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1st Session, 7th Parliament, 25 Victoria, 1862.

BILL.

An Act concerning prosecutions for the unlawful sale of Intoxicating Liquors.

Received and read, first time, Friday, 2nd
May, 1862.

Second reading, Monday, 5th May, 1862.

Mr. BROUSSEAU.

QUEBEC :

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

An Act concerning prosecutions for the unlawful sale of Intoxicating Liquors.

WHEREAS doubts have arisen respecting the right of District Revenue Inspectors to institute proceedings under By-laws of Municipal Councils relating to the sale of Intoxicating Liquors; Therefore Her Majesty, &c., enacts as follows :

- 1.** District Revenue Inspectors have and always have had the right of instituting prosecutions for infractions of By-laws of Municipal Councils in Lower Canada, respecting the sale of Intoxicating Liquors, and no provision of the Lower Canada Consolidated Municipal Act or of the Act amending it, by which the right of instituting such prosecutions is extended to the Councils of Local Municipalities shall be construed as in any wise affecting the rights and powers of the said Revenue Inspectors. Preamble.
Revenue Inspector declared to have power to prosecute.
- 2.** The Justice of the Peace before whom such prosecution is instituted, may in his discretion, upon conviction of the offender, enforce payment of the fine imposed, and of the costs of suit, by any of the proceedings prescribed by the 37th, 38th, 39th, or 40th sections of chapter six of the Consolidated Statutes for Lower Canada, respecting Tavern Keepers and the sale of Intoxicating Liquors, and may condemn such offender to the imprisonment prescribed by the said sections. Conviction may be enforced under Cap. 6 of Con. Stat. L. C.
- 3.** The term of imprisonment prescribed by the 40th section of the last cited Act shall date from the day the offender is taken into custody, and not as heretofore from the date of conviction. Term of imprisonment.
- 4.** Every fine recovered in virtue of this Act upon the prosecution of the Revenue Inspector of the Revenue District in which the offence shall have been committed, shall belong to the Local Municipality if there be no informer, and if there be an informer, one half of the said penalty shall belong to the informer, and the other half to the Municipality, and the said Revenue Inspector may be heard as a witness in all suits of this nature, and his sole evidence will suffice. Distribution of fines.
- 5.** And whereas with the view of evading the Law, certain vendors of Intoxicating Liquors frequently have recourse to subterfuges, such as the pretended loan of spirituous liquors, or the sale of certain articles such as pipes, tobacco, cakes, or fruit, or employ other means equally calculated to evade the law, and giving at the same time to the purchaser Intoxicating Liquors in the form of a present or of encouragement; Therefore, it is enacted, any person who distributes or gives any Intoxicating Liquors under the circumstances or upon the pretexts mentioned in this section, shall be deemed to have sold Intoxicating Liquors without license, and upon conviction before any Justice of the Peace, shall be liable to the fines and penalties prescribed for that offence. Rectal.
Persons fraudulently giving away Liquor &c., to have sold without License.