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No. 2a.

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4th Session, 8th Parliament, 29th Vic., 1865.

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BILL.

An Act to Authorize the Conviction of  
persons for selling Liquor without License.

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[No. 111 of 1865—1st Session.]

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Mr. T. R. FERGUSON.

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QUEBEC:

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URSULE STREET.

*E. A. M.*

An Act to authorize the Conviction of persons for selling  
Liquor without License.

**H**ER MAJESTY, by and with the advice and consent of the Legis- Preamble.  
lative Council and Assembly of Canada, enacts as follows :

1. If any person or persons shall directly or indirectly sell any wine, brandy, rum, whiskey, beer, cider, or other spirituous or ferment- ed liquor, whether by wholesale or by retail, without a license for that purpose previously obtained, such person or persons shall, upon the oath of one credible witness, forfeit and pay any sum not less than ten dollars nor more than fifty dollars. Penalty for sale of liquor without license.

2. In the event of the offender or offenders not paying the penalty that may be imposed for a violation of this Act, together with the just costs incurred, or in case sufficient goods or chattels may not be found to satisfy such fine and costs, it shall and may be lawful for the convicting Justice or Justices to issue his or their warrant to commit the person or persons convicted to the gaol of the city, county or town in which the offence was committed, until the fine and costs shall be paid, but in no case for a longer period than three calendar months. Enforcement of payment.

3. In prosecutions under this Act, it shall not be necessary that any witness shall depose to the precise description of the liquor bartered or sold, or to the precise consideration given or intended to be given there- for, or to the fact of the sale or barter having taken place with the participation or knowledge of the party charged, but the Justice or Justices trying the same, so soon as it may appear to him or them that the circumstances in evidence appear *prima facie* to show an infraction of the law, shall put the defendant on his defence, and, in default of his rebuttal of such evidence, shall convict him accordingly. What evidence shall be deemed sufficient.

4. All infractions of this law may be tried and adjudicated upon, in cities, by the Mayor, the Police Magistrate, or any two or more Alder- men or Magistrates thereof; in counties or united counties, by the Warden or any two or more Justices of the Peace; and in incorporated towns and villages, by any two or more Justices of the Peace having jurisdiction within the same. Who may ad- judicate under this Act.

5. The License Inspector or Inspectors in cities, towns, townships and villages shall have power to inform upon, and to prosecute all per- sons guilty of an infraction of this law, and for that purpose he or they shall be authorized at all proper and seasonable hours to enter into the house and upon the premises of all suspected persons, provided that in such house, or upon such premises, a shop, bar-room or store is kept for the sale or barter of groceries or liquors. Powers of Li- cense Inspectors.

**Limitation of suits.** **6.** All prosecutions under this Act must be commenced within six calendar months from the date of the offence charged.

**By-Laws for carrying out this Act.** **7.** Boards of Police in cities, and the Council of Municipal Corporations in towns, townships and villages, shall have power to make by-laws for the further and more effectual carrying out of the true intent and meaning of this Act. **5**

**Application of penalties.** **8.** One moiety of all fines imposed for a violation of this Act shall be paid to the party who may lay the information before the Justice taking the same, and the other shall be paid to the Corporation within the jurisdiction of which the offence was committed. **10**