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No. 18.

3rd Session, 6th Parliament, 23 Victoria, 1860.

BILL.

An Act to prohibit the sale of intoxicating
liquors in this Province.

Received and read, first time, Monday, 5th
March, 1860.
Second reading, Thursday, 8th March, 1860.

Hon. Mr. CAMERON.

QUEBEC:

PRINTED BY TROMPFON, & CO., ST. URSULE STREET.

An Act to prohibit the sale by Retail of spirituous and fermented Liquors within Upper Canada.

WHEREAS it is provided by section 246, Sub-section 6, of chapter *Preamble.*
four of the Consolidated Statutes for Upper Canada, intituled An Act respecting the Municipal Institutions of Upper Canada, that the sale by retail of spirituous and fermented liquors in any Inn or other
 5 house of public entertainment, and in shops and places other than houses of public entertainment, in every Township, City, Town and Incorporated Village in Upper Canada, may, by a By-Law, be prohibited,—provided, before the final passing of such a By-Law, the same has been duly approved by the Electors of the Municipality; And whereas the passing
 10 of such By-Laws has been found inconvenient and of doubtful accomplishment for universal purposes; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

I. Within the limits of each Municipality of every Township, *Sale by retail of liquors prohibited.*
 15 Incorporated Village, Town and City, in Upper Canada, there shall not be (excepting as in this Act excepted) from and after the passing of this Act, any sale by retail of any spirituous or fermented Liquors, in any inn or other house of public entertainment, or in any shop or place, other than houses of public entertainment; Provided
 20 that any sale by retail of said liquors, not herein excepted and provided for, shall be illegal, and shall be punishable, as hereinafter enacted.

II. There shall be saved and excepted from the operation of the preceding section, the rights and privileges by the licenses which are
 25 or may be issued on behalf of each of the said Municipalities, until the expiry of the period for which these licenses respectively were issued,—and also there shall be saved and excepted, the sale of said liquors, as in the next section of this Act provided for, for medicinal, chemical and mechanical purposes, or wine for sacramental purposes, and
 30 for such purposes the order, certificate, or requisition, signed by a licensed medical practitioner, or signed by the Mayor, or a Justice of the Peace of any City or Town, or by a Justice of the Peace of the County wherein either of the aforesaid Municipalities shall be, or by a Reeve, or Deputy Reeve in such County, or by any three rate-payers of
 35 either of said Municipalities wherein the vendor after mentioned shall be licensed, or in the case of sacramental purposes, an order, certificate, or requisition, signed by the clergyman of the church, meeting house, or place of worship, where the same may be required, shall be required to be produced and delivered by the vendee, or his agent, to the licensed vendor or his agent.

III. For the purpose of providing for the sale by retail of said *Licenses may be granted for sale of liquors for purposes*
 40 liquors for the aforesaid purposes, the said Municipalities by the respective councils thereof, shall have the power, and they are hereby authorised to grant a license or licenses available within the limits of

above men-
tioned.

each of their said Municipalities, to any person or persons, he or they being freeholders in the County where such license is granted, (who may be known as the licensed vendor or vendors,) for the sale by retail of said liquors for the aforesaid purposes; provided that there shall only be one such license, and one place for the sale by retail of said liquors, for any number of inhabitants in any municipality, not exceeding two thousand, and for every two thousand inhabitants, or part of two thousand inhabitants, over and above the first two thousand, one license and one such place; each such license to be for one year, said year to end on the last day of February in each and every year;—and for each of such licenses the said municipality shall be entitled to demand, and to receive, and to apply for corporation purposes as by By-law provided, any sum not less than twenty-five dollars, nor more than eight hundred dollars, the same to be inclusive of the duty payable under the Imperial statute referred to in the Act cited in the preamble hereof, but exclusive of the sum payable to the Province, in conformity with the present laws thereof; and provided also that each of said Municipalities shall have power by By-Law to fix the amount payable for each such license in conformity with the provisions in this Act contained, and also to decide on the person or persons, he or they being freeholders in the County where such license is granted, to whom said license shall be given, and also shall have power by said By-Law to make restrictions or rules as to the character and standing of the said person or persons: but no act by either of said Municipalities to be done, shall be contrary to, and if so done contrary, shall not affect or annul the enactments and provisions of this Act.

Liquors so
sold not to be
used as a
beverage.

IV. It shall be lawful for the said medicinal and sacramental purposes, to sell, the said liquors on any day; provided that said liquors or any of them allowed to be sold by this Act, shall not be used for drinking purposes as a beverage, nor shall they or any of them be consumed or drank on the place or premises of the vendor or his agent where sold; and also provided, that such place or premises shall not be in, or attached to, any store or shop, saloon, eating-house, house of entertainment, inn, hotel, tavern, or place, where, by law, the said liquors now are, or hitherto have been allowed to be manufactured or sold.

Book to be
kept by ven-
dor, certain
particulars to
be entered
therein.

