

No. 216.

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

BILL.

**An Act to amend the Laws relative to
Tavern Licenses in Upper Canada.**

**Received and Read a first time, Wednesday, 24th
July, 1850.**

Second Reading, Friday, 26th July, 1850.

HON. MR. HINCKS.

TORONTO : PRINTED BY LOVELL AND GIBSON.

B I L L.

An Act to amend the laws relative to Tavern
Licences in Upper Canada.

WHEREAS it is expedient to vest in the Municipal ^{Preamble.}
W authorities in Upper Canada the power of fixing the
number of Taverns, Beer shops and other houses and
places of public entertainment where wines and spirituous
or fermented liquors are sold, or of prohibiting such
5 houses or places in the said Municipalities respectively,
and of prescribing the conditions on which Licences to
keep the same shall be obtained and held, and the duty
which shall be paid thereon over and above that
imposed on persons Keeping such houses and retailing
10 Wines and Spirituous Liquors therein, by the Act
of the Parliament of Great Britain, passed in the four-
teenth year of the Reign of King George the Third
and intituled, "*An Act to establish a Fund towards* ^{Imp. Act 14}
further defraying the charges of the Administration of ^{G. 3, c. 88.}
15 "*Justice and the support of the Civil Government within*
the Province of Quebec in North America"; Be it there-
fore enacted, &c.

That so much of the Act of the Parliament of Upper ^{Part of Acts}
Canada passed in the fifty-ninth year of the Reign of King ^{of U. C.}
20 George the Third and intituled, "*An Act to alter the* ^{59 G. 3, c. 2,}
laws now in force for granting Licences to Inn-Keepers,
and to give to the Justices of the Peace, in General
Quarter Sessions assembled for their respective Districts,
25 "*authority to regulate the duties hereafter to be paid on*
such Licences," or of the Act of the said Parliament
passed in the sixth year of the Reign of His late Majesty
King William the Fourth and intituled, "*An Act to repeal* ^{6 W. 4, c. 4,}
and amend certain parts of an Act passed in the thirty-
30 "*intituled, 'An Act to amend an Act for regulating the*
manner of Licensing Public Houses and for the more
easy convicting of persons selling spirituous liquors
without a License,' and for other purposes therein men-
tioned," or of the Act of the said Parliament passed in the
35 third year of Her Majesty's Reign and intituled, "*An Act* ^{3 Vict. c. 20,}
for further regulating the manner of granting Licenses to
Inn-Keepers, and to the Keepers of Ale and Beer-houses
within this Province," or of the Act passed in the year
last aforesaid, and intituled, "*An Act to continue and make* ^{3 Vict. c. 21;}
40 "*perpetual, parts of an Act passed in the fifty-ninth year of*
the Reign of His late Majesty King George the Third,
intituled, 'An Act to alter the Laws now in force for

“granting Licences to Innkeepers, 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 Licences,” and for other purposes therein mentioned,” or of any other Act or Law in force in Upper Canada, as vests in any Justices of the Peace the power of granting certificates entitling the parties to whom they are granted to obtain Licences to keep Inns or Houses of Public Entertainment, or of making rules and regulations for the conduct of such Innkeepers, or of repealing such rules and regulations, or of fixing the duty or sum which any person is required to pay for such Licence or before he can obtain the same, or of repealing or altering any duty or sum so fixed, or as may be inconsistent with any provision of this Act which is to be acted upon before the *first day of March next*, shall be and is hereby repealed from and after the passing of this Act; and the remaining provisions of the said Acts, and the rules and regulations made under them, and the duties or sums required to be paid under them for such Licences as aforesaid, shall remain in force (in so far only as they may not be inconsistent with any provisions of this Act to be acted upon before the said day) until the said *first day of March next*, upon, from and after which day they shall be repealed, except the seventh and eighth Sections of the Act thirdly above cited, which shall remain in force: Provided always, that all Acts and parts of Acts repealed by the said Acts or any of them shall remain repealed, and that all penalties incurred before the said day for any contravention of any of the said Acts, may be sued for and recovered under the same as if they were not so repealed.

Repealed on the passing of this Act;

And the remainder on the first March, 1851.

Proviso.

Shop licenses not to be affected by this Act.

II. Provided always, and be it enacted, That neither the repeal of the said Acts nor anything in this Act contained, shall be construed to repeal or affect any duty or sum payable on licences to vend wine, brandy and spirituous liquors by retail, to be granted or issued in Upper Canada to shopkeepers or others not keeping Inns or places of public entertainment, or any provision for preventing the vending or imposing any penalty for the vending of the same by such persons, or in any Steamboat or Vessel, without a license, or for the recovery and distribution of any such penalty.

Present tavern licences may be continued until twenty-eighth February, 1851.

III. And be it enacted, That a licence to keep an Inn or house of public entertainment, may be issued at any time after the passing of this Act, and without any certificate, to any person then holding a licence for a like purpose, which licence to be so issued shall authorize such person to keep such Inn or House at the same place, from the expiration of the period to which such former licence extended, until the last day of February next (inclusive) but not afterwards; and for any licence to be issued un-

der this section, the person receiving the same shall pay a sum bearing the same proportion to the sum paid by him for such former licence, as the time for which such new licence is to be granted shall bear to the time for which
5 such former licence was granted.

