

No. 37.

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

BILL.

An Act to prevent the unlicensed sale of intoxicating liquors in the Unorganized Tracts in this Province.

Received and read, first time, Friday, 9th
March 1860.

Second reading, Tuesday 13th March 1860.

Hon. Mr. GALT.

QUEBEC :

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An Act to prevent the unlicensed sale of intoxicating liquors in the Unorganized Tracts in this Province.

WHEREAS the duty of one pound sixteen shillings sterling, imposed by the Imperial Statute passed in the fourteenth year of the Reign of King George the Third, and chaptered eighty-eight, on Licences to keep houses or places of public entertainment or for retailing wine or spirituous liquors,—and the penalty imposed by the said Act on persons keeping such house or place of public entertainment or retailing wine or spirituous liquors, without licence,—and the duty imposed by chapter twenty of the Consolidated Statutes of Canada, on such licence to sell spirituous liquors to be drunk on the premises,—apply to and are in force in the Unorganized Tracts of Country in this Province, but doubts have arisen as to the mode of collecting the said duties and enforcing the said penalties: Therefore, Her Majesty, &c., enacts as follows:

Preamble

1. If any person in any place (in this Province) forming part of any such Unorganized Tract of Country, or not being within the limits of any Municipality, sells by retail any wine or any spirituous liquor of any kind, without having a licence for so doing under this Act, such person shall for each such offence incur a penalty of *twenty-five dollars*, recoverable on summary conviction before any Stipendiary Magistrate or Justice of the Peace, on the oath of one credible witness other than the informer, unless such informer renounces his share of the penalty, in which case he shall be a competent witness, and the whole of the penalty shall then belong to the Crown for the public uses of the Province, otherwise one half the penalty shall belong to the informer and the other half to the Crown for the uses aforesaid:—and if such penalty, with the costs, be not forthwith paid on conviction, the offender may be committed by the convicting Justice to the Common Gaol for any period not exceeding months, unless the penalty and costs be sooner paid.

Penalty on persons selling liquor without licence.

Commitment if not paid.

II. The Governor may cause Tavern Licenses that is, Licenses to keep houses of public entertainment, and to retail wine and spirituous liquors therein, to be drunk on the premises,—and Shop Licenses, that is to say: Licenses to sell wine and spirituous liquors by retail elsewhere than in a house of public entertainment, but not to be drunk on the premises,—to be granted in any unorganized tract of country in this Province, by such persons, on such conditions and under such regulations as he may by Order in Council, from time to time direct, subject to the provisions of this Act.

Governor may cause Licenses to be issued.

III. Each such License shall be in force for one year from its date, and shall authorize the person to whom it is granted to sell wine and spirituous liquors by retail, at some certain place or on board some certain vessel to be named in the License, but not elsewhere, during the said year and no longer.

Duration and effect of Licences.

Duty to be paid for such Licences.

IV. For each such Tavern License there shall be paid by the party to whom it is granted to the person issuing it, a duty of \$ —,—and for each such Shop License a duty of \$ —,—which duty shall be paid over to the Receiver General, and make part of the Consolidated Revenue Fund: and the party paying the same shall be held to have paid the duty imposed by the said Imperial Act, and by the said chapter twenty of the Consolidated Statutes of Canada, respectively, or by any Act in force in Lower Canada respecting Tavern and Shop Licences.

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Certain provisions to apply in U. C.

V. Sections 249, 250, 251 and 252 of the Act respecting the Municipal Institutions of Upper Canada, chapter fifty-four of the Consolidated Statutes for Upper Canada, shall apply to the Unorganized Tracts of Country in Upper Canada, as shall also sections 254, 255 and 256 of the same Act; but the share of the penalties imposed in the said sections which is thereby given to any Municipality, shall in the said Unorganized Tracts belong to the Crown,—and the word "County," in the said sections, shall, in applying them to any such Unorganized Tract, be construed as meaning such Tract.

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Certain provisions to apply in L. C.

VI. In the Unorganized Tracts of Country in Lower Canada, the provisions of the Acts 14 and 15 V. c. 100, as amended by the Acts 16 V. c. 214 and 20 V. c. 46, shall be in force so far as they are consistent with the provisions of this Act, except such parts thereof as fix the duties to be paid for Licenses, or the conditions on which Licenses shall be granted, which shall not be in force in any such Unorganized Tract,—and except also that any penalty incurred under either of the said Acts in any such Tract, may be sued for by any person, and shall be applied in the manner hereby provided as to penalties incurred under this Act;—and no penalty shall be incurred in any such Tract for keeping a temperance hotel without a License, or for retailing without License any fermented liquor for retailing which no License is required by this Act.

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Bonds required by Governor or in Council to be valid.

VII. Any bond which the Governor in Council may direct to be taken from any person obtaining a License under this Act, conditioned for the due observance of the law and of all regulations to be made under this Act, shall be valid and may be enforced according to its tenor.

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Interpretation

VIII. The expression "Spirituous Liquors" in this Act includes any intoxicating liquor of any kind whatever.