V. The said licensed vendor, or his agent, shall keep a book, and shall therein enter and record each sale made, and shall for each such sale enter and record the same by entering and recording in said book, the name of the vendee or his agent, the name or names signed to and the date of said order, certificate, or requisition, the date of sale, the quantity sold, the kind or quality and name of said liquors so sold, the purpose for which the same is so sold, and the price or sum so paid by the vendee, or his agent, therefor, according as nearly as may be to the form set forth in schedule A to this Act subjoined; and shall also keep and retain the said order, certificate or requisition, for at least one month after the date of said entry; and any rate payer of the municipality wherein said vendor or his agent shall so sell, shall be entitled and have the right and privilege on any lawful day, during the hours of the ordinary business of said vendor or his agent, to inspect the said book and also the said order, certificate, or requisition, and to make therefrom any extracts, on paying to said vendor or his agent for said inspection, and making said extracts, the sum of ten cents; and each one of the said licensed vendors or his agent, shall, on the first Monday of the month after he commences to sell, deposit a copy duly certified as

“a true copy” of the entries in said book up to the date of said first Monday, and shall thereafter deposit on each succeeding first Monday of each succeeding month, for the time while said license continues, a copy duly certified as a “true copy” of the entries in said book, from the time when so previously made, up to the date of said last mentioned first Monday, with the clerk of the Municipality which granted said vendor the license; and all sales made by said vendor or his agent, shall be for cash and not on credit.

VI. Any person or persons or body, who shall be found by himself, or herself, or themselves, or itself, or his, her, or their, or its, servants, agents, or tenants, to have contravened or violated, at any time or place, the first enactment and the provisions in the fourth enactment in this Act contained, or any part thereof, the same shall be considered as an offence against this Act, and such person or body shall pay for said offence a fine of not less than fifty dollars, with costs, in case of conviction, and the said fine and costs, when not paid, shall be recoverable from and leviable against the goods and chattels of the person or persons convicted; and upon a certificate on oath by the constable or other legal officer, that there is no sufficient distress to be found and to be levied upon, belonging to the person or persons so convicted, the said person or persons so convicted shall be imprisoned in the common gaol of the county wherein the said offence may have been committed, for the space of one month, with hard labour, unless the said fine and costs of imprisonment, be sooner paid,—and in the case of refusal or non-compliance, by the vendor or his agent to keep said book, or to enter and record the said sales therein, or to deposit the copy or copies of the entries, or to allow the inspection or the extracts to be made, all as provided for in the fifth section of this Act, the person or persons so refusing, or non-complying, shall be considered as offending against this Act, and shall, for each case of refusal for non-compliance, be liable to pay a fine of not less than twenty dollars to be prosecuted for, and to be recoverable, or to imprisonment therefor for one month in the same way and manner as is provided for in this section as to other offences and fines: and convictions when made, shall not relieve the person or persons convicted, of the liability to be prosecuted for a misdemeanor under this Act, if amenable to be so prosecuted; and convictions for several said offences against this Act, may be made under this Act, although such several offences may have been committed in the same day.

Punishment of persons contravening this Act.

VII. Any person or persons may be the informant or informants, complainant or complainants, in prosecuting under this Act:—all proceedings shall be begun within twenty days from the date of the offence, all informations, complaints, or other necessary proceedings may be brought and heard before any one or more Justices of the Peace of the County, or before the Mayor, or Police Magistrate, or any Justice of the Peace, or the Reeve, or Deputy Reeve, of the town or city, where the offence or offences were committed, and the mode of procedure in, and the forms appended to, the Act forming Cap. 103 of the Consolidated Statutes of Canada, may be followed as regards the cases and proceedings under this Act.

Proceedings against offenders.

VIII. The said fines, or any portion of them, which may be recovered, shall be paid to the convicting Justice, Mayor, Police Magistrate, Reeve or Deputy Reeve, or other acting Justice in the case, and by him paid equally, one half to the informant or complainant, and the other half to the Treasurer of the Municipality where the said offence or offences were committed or done.

How fines to be disposed of.

"Liquors;"
meaning of
word.

IX. The word "Liquors" in this Act shall be understood to comprehend and mean all malt liquors, and all liquors and combinations of liquors, or drinks used as drinking beverages which are intoxicating.

False state-
ments, &c., to
be a misdemea-
nor.

X. Any knowingly false pretence or false statements or representation done or made, and whether knowingly done or made in writing or verbally, by the vendor or his agent, vendee or his agent, or by any person or persons, or body, or his, her, or their or its servants, agents or tenants, in and as respects the selling and buying, obtaining or procuring the liquors specified in this Act, and as allowed to be vended and sold as in this Act provided, shall be considered as a misdemeanor, and shall be dealt with, as a misdemeanor, according to law. 5 01

Inconsistent
enactments.

XI. All provisions in any Acts relative to the sale by retail of said liquors, in that part of the Province called Upper Canada, inconsistent with the provisions of this Act, are hereby repealed.

To apply only
to Upper Ca-
nada.

XII. This Act shall apply to Upper Canada only. 15

SCHEDULE A.

Book kept by (name _____), a Vendor Licensed within the Municipality of (name of Township, &c. _____) according to the Act, (title and chapter of this Act.)

Name of Vendor or Agent.	Name or Names to the Order, &c.	Year and Date of Order, &c.	Year and Date of Sale.	Quantity Sold.	Kind and Name of Liquor Sold.	For what purpose.	Price paid by Vendee or his Agent.	REMARKS.
P. Leitch.	W. Smith. [Recve.]	1860, Mar. 4	1860, Mar. 4	1 Quart.	Whisk'y.	Mechanical.	20 cents.	
Jas. Boyd.	J. Watson. J. P.	" " 10	" " 10	1 Pint.	Madeira Wine.	Medicinal.	50 cents.	
J. Forbes.	Rev. T. Stevenson.	" April 15	" April 15	1 Gallon.	Port Wine.	Sacramental.	4 dollars.	
W. Strowger.	J. Hyde. M.D.	" May 6	" May 6	2 Gals.	Gin.	Chemical.	8 dollars.	