous or other intoxicating liquor of any kind, not to deliver spirituous or other intoxicating liquor to the person having such habit; and if the person so notified do at any time within twelve months after such notice, either himself, or by his clerk, servant or agent, deliver any such liquor to the person having such habit, the person giving the notice may in an action as for personal wrong, if brought within six months thereafter, but not otherwise, recover of the person notified, such sum not less than twenty nor more than five hundred dollars, as may be assessed by the Court or Jury as damages; and any married woman may bring such action without authorization by her husband, and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of action given by this section shall survive to or against his heirs or other legal representatives.

Husband, wife, &c. may notify sellers of liquor not to furnish it to any person addicted to drinking. Liability of persons so notified.

Married women may bring action for damages.

33. This Act may be cited as "The Lower Canada Temperance Act of 1863."

Short title of Act.

(A.)

FORM OF DECLARATION.

PROVINCE OF CANADA, } A. B. [*designate duly and sufficiently the Lower Canada, to wit: Municipality or other Prosecutor, as the case District of*] } *may require,*] in behalf of our Sovereign Lady the Queen, prosecutes C. D. of [*designate duly and sufficiently the Defendant*] and declares: That the said C. D. at [*designate duly the Municipality and District,*] on [*designate the time or times*] and at sundry times before or since, did [*here state succinctly the offence charged*] contrary to the Lower Canada Temperance Act of 1863, then and there being fully in force; whereby and by force of the said Act, the said C. D. hath become liable to pay the sum of _____
Wherefore the said prosecutor prays that the said C. D. be condemned to pay the said sum of _____ with costs.

FORM OF SUMMONS.

PROVINCE OF CANADA, } To C. D. of [*designate duly and sufficiently*
 Lower Canada, to wit : } *the Defendant.*] You are hereby commanded
 District of } to be and appear before me [*or us, as the case*
may be] the undersigned Justice of the Peace for the said District, [*or*
as the case may be] at [*name the place*] on the day of ,
 at the hour of in the noon, [*if the summons be issued*
by a Justice or Justices, not being a Stipendiary Magistrate, Recorder,
Judge of the Sessions of the Peace, or Sheriff, add here the words,] 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 by [*desig-*
nate the prosecutor] who prosecutes you in Her Majesty's behalf, for the
 causes set forth in the declaration hereto annexed,—otherwise judge-
 ment will be given against you by default.

Given under my [*or our*] hand and seal, this day of ,
 in the year of Our Lord, one thousand eight hundred and ,
 at in the District aforesaid.

[*Signature and Seal.*]

CERTIFICATE OF SERVICE.

I, the undersigned, E. F. of [*designate duly the bailiff or other party*
certifying] do hereby certify, upon my oath of office, that on the
 day of I did serve the with-
 in 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 [*or if the service was personal, by speaking to*
 him and leaving with him a true and certified copy of the said summons
 and of the said declaration, at .]

To be dated and signed in the ordinary manner.

(C.)

FORM OF CONVICTION.

PROVINCE OF CANADA, } Be it remembered, that on the
 Lower Canada, to wit : } day of , in the year of Our
 District of } Lord one thousand eight hundred and ,
 [*designate the place where conviction rendered*] in the said District, C.
 D., [*designate the defendant*] is convicted before the undersigned, G.
 H., Esquire, of [*and designating the official function of the party con-*
victing, as the case may be] for that he the said C. D. did [*state suc-*
cinctly the offence,] and I [*or we*] adjudge the said C. D. for his said
 offence, to forfeit and pay to [*designate the prosecutor*] the sum of ,
 , and also the further sum of for costs,
 in this behalf.

Given under my [*or our*] hand and seal, the day and year first above
 mentioned.

[*Signature and Seal.*]

(D.)

FORM OF WARRANT OF DISTRESS.

PROVINCE OF CANADA, } G. H., Esquire, of [and designating the official function of the party issuing the warrant.]
Lower Canada, to Wit: }
District of }

To any bailiff, constable or other officer of the Peace in and for the said District:

Whereas C. D., of [designate the Defendant] hath been convicted before of having, [state the offence] and for such offence adjudged to pay to A. B. [designate the Prosecutor] the sum of , and also the further sum of for costs in that behalf.*

These are therefore to command you, and each of you, to distrain the goods and chattels of the said C. D., wheresoever they may be found within the said District, and thereon to levy the said penalty and costs, making together the sum of ; and if, within the space of four days next after such distress made, the said last mentioned sum of , together with the reasonable charges of taking and keeping the said distress, are not paid, that then you do 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 unto the said A. B., refunding to the said C. D. 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 warrant what you shall have done in the execution thereof. Herein fail not.

Given under my [or our] hand and seal, this day of in the year of our Lord one thousand eight hundred and , at in the District aforesaid.

[Signature and Seal.]

(E. 1.)

FORM OF WARRANT OF COMMITMENT, UNDER SECTION TWENTY-THREE.

PROVINCE OF CANADA, } To all or any of the bailiffs, constables
Lower Canada, to Wit: } and other officers of the Peace, in the District of , and to the keeper of the gaol of the same District.

Whereas, &c. [as in the foregoing Form D. to the mark *] and whereas [state circumstances under which, in terms of Section 23 the warrant is issued.] These are therefore to command you the said bailiffs, constables or officers of the Peace, or any one of you, to take the said C. D., and him safely convey to the gaol of the said District, and there deliver him to the said keeper thereof, together with this warrant; and I [or we] do hereby command you the said keeper of the said gaol to receive the said C. D. into your custody in the said gaol, and to imprison him for the space of ; and, for so doing, this shall be your sufficient warrant.

Given, &c. [as in form D.]

(E. 2)

FORM OF WARRANT OF COMMITMENT, UNDER SECTION
TWENTY-FOUR.

[As in foregoing Form E. to same mark *] and whereas (state circumstances under which, in terms of Section Twenty-four, the warrant is issued.) These are therefore to command you the said bailiffs, constables or officers of the Peace or any one of you, to take the said C. D., and him safely convey to the gaol of the said District, and there deliver him to the said keeper thereof, together with this warrant; and I [or we] do hereby command you the said keeper of the said gaol to receive the said C. D. into your custody in the said gaol, and there to imprison him for the space of _____, unless the said mentioned sum of _____ and all the costs of the commitment and conveying of the said C. D. to the said gaol, amounting to the further sum of _____, are sooner paid unto you the said keeper; and for so doing, this shall be your sufficient Warrant.

Given, &c. [as in foregoing Form E. 1]

(E. 3.)

FORM OF WARRANT OF COMMITMENT, UNDER SECTION
TWENTY-FIVE.

[As in foregoing Form E. 1, to same mark*] And whereas afterwards, on the _____ day of _____ in the year _____ I [as case may be] issued a warrant of distress for the levying of the said amount, together with the reasonable charges of the said distress; and ~~whereas~~ [state circumstance under which, in terms of Section Twenty-five, the warrant is issued]; These are therefore to command you the said bailiffs, constables or officers of the peace, or any one of you, to take, the said C.D., and him safely convey to the gaol of the said District, and there deliver him to the said keeper thereof, together with this warrant; and I [or we] do hereby command you the said keeper of the said gaol to receive the said C. D. into your custody in the said gaol, and there to imprison him for the space of _____, unless the said last mentioned sum of _____ and all the costs of the said distress, and of the commitment and conveying of the said C.D. to the said gaol, amounting to the further sum of _____, are sooner paid unto you the said keeper; and for so doing, this shall be your sufficient warrant.

Given [&c., as in foregoing Form E. 1.]