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No. 122.

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3d Session, 3d Parliament, 13 & 14 Victoria, 1850.

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**BILL.**

**An Act for the suppression of  
Intemperance.**

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Received and Read a first time, Friday, 28th  
June, 1850.

Second Reading, Monday, 1st July, 1850.

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Hon. Mr. CAMERON (Kent).

BILL.

An Act for the suppression of Intemperance.

**W**HEREAS experience hath shewn that the evils Preamble.  
 resulting from the abuse of spirituous liquors in this  
 country are incalculable, and that the Laws now in force  
 for regulating the traffic in spirituous liquors are more cal-  
 5 culated to encourage the crime of drunkenness than to  
 suppress it: And whereas, with a view to the interests as  
 well of the agricultural as of all other classes, it is time  
 that energetic measures should be adopted to prevent  
 parties licensed to sell spirituous liquors, from paralysing  
 10 and destroying as they heretofore have done, the immense  
 physical and moral resoucrs of this Province:—Be it  
 therefore enacted, &c.

That so much of the Act passed in the Parliament of  
 Lower Canada, in the thirty-fifth year of the Reign of  
 15 His Majesty King George the Third, and intituled, “*An*  
 “*Act for granting to His Majesty Duties on Licenses to*  
 “*Hawkers, Pedlars and Petty Chapmen, and for regu-*  
 “*lating their trade ; and for granting additional Duties*  
 “*on Licenses to persons for keeping houses of public enter-*  
 20 “*tainment, or for retailing Wine, Brandy, Rum or other*  
 “*spirituous liquors in this Province, and for regulating*  
 “*the same ; and for repealing the Act or Ordinance therein*  
 “*mentioned,”* as relates to the selling of spirituous liquors  
 and the granting of Tavern Licenses, and the Ordinance  
 25 of the Special Council of the said Province passed in  
 the third Session of the said Council held in the second  
 year of Her Majesty’s Reign, and intituled, “*An Ordi-*  
 “*nance to amend a certain Act threain mentioned, and to*  
 “*provide for the better regulation of Taverns and Tavern-*  
 30 “*keepers ;*” and the Ordinance of the said Special Council  
 passed in the Session held in the third and fourth years  
 of the same Reign, and intituled, “*An Ordinance to repeal*  
 “*in part, and to amend and to render permanent as*  
 “*amended, a certain Ordinance therein mentioned, relative*  
 35 “*to Taverns and Tavern-keepers, and to make further*  
 “*provision relative to the same subjects,”* and the Ordi-  
 nance of the said Special Council passed in the fourth  
 year of the same Reign, and intituled, “*An Ordinance to*  
 “*amend the Law relative to the granting of Licenses to*  
 40 “*keep houses of public entertainment, and to enable the*  
 “*Magistrates resident in the City of Montreal, to hold*  
 “*another Special Session for granting Certificates on*  
 “*which Licenses may be granted during the present year ;*”  
 and so much of the Act of the Legislature of Upper

L. C. 35 Geo.  
 3, c. 8, 2 Vict.  
 (3.) c. 14, 3  
 and 4 Vict. c.  
 42, 4 Vict. c.  
 28, and part of  
 U. C. 59 Geo.  
 3. c. 2, repeal-  
 ed.

Canada, passed in the fifty-ninth year of the Reign of His Majesty King George the Third, and intituled, "*An Act to alter the Laws now in force for granting licenses to Inn-keepers, and to give to the Justices of the Peace, in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such licenses,*" as relates to the granting of licenses for the sale of spirituous liquors,—and all Acts or provisions of Law in force in either section of this Province inconsistent with this Act, shall be and the same are hereby repealed, except as to penalties already incurred; but no Act thereby repealed shall revive.

What authorities shall grant certificates for tavern licenses in L.C. & U.C.

II. And be it enacted, That the following authorities shall alone be entitled in Lower Canada to grant certificates for obtaining licenses for the sale of spirituous or malt liquors, that is to say, the senior Magistrate of the Township, Parish or locality in which the party applying for such certificate shall reside, the Senior Officer of Militia of the Battalion within the limits whereof such Township, Parish or locality shall be and resident in such Parish or locality, and the Churchwarden in office, (*Marguiller en charge*) of such Parish; and certificates shall only be granted by the said authorities at a special meeting which shall take place between the tenth and twentieth days of April inclusively, in every year, at such place as may be determined upon by the said authorities; and due notice of the time and place of such meeting shall be given at the Church door after Divine Service or at some other public place within the said Township, Parish or locality; and in case there shall be a difference of opinion between any of the said authorities on any question relative to such certificates, the signature of any two of them to any such certificate shall be sufficient; and in Upper Canada there shall be annually chosen in each Township or incorporated Village, and in each ward of a City or incorporated Town, three tavern inspectors at the same time as other local officers are elected for the same locality, which said inspectors shall sit during the first week in the month of March in each year, to grant certificates for obtaining tavern licenses to deserving persons according to the requirements of this Act; and none but persons obtaining such certificates shall receive licenses.

No certificate granted without a requisition, &c.

III. And be it enacted, That no certificate for a tavern license shall be granted, unless the party applying for the same shall prove, in Lower Canada by a requisition signed by the majority of the municipal electors in his Municipality and in Upper Canada, by a requisition signed by at least fifty householders, if there be so many, and if not by as many as there shall be, in his Township or Municipality, that a tavern is necessary at the place where he asks to keep one.

IV. And be it enacted, That the authorities hereby empowered to grant certificates for tavern licenses, shall not grant any such certificate, unless the party applying for the same shall prove to their satisfaction that he holds, Party claiming certificate to prove that he has certain real estate.

5 at the place at which his intention is to keep a Tavern, real property of the value of at least *one hundred and fifty* pounds currency, free of all incumbrances, and shall furnish two good and sufficient sureties in the sum of two hundred pounds each and himself in four hundred pounds,

10 for his good behaviour; nor unless he shall also produce a certificate from two Justices of the Peace or ten municipal electors in his municipality, to the effect that he enjoys an unblemished reputation and is not addicted to drink; and such certificate shall be published and posted up

15 at the Church door or at the School House at least eight days before his application for a certificate, with the names of the signers thereof thereunto attached.

V. And be it enacted, That on production of such certificate, it shall be lawful for the Governor of this Province Governor may grant license.

20 or any other person whom he shall authorise for that purpose, to grant a tavern license to the party producing the same, on payment by the said party of the sum of *ten* pounds currency; over and above the duty imposed by Act of the Imperial Parliament; provided that all such

25 licenses shall be in force until the first day of *June* next after the granting thereof.

VI. And be it enacted, That if any tavern keeper shall be convicted on the oath of two witnesses, before a Justice of the Peace of having contributed to the intoxication of any person, either by selling, giving or delivering to him in any manner, by himself or by any one of his household, any intoxicating liquor whatsoever, within the six hours immediately preceding such intoxication, such tavern keeper shall thereby incur a penalty of *ten pounds*

30 currency. Penalty on Tavern-keepers contributing to intoxicating any person

VII. And be it enacted, That when any family shall have suffered damage by reason of any of its members losing his time or his money at a tavern, either by drinking or causing others to drink, or by gambling or otherwise, any other member of such family may lodge a complaint before any Justice of the Peace against the keeper of such tavern, who shall on conviction be condemned to pay to the said family an indemnity of not less than *five shillings* for every half day which shall be proved to have

40 been lost by such party as aforesaid: Provided always, that it shall be lawful for any tavern keeper, not only to refuse to give any spirituous liquors to any party demanding the same, but also summarily to eject such party from his premises. The family of a person who shall lose his time at a Tavern, to be indemnified by Tavern-keeper.

50 VIII. And whereas it has often happened that unfortunate persons have lost their lives when in a state of in- Recital.

When a person in liquor shall die by accident, &c., the tavern-keeper who furnished him with liquor within 6 hours before his death, shall incur a penalty.

toxication, either by committing suicide or being murdered, or by drowning or perishing from cold, or, in fine, by coming to their death by any accident whatsoever when in that state: Be it enacted, That in any such circumstances any relative or friend of the person who shall have lost his life by any such means, shall be entitled to enter a prosecution for misdemeanor against any tavern keeper at whose house such person shall be proved to have received intoxicating liquors within the six hours immediately preceding his death, and on conviction the said tavern keeper shall be sentenced to pay to the nearest relatives, and if there be none, to the friend of the deceased person who shall have entered the prosecution, a sum not less than *twenty-five pounds* nor more than *one hundred pounds*, which sum if not forthwith paid, shall be recoverable before any Court having jurisdiction to the amount.

Licenses for Temperance Houses.

IX. And be it enacted, That whenever any person shall adduce proof of his honesty and good moral character by a certificate under the hand of four municipal electors of his locality, and shall be seized of real property to the value of *one hundred pounds*, such person shall be entitled to receive from the Municipal Council for his locality, a license to keep a Temperance Hotel for the reception of travellers; and for such license, such person shall pay to the said Municipal Council, a sum not exceeding at any time *twenty shillings* currency; Provided always, that no person who shall be licensed to keep a Temperance Hotel, shall sell nor give nor cause to be sold or given to drink any spirituous or malt liquor, or any liquor a certain quantity whereof may tend to weaken the party drinking thereof or deprive him of his reason, under a penalty of *ten pounds* for every such offence; and any person who shall be convicted of retailing intoxicating liquors without license, or of keeping a disorderly house, or of selling intoxicating liquors on Sundays and holidays shall for every such offence incur a penalty of *ten pounds* currency.

Proviso.

Complaints to be disposed of by Justices of the Peace.

X. And be it enacted that except as provided in the section of this Act, all complaints against parties contravening the provisions of this Act, shall be summarily disposed of by one or more Justices of the Peace on the evidence of one credible witness; and any party who shall be found guilty of any offence under this Act shall, in default of payment of the fine to which he shall be condemned for such offence, be imprisoned under warrant of such Justice until payment of such fine and of the costs incurred for the recovery thereof.

Taverns and Temperance Hotels to contain at least 3 rooms, &c.

XI. And be it enacted, That all taverns for the sale of intoxicating liquors and all temperance hotels, shall contain at least three rooms with the same number of beds for travellers, over and above those used by the

family, and in the country parts, at least three stalls for horses, with hay and provender; and if the keeper of any tavern or temperance hotel shall not provide such accommodation, it shall be lawful for the Governor of this Province on a representation being made to that effect by the authorities who shall have granted the certificate, to revoke his license after the said authorities shall have given him fifteen days' notice of their intending to make such representation in default of his providing such accommodation.

XII. And be it enacted, That no person who shall not be licensed to keep a tavern or a temperance hotel or as an apothecary, shall vend or detail any description of liquor known as a temperance drink, such as spruce beer, sarsaparilla, raspberry vinegar, ginger beer, essence or juice of lemons or of oranges, lemonade, or peppermint, under a penalty of *ten pounds* for every contravention of the provisions of this Section.

No persons not licensed as Apothecaries or Temperance Hotel-keepers to sell temperance drinks.

XIII. And be it enacted, That a list of the licensed taverns and temperance hotels shall be transmitted in every year to the Clerk of the Peace for the District or County in which the same shall be, and a proper sign shall be hung up at each of the said taverns or temperance houses for the information of travellers; and any person not licensed who shall hang up or place near his house any sign which may induce travellers to think that he has a license, shall thereby incur a penalty of *five pounds*.

Clerks of the Peace to be furnished with lists of Taverns, &c.

