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No. 32.

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2nd Session, 5th Parliament, 19 Victoria, 1856.

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**BILL.**

An Act to provide for the suppression of  
Intemperance.

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Received and read, first time, Friday, 29th Feb.,  
1856.

Second reading, Tuesday, 4th March, 1856.

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MR. FELTON.

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TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

## ■ Act to provide for the suppression of Intemperance.

**W**HEREAS it is expedient to provide more effectual means to prevent intemperance and to suppress the abuse of spirituous liquors; the following Acts are hereby repealed: Preamble.

I. Any part of any statute or law, not hereby expressly repealed, which is inconsistent with or contradictory to this Act, shall be suspended for and during the continuance hereof. Repeal of inconsistent laws.

### DEFINITIONS.

II. For the purposes of this Act and of all acts, legal proceedings and prosecutions under it, the following words and terms shall have and bear the signification herein assigned to each and every of them; Interpretation of certain terms.

The term "spirituous liquors" shall be held to mean and include brandy, rum, whiskey, gin, wine, ale, beer, porter, cider, and all other spirituous, vinous, fermented, alcoholic or intoxicating liquors. Spirituous liquors.

The term "tavern" shall be held to mean and include every place where travellers or other persons are entertained, lodged and fed for money. Tavern.

The term "shop" shall be held to mean and include any place, other than a tavern, where spirituous liquors are sold or kept, or exposed for sale. Shop.

A "shop license" shall mean a written instrument signed by the Revenue Inspector of the District, which shall enable the person in whose favor it is issued to sell in one shop, described in the license, and not elsewhere, spirituous liquors in quantities of three gallons or upwards at one time, or in quantities of one dozen bottles or upwards at one time, if sold in the same bottles in which such spirituous liquors were imported into the Province from parts beyond seas. Shop license.

A "tavern license" shall mean a written instrument signed by the Revenue Inspector of the District, which shall enable the person in whose favor it is issued to keep a tavern at the place described in such license, and to sell spirituous liquors therein, and not elsewhere, for actual consumption in such tavern only. Tavern license.

## APPOINTMENT AND DUTY OF REVENUE INSPECTORS.

Appointment  
of Revenue  
Districts and  
Inspectors.

III. The Governor may constitute any subdivision of the Province in a Revenue District, and may appoint a Revenue Inspector therefor; and a letter from the Secretary of the Province naming the person and the office, and describing the District distinctly, shall be to all intents and purposes a sufficient appointment of the Inspector and establishment of the District.

Inspectors  
only to prose-  
cute under this  
Act.

IV. The Revenue Inspector shall be the prosecutor in all cases brought under this Act, and in every action, suit or proceeding the official name only of the Revenue Inspector shall be used, and no action, suit or proceeding shall abate, cease or be stayed by reason of the resignation, removal or death of the officer, but the same shall continue without interruption or delay to be prosecuted to judgment and execution in the name of the Revenue Inspector, whether the office be or be not vacant.

Deputy In-  
spectors.

V. Every Revenue Inspector shall appoint a deputy, who may assist the Inspector and act in his absence, sickness or incapacity, and who shall be *ex officio* Clerk to the Justice of the Peace when any suit, complaint or other proceeding under this Act shall be brought by the Revenue Inspector, and whose duty it shall be to keep the records and minutes of such proceedings.

Inspectors to  
receive appli-  
cations for  
licenses, and  
issue them  
when this Act  
is complied  
with.

VI. The Revenue Inspector shall receive all applications for licenses, and shall receive and keep all bonds required to enable parties to obtain licenses; the bonds shall run in favor of the Inspector, and he shall see that all the forms required by law have been duly complied with, and shall upon the applicant fulfilling the conditions prescribed by this Act, issue the license under his hand and seal.

Certificate re-  
quisite for ob-  
taining a shop  
or tavern  
license.

VII. The Revenue Inspector shall not issue a shop or tavern license to any person, unless such person shall produce a certificate signed by the Mayor and a majority of the Councillors of the city, town, parish, or local municipality in which such shop or tavern is to be kept, certifying that the applicant is of sober habits, and good moral character; and that, in the opinion of the said Mayor and Councillors, the licensing of such shop or tavern is required for the convenience and advantage of the public, and that the applicant is a fit and proper person to be entrusted with such license; and if such certificate be signed by the Mayor and Councillors of a local municipality, it shall not be available, until submitted to the County Council, and confirmed by a resolution duly passed at a meeting thereof.

Distillers, &c.,  
must take  
shop licenses.