IV. And be it enacted, 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, shall have power and author-
10 ity at any time after the passing of this Act, to make By-laws,—For limiting the number of Inns or houses of Public entertainment in each Township, Village, Town or City for which licences to retail spirituous liquors to be drunk therein shall be issued, to be in force after the
15 *last day of February, 1851*, or for prohibiting the issuing of any such licences, for any house in their respective Municipalities, and for fixing the terms and conditions which shall be previously complied with by any person desiring such licence, the descrip-
20 tion of house and accommodation he shall have and constantly keep and maintain, and the security he shall give for observing all the By-laws of the Municipality, and the sum which he shall pay for such license over and above the duty imposed by the Act afore-
25 said of the Parliament of Great Britain;—for regulating all such inns and houses of public entertainment, and for imposing for any contravention of such By-laws any penalty or punishment which they may lawfully impose for any contravention of other By-laws;—For similar purposes
30 with respect to ale or beer houses, and other houses for the reception and entertainment of the public, where fermented or other manufactured liquors are sold to be drunk therein :

Provided always, that nothing herein contained shall
35 be construed to relieve any person keeping a house of public entertainment and retailing wine and spirituous liquors therein, without a license, from the penalty imposed for such offence by the Act of the Parliament of Great Britain aforesaid, which penalty shall always be recover-
40 able on the oath of one credible witness other than the informer, in any Court having jurisdiction to the amount in Civil matters.

V. And be it enacted, That at the Annual Elec-
45 tion of Councillors in the several Townships, Incorporated Villages and Towns and Cities, in Upper Canada, there shall be elected by the same electors in each Township not divided into Wards or Incorporated Village, three Inspectors of Houses of public entertainment,—and in each Ward of any Township divided into Wards or of any such Town or City, one such
50 Inspector of Houses of public entertainment; and such

Municipal Corporations to make By-laws for certain purposes.

Proviso; as to penalties under the said Imp. Act.

Inspectors of taverns, &c. to be elected.

Inspectors shall be subject in the same manner as other Municipal Officers, to any By-laws to be made by the Council of the Municipality touching their duties or remuneration, the security they shall give, and other like matters, and vacancies in the office of Inspector shall be filled in like manner as vacancies in the office of Councillor. 5

Duties of such Inspectors.

VI. And be it enacted, That it shall be the duty of such Inspectors to see that the By-laws of the Municipality are complied with as regards the persons to whom Licenses to keep Houses of Public entertainment and to retail spirituous liquors therein are to be issued; And for this purpose the said Inspectors shall, after such previous visits and examinations as they may think proper, meet at such time in each year before the *first day of March*, and at such place as they shall think meet, or at such time and place before the said day as the Council of the Municipality shall have appointed by By-law, for the purpose of determining what persons have under the By-laws in that behalf qualified themselves to obtain such Licenses, and to give certificates to such persons, which shall state the sum payable by such persons respectively, for such Licenses, under the By-laws of the Municipality; and upon the production of such certificate and payment of the said sum and of the duty imposed by the said Act of the Parliament of Great Britain, to the proper Revenue Inspector, he shall issue Licenses to such persons respectively for the purposes aforesaid, which Licenses shall be in force from the date thereof until the last day of February in the then next year, and no such License shall be issued in favor of any person unless he shall produce such certificate as aforesaid: Provided always, that if the number of persons who shall have complied with the requirements of the By-laws made in that behalf shall be greater than the number of persons to whom Licenses may be issued under such By-laws, the Inspectors shall determine, (subject to any By-laws passed for their guidance in this behalf,) to which of such persons, Licenses may be granted with most advantage to the public. 40

Proviso.

Further duties of Inspectors.

VII. And be it enacted, That the said Inspectors shall perform similar duties with regard to Ale and Beer houses, Victualling houses, Ordinaries, and eating-houses, and other establishments of like nature, which by the By-laws of the Municipality shall require licenses: And such duties shall be performed in such manner as shall be directed by such By-laws, and such licenses shall be issued at such times, for such periods and by such officer as shall be directed by such By-laws: And any provision of law vesting in any other functionary any power hereby vested in the Inspectors aforesaid, or otherwise inconsistent with this Act, is hereby repealed. 50

VIII. And be it enacted, That any majority of the said ^{Majority of} Inspectors may exercise all the powers of the Inspectors, ^{Inspectors} and the said Inspectors shall have full power to adjourn ^{may act.} any meeting from day to day or to any future day : and if
 5 on any question the Inspectors shall be equally divided, the Mayor or Town Reeve, or in his absence the functionary performing his duties, shall vote thereon and decide the same, unless and until other provision be made for this purpose (as it may be) by the By-laws of the Municipal
 10 Corporation of the place.

IX. Provided always, and be it enacted, That nothing ^{Other officers} herein contained shall be construed to prevent the Governor ^{may be} in Council from appointing any Municipal officer or other ^{appointed to} person to issue licenses ^{issue licenses.} for keeping houses of public en-
 15 tertainment and retailing spirituous liquors therein, in any Municipality, if he shall think proper to appoint such officer or person to perform that duty instead of the Revenue Inspector.