XIV. And be it enacted, That 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 endeavouring to prevent any witness from appearing to give evidence, such person shall incur a penalty of *twenty pounds*.

Relatives competent witnesses.

XV. And be it enacted, That if it be within the personal knowledge of any Magistrate, or on a complaint 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; after which he shall be examined by such Magistrate in order to ascertain what parties have furnished or sold or given to him any intoxicating liquor whatsoever; and on the deposition of such person, any party who shall have furnished, sold or given him any quantity

Parties found drunk may be brought before Magistrates, &c.

of intoxicating liquor whatsoever, shall incur a penalty not exceeding *twenty shillings* currency for the first offence, and for the second and every subsequent offence, a penalty not exceeding *ten pounds* nor less than *three pounds, currency*, and such penalty may be recovered in a summary way before such Magistrate or any other, together with the costs of suit and the expenses incurred in arresting the person so found intoxicated, and in keeping him in safe custody; and the person so found intoxicated shall incur and pay a penalty of not less than *five shillings* nor more than *twenty-five pounds* for his said offence, and in default of payment may be imprisoned in the house of correction for a space of time not exceeding one month.

Merchants, &c. prohibited from treating their customers to liquor.

XVI. And whereas it frequently happens that merchants and traders make their customers drink intoxicating liquors in order to induce them to purchase their wares and merchandize, Be it enacted, That if any merchant or trader shall, by himself or by one of his household, give intoxicating liquors to drink to any person whatsoever within the six hours preceding the purchase of any wares or merchandize by such person, such merchant or trader shall not be entitled to recover from such purchaser the amount of such wares or merchandize so purchased, and shall also incur a penalty of *ten pounds* currency.

Merchants not to sell less quantity of liquor than 5 gallons.

XVII. And be it enacted, That it shall not be lawful for any merchant or trader who shall not have a tavern license, to sell intoxicating liquors in less quantities than five gallons; and such liquor when sold shall be taken away from the premises of such merchant or trader within twenty-four hours after the purchase thereof: 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 case only, it shall be lawful for such merchant or trader, to sell to such person any quantity he shall require.

Proviso.

Venders of fruits, &c., not to sell liquors or temperance drinks.

XVIII. And be it enacted, That it shall not be lawful for any person who shall be in the habit of vending fruits, creams, cakes, biscuits and other pastry, and who shall not have a tavern license nor a license to keep a Temperance Hotel, to sell or give or furnish to drink any intoxicating liquors whatsoever, nor any of the beverages known as Temperance drinks, such as tea, coffee, chocolate, spruce beer, ginger beer, the juice of oranges, lemons or limes, lemonade, raspberry vinegar or sarsaparilla, under a penalty of *five pounds* currency.

Penalty on Tavern-keepers refusing to receive travellers.

XIX. And be it enacted, That if any tavern-keeper or keeper of a Temperance Hotel shall refuse to receive and make suitable provision for any stranger or traveller, without just cause, he shall on conviction thereof, incur a penalty not exceeding *five pounds* currency.



XX. And be it enacted, That the Inspectors of Revenue in every Revenue District shall visit twice in every year, all breweries, distilleries, and stores in which intoxicating liquors are sold in their respective Revenue Districts in order to examine whether the said liquors are adulterated, and on information by any such Revenue Inspector before any Justice of the Peace, that any such liquor is adulterated, the party in whose possession such adulterated liquor shall be found, shall be condemned to pay a penalty of not less than *twenty-five pounds*, and the said Inspectors shall spill the said liquor; the said Inspectors shall also, twice in every year, visit the taverns and Temperance Hotels, within their respective Revenue Districts in order to ascertain whether every thing is carried on according to law in such taverns and Temperance Hotels; and shall make a report thereof to the Municipal Council of the City, Town, Township, or County in which such tavern or Temperance Hotel shall be; and the said Inspectors shall be entitled to receive from the owner of any such distillery, brewery, store, tavern, or Temperance Hotel, the sum of *ten shillings* for every such visit; and it shall also be lawful for the said Inspectors to visit any house in which it shall be suspected that spirituous liquors are retailed without a license; and if they find any adulterated liquors therein, they shall spill the same, and on the information of any such Inspector, any such person in whose possession such adulterated liquors shall be found shall be condemned to pay a penalty of *ten pounds* current money.

Inspectors of Revenue to visit Breweries, &c.

XXI. And be it enacted, That all Justices of the Peace before whom any trial shall be had under this Act, shall take down minutes in writing of the proceedings and evidence at such trial, in case an appeal shall be brought from any judgment rendered by him.

Justices providing to take down minutes.

XXII. And be it enacted, That if on the evidence of one credible witness it shall appear that any party accused of any offence under this Act intends to abscond, a warrant shall be issued by any such Justice of the Peace for the immediate arrest of such party, who shall give two good and sufficient sureties, in *fifty pounds* each, for his appearance at his trial, or be imprisoned until such trial shall be disposed of.

Party absconding to be arrested.

XXIII. And be it enacted, That one-half of any penalty imposed under this Act shall go to the prosecutor or informer, and the other half to the Municipality, who shall not be authorised to remit the same; and if there be no Municipality, the same shall be paid over to the Treasurer of the School Trustees or School Commissioners of the locality, to be expended for the support of Common Schools and the purchase of books for them.

How penalty shall be disposed of.

What shall be required before a person obtain a license.

**XXIV.** And be it enacted, That no person shall, in any Village, Parish or Township, obtain a certificate for a tavern license, unless he shall produce a memorial signed by *fifty* Municipal electors of such Village, Parish or Township, and in any City or Town, by at least *ten* 5 Magistrates residing therein, stating that such tavern is necessary, provided that none of the said Magistrates shall be the proprietor or holder of any house in such City or Town, in which spirituous liquors are sold or 10 retailed; and if any Magistrate, so disqualified, shall sign such memorial, he shall forfeit and pay a sum not exceeding *ten* pounds.

Provision when a criminal shall be tried for a crime committed when intoxicated.

**XXV.** And be it enacted, That in all cases where the Judge, before whom any criminal shall be tried, shall 15 certify that the crime for which the prisoner was arraigned was committed by the said criminal while under the influence of intoxicating drinks, an amount, equal to the costs payable by the Government in the matter of the said criminal proceedings, shall be retained by the Government out of 20 the tavern license fund of the Municipality, City or Town, in which the said crime shall have been committed; and it shall be the duty of the Clerk of the Peace, for each District, to transmit to the Inspector General a copy of all such certificates.

Temperance Hotel-keepers exempt as jurors, &c.

**XXVI.** And be it enacted, That every person who shall 25 be licensed to keep a Temperance Hotel shall be exempt from serving as a Juror or a Constable, and shall not be obliged to accept any public office to which no emoluments shall be attached.

Gambling forbidden in Taverns, &c.

**XXVII.** And be it enacted, That no Tavern Keeper 30 or keeper of a Temperance Hotel shall suffer any person resorting to his house to play any game whatsoever, at which money may be lost, on pain of forfeiting *ten* pounds for every such offence.

Duty imposed on Breweries, &c. £100.

**XXVIII.** And be it enacted, That a duty of 35 a year shall be and is hereby imposed on every Brewery and Distillery in this Province, and such duty shall be collected quarterly by the Revenue District Inspector, in the same manner and under the same provisions as the 40 duties on spirituous liquors made in such distillery, and under like penalties for non-payment; and that the trade in spirituous liquors with the United States shall be and is prohibited; and any spirituous liquors imported from the United States into this Province shall be forfeited, as shall also any such liquors which it may be attempted to 45 export from this Province to the United States.

Public Act.

**XXIX.** And be it enacted, That this Act shall take effect upon, from and after the day of next.