VIII. Every licensed distiller, brewer, and importer of spirituous liquors shall be bound to obtain a shop license before he can legally sell any of the spirituous liquors by him distilled, brewed, manufactured or imported.

Bonds to be  
given for a  
shop license.

IX. Every applicant for a shop license shall enter into a bond for £250 with two good and efficient sureties for £125 each, secured by mortgage on real property named and described in such bond, conditioned for the applicant duly conforming to all the provisions of this Act, and for his paying all fines and costs imposed upon him for any neglect or breach thereof.

For a tavern  
license.

Every applicant for a tavern license shall enter into a like bond and will the like sureties, and secured in the same manner by mortgage for £250 if the tavern is to be kept in any town of less than 6,000 inhabitants, and

any village or rural locality ; And if the tavern is to be kept in any city or town of not less than 6,000 inhabitants, the applicant shall enter into a bond for £500 and sureties for £250 each, secured by mortgage as provided; no bond, in any of the above cases, shall be received by the Revenue Inspector, unless there shall be endorsed upon it a certificate, signed by the Registrar of Deeds of the locality, that it appears, by the records of his Office, that the real property therein named and described is *bonâ fide* property of the mortgagors therein named ; and that the bond hath been duly enregistered in the said office.

Bond must be secured by a registered mortgage.

X. The Revenue Inspector shall not accept such bond unless the real property therein mortgaged shall appear upon the valuation or assessment of the municipality, to have been, at the last valuation, estimated at a value of at least twenty-five per cent. over the amount secured upon it by such bond, and by any prior registered mortgages.

Property must be of sufficient value.

II. No tavern license shall be granted to any person until the Revenue Inspector or his deputy shall have ascertained, by actual personal inspection, that such applicant is in possession of a proper building and premises, adapted to the wants of the locality in which such tavern is to be kept, and the same is in a respectable or orderly neighborhood, and is sufficiently appropriately furnished, and contains, at least, six furnished bedrooms, if in a town of less than 6,000 inhabitants, or in a rural locality ; or at least five furnished bedrooms if in a town of not less than 6,000 inhabitants ; or at least eighteen furnished rooms if in a city or town of 15,000 inhabitants, or over.

Tavern must be properly furnished with beds, &c.

III. Shop and tavern licenses may be issued at any period of the year, and shall be available until the first day of May then next; on which day, in each year, all licenses granted under this Act, during the then year, shall expire ; but the bonds entered into by the license holder and sureties, shall continue in force, as well with respect to the past year and to future years, until formally discharged by the Revenue Inspector. Whenever the Revenue Inspector shall require a new bond to be entered to replace that of the principal or his sureties or of either of the parties, the license holder shall be bound to comply therewith.

Duration of licenses.

New bond may be required by Inspector.

III. Every license holder, desirous of renewing his license, shall apply to the municipal authorities on or before the first day of February previous to the expiration of his license for the necessary certificate, in order that full time may be afforded for consideration ; and no license shall in any case be renewed until a new certificate hath been given as aforesaid.

Period for applying for licenses.

IV. There shall be paid to the Revenue Inspector for each and every license, and on each renewal thereof, the following sums :

Every shop license, when the shop is to be kept in any rural locality or Town of less than 6000 inhabitants.	£15	0	0	Sums to be paid on obtaining licenses.
In the shop is to be kept in a town of from 6000 to 15000 inhabitants.....	25	0	0	
In the shop is to be kept in a city or town of over 15000 inhabitants .....	50	0	0	
Every tavern license when the tavern shall be kept in any rural place, or town of less than 6000 inhabitants.....	20	0	0	
In the tavern is to be kept in a town of from 6000 to 15000 inhabitants.....	30	0	0	

When the tavern is to be kept in a city or town of upwards  
of 15000 inhabitants..... 60 0  
The above sums shall be held to include all duties on shop or tavern  
licenses, whether imposed by the Imperial or Provincial Legislature.

Fund to be  
formed from  
license monies  
and seizures;  
charges there-  
on.

XV. All monies received by the Revenue Inspector under this Act, for licenses or for fines, or arising from the sale of spirituous liquors seized and sold, shall be paid into the Provincial Treasury, and shall form a fund out of which shall be paid in the first instance the several charges to which the funds now derived from spirit-shop, and tavern licenses are liable, to the same amount and extent as if the fees on such licenses still continued fixed at the sums payable therefor at the time of the passing of this Act.

Payments out  
of such Fund  
for expenses  
under this  
Act.

XVI. The Governor may from time to time, pay by warrant out of this fund the expense of such additional Revenue Inspectors, and of such prosecutions and legal or other proceedings as may be required to enforce and carry out the provisions of this Act, and to render it effective. The balance of the said fund after paying the charges and claims thereon, and the expenses of carrying this Act into execution shall be and form part of the Consolidated Revenue Fund of the Province.

Reports to be  
made monthly  
by holders of  
shop licenses.

XVII. Every holder of a shop license shall within the first six days of each month give a report in writing to the Revenue Inspector of the District, of the quantity and strength by Syke's hydrometer of all spirituous liquors by him imported, distilled, brewed, made and sold within the last month and since the last report, and to whom the same were sold, and for what price, and in what quantity at each time of sale. Such report may be given personally to the Inspector, or by a letter to his address, mailed at the Post Office where the sender resides.

And by hold-  
ers of tavern  
licenses.

XVIII. And every holder of a tavern license shall give at the same period like report to the Revenue Inspector of the District of all spirituous liquors by him bought and sold within the month and since the last report, with the names of the persons from whom the same were bought.

Inspectors to  
visit places  
where liquors  
are sold, and  
examine them.

XIX. It shall be the duty of every Revenue Inspector, to visit from time to time every distillery, brewery, shop, store, tavern, or other place where spirituous liquors are made, stored or sold, and to examine the spirituous liquors made or kept in such places; and, whenever it may to him appear advisable, to have the same or any quantity or part thereof tested by a competent person, for the purpose of ascertaining the strength and purity thereof, or the absence or presence therein of any poisonous, narcotic, caustic or deleterious drug, mineral or thing, or of any intoxicating substance other than alcohol or pure spirits of wine.

Also to visit  
licensed shops  
and taverns,

XX. The Revenue Inspector, or his Deputy, shall visit every licensed tavern and shop in his District at least twice in every year, and as much oftener as he may think necessary, and shall examine and enquire particularly into the state thereof, and ascertain whether the same are kept in entire conformity with the provisions of this Act; and every Revenue Inspector, or Deputy, is authorized to and shall, whenever he thinks it necessary, visit all houses, buildings or other places where he suspects spirituous liquors are sold or furnished for valuable consideration without license.

or places  
where they  
suspect  
liquors are  
sold.

XXI. If the Revenue Inspector have reason to believe that there are any spirituous liquors intended for sale, in the hands, possession, or custody of any person not having a shop or tavern license; or that such liquors are in the hands, possession, or custody of any person having such license, but are intended for illicit sale; or that there are in the hands, possession or custody of any person, whether licensed or not, any spirituous liquors in which have been mixed or infused any poisonous narcotic, caustic or deleterious drug, mineral or thing, or any intoxicating substance, other than alcohol or pure spirits of wine; in any such case the Revenue Inspector may, upon an affidavit of such circumstances, obtain from any Justice of the Peace a search warrant to search the place or premises where such spirituous liquors are believed to be, and if there found to seize the same; and such warrant shall authorize the Revenue Inspector and his assistants to enter into the premises and make the search. And if any spirituous liquors are found under circumstances which induce a suspicion that some infraction of this Act had been or was intended to be committed with reference to them, any Justice of the Peace may issue a summons, requiring the person in whose hands, possession or custody, the same were seized, to appear before him, at any certain time and place, and answer to the complaint made by the Revenue Inspector; and if it should appear after examining into such complaint and the defence, if any be made, and hearing the testimony, that any offence has been committed or was intended to be committed against the provisions of this Act, in reference to the spirituous liquors so seized, the Justice of the Peace shall declare the seizure lawful and shall direct the said spirituous liquors to be delivered into the hands of the Revenue Inspector of the District, who shall forthwith destroy the said spirituous liquors, if adulterated, or shall sell the same if unadulterated.

Proceedings if the Inspector believes liquors are kept for sale by unlicensed persons.

If any such liquors are so found.

XXII. Every license holder shall be bound to frame and place his license in the most conspicuous part of his shop or tavern, in such a situation that it can be readily seen on entering the same, and shall also be bound to put in the most conspicuous place on the outside of his shop or tavern the words, "*Licensed to sell spirituous liquors in quantities not less than three gallons,*" or "*Licensed to sell spirituous liquors for actual consumption on the premises only,*" as the case may be; and such words shall be distinctly inscribed in letters of at least two inches in length, and placed at the height of ten feet from the ground.

License holder to frame it and put it up in the most conspicuous part of his house.

XXIII. Any parent, descendant, relation or legal guardian, tutor or curator of any habitual drunkard or person liable to fits of gross and extreme drunkenness, may give notice in writing to any Revenue Inspector of such habitual or occasional propensity to drunkenness of the individual named and may demand the protection of this Act; and thereupon it shall be the duty of the Revenue Inspector to give a written warning containing the notification received by him, to such persons licensed to sell spirituous liquors within his District as he may be required to warn, taking precautions in so doing to be enabled to establish legally the fact of having given such warning.

Warning may be given by Inspector not to sell liquor to habitual drunkards.

XXIV. It shall also be the duty of the Revenue Inspector to see that all the provisions of this Act are fully complied with by every person who receives a license for the sale of spirituous liquors; and it shall be most especially the duty of the Revenue Inspector to prevent by every possible means the sale of spirituous liquors throughout the whole extent of his District, except by the persons and in the manner expressly authorized and

Inspectors to see that this Act is fully carried out.

To be dismissed if they fail so to do. permitted by the licenses issued in such District ; and if it shall appear at any time to the Governor that any such Inspector shall be remiss in the discharge of his duty, or that the illicit sale of spirituous liquors is not effectually repressed in the District of any Revenue Inspector, such Inspector shall be forthwith dismissed.

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## PROHIBITIONS.

Obstructing Inspectors. XXV. Every person who shall prevent, obstruct, hinder or oppose any Revenue Inspector, or his Deputy, from or in performing his duty, shall be guilty of a contravention of this Act.

Assaulting Inspectors. XXVI. Any person who shall beat, or by any force or violence assault, resist, oppose, or obstruct any Revenue Inspector, or Deputy Revenue Inspector, in the discharge of his duty, shall be guilty of a misdemeanor. 10

Distillers, &c., not to act as Justices, &c., under this Act. XXVII. Any distiller, brewer, importer, vendor, or person having any pecuniary interest in any distillery, brewery, importation or sale of spirituous liquors, who shall act as a Warden, Mayor, Municipal Councillor or Justice of the Peace under this Act, shall be guilty of a contravention of this Act. 15

Selling or furnishing liquor without license. XXVIII. Any person, not being licensed under this Act, who shall sell, barter, or for valuable consideration furnish or dispose of any spirituous liquors, or who shall cause or suffer any spirituous liquors to be sold, bartered, furnished or disposed of for valuable consideration, in any building, vessel, place or premises, owned, occupied, used or possessed by him, shall be held to have sold the same illegally, and in contravention of this Act. 20

Selling, &c., otherwise than the license permits. XXIX. Any person having a shop or tavern license, who shall sell, barter, or for valuable consideration furnish or dispose of any spirituous liquors in any quantity or in any manner, or in any place not expressly allowed and permitted by such license, shall be held to have sold the same illegally and in contravention of this Act. 25

Purchasing from unlicensed persons. XXX. Any person, who shall purchase or obtain for valuable consideration any spirituous liquors from any persons not licensed to sell the same, or who shall purchase or obtain for valuable consideration from any person having a license, any spirituous liquors in any quantity or in any place not expressly authorized by such license, or who shall purchase or obtain for valuable consideration any spirituous liquors, under any circumstances which would render the vendor thereby liable to a penalty under this Act, shall in each and every such case be guilty of a contravention of this Act. 30 35

Tavern keepers permitting gambling, quarreling, &c. XXXI. Any person holding a tavern license, who shall permit any gambling, or any quarrelsome, noisy, disorderly or indecent conduct or conversation in his tavern, or in any building, place or premises adjacent thereto ; or who shall permit any person to become intoxicated therein, and who shall permit any noisy, drunken, or disorderly person to remain therein, shall be guilty of a contravention of this Act. 40

Furnishing liquor on Sunday. Exception. XXXII. Any person who shall sell or furnish for valuable consideration at any time from midnight on Saturday to midnight on Sunday, any spirituous liquors to any person whatever, not being an actual traveller or an inmate of the house, shall be guilty of a contravention of this Act. 45



- XXXIII. Every tavern shall be closed at eleven of the clock in the evening of every week-day, and at nine of the clock on the evening of every Sunday; and any keeper of a tavern, who shall keep his tavern open, or allow persons other than actual travellers or regular lodgers to remain therein, after 5 the above-named hours in the evening, shall be held to keep a disorderly house, and to be guilty of a misdemeanor. Keeping taverns open after certain hours.
- XXXIV. Any person keeping a licensed tavern who shall refuse to receive or accommodate any traveller, without just cause, shall be liable to a penalty of five pounds. Refusing to receive travellers.
- 10 XXXV. Any person not being licensed under this Act, who shall permit to be exposed in, on, or near his house, shop, or tavern any printing, writing, letters, or sign, inducing or tending to induce the belief that he has a license to sell spirituous liquors at such place, shall be held to be guilty of a contra- 15 vention of this Act. Inducing false belief that a man is licensed.
- 20 XXXVI. Any keeper of any tavern not having a license to sell spirituous liquors, who shall suffer any spirituous liquors to be used or drunk in his tavern or about his premises, shall be held to be guilty of furnishing the same for valuable consideration, in contravention of this Act. Suffering liquor to be drunk on the premises, in certain cases.
- 25 XXXVII. Any person, having a license, who shall sell or furnish in any way or under any pretence whatever, any spirituous liquors to any youth or girl under the age of 18 years, or to any habitual or known drunkard, or to any person then partially or wholly intoxicated, shall be guilty of a contra- 30 vention of this Act. Selling liquor to youths, &c.
- XXXVIII. Any person, having a shop license, who shall permit any 35 spirituous liquors to be drunk by any person in the shop described in such license, or in any building, yard or place adjacent thereto, shall be guilty of a contravention of this Act. Allowing drinking in shops, &c.
- XXXIX. Any person, having a shop or tavern license, who shall mix or 40 infuse in any spirituous liquors any narcotic, caustic, poisonous or deleterious drug, mineral or thing, or any intoxicating substance except alcohol or spirits of wine, or who shall sell or keep or expose for sale any spirituous liquors in which any narcotic, caustic, poisonous or deleterious drug, mineral, or thing, or any intoxicating substance except alcohol or spirits of wine have been mixed or infused, shall be guilty of a contravention of this Act. Mixing drugs with liquor.
- 45 XL. Any person, who shall omit, refuse or neglect to do any matter or thing by this Act enjoined to be done by such person, shall be guilty of a contravention of this Act. Omitting to do anything required by this Act.

## MISDEMEANORS.

- 40 XLI. Whenever any person shall have drunk in any licensed tavern or in any unlicensed place of public entertainment, any spirituous liquors there in sold or furnished for valuable consideration, and shall while in a state of intoxication from the use thereof, come to his death by suicide, or by drowning or perishing from cold or from any accident, or shall while in such state of intoxication as aforesaid, commit any felony, the keeper of such 45 tavern or place shall be held to be guilty of a misdemeanor. Liability of person furnishing liquor in case of death of the drinker.

- Keeping a  
tippling-house  
without  
license. XLII. Every person, not having a tavern license, who shall keep a tippling-house, grog shop, or place in which spirituous liquors are sold, furnished, or allowed to be drunk for valuable consideration, shall be held to have kept a disorderly house, and shall be guilty of a misdemeanor.
- Furnishing  
liquor to boys  
or girls. XLIII. Every person who shall sell, or in any way furnish for valuable consideration, any spirituous liquors to any boy or girl under the age of 15 years, or shall permit any boy or girl under the age of 15 years, to drink any spirituous liquors in any tavern, shop, or other place of resort, shall be guilty of a misdemeanor. 5
- Selling liquor  
on Sunday. XLIV. Every person, not being a licensed tavern keeper who shall sell, or in any way furnish for valuable consideration, any spirituous liquors on a Sunday, shall be guilty of a misdemeanor. 10
- Selling to  
habitual  
drunkards, &c. XLV. Every person, whether licensed or otherwise, who shall sell or in any way furnish for valuable consideration, any spirituous liquors to any habitual drunkard, or to any person in a state of intoxication, knowing such person to be an habitual drunkard, or to be in a state of intoxication, shall be guilty of misdemeanor. 15
- Or to persons  
notified as  
being such. XLVI. Every person, whether licensed or otherwise, who having been notified in writing of the habitual drunkenness, or liability to occasional drunkenness, of any individual, shall sell, or furnish for valuable consideration, to such individual, any spirituous liquors, shall be guilty of a misdemeanor. 20
- Person expos-  
ing himself  
drunk. XLVII. Every person who shall expose himself, or be found in any street, road, field, vessel, public building or other public place, in a state of intoxication or drunkenness, shall be guilty of a misdemeanor; and every person shall be considered drunk who is so far intoxicated as to be unable to walk unsupported, to stagger or fall in walking, or to be unable to speak distinctly, or to be noisy and disorderly, or to be quarrelsome or brawling, or whose intellect is disordered by strong drink. 25
- When a man  
shall be held  
to be drunk. XLVIII. Every person who shall mix or infuse in any spirituous liquors, any narcotic, caustic, deleterious or poisonous drug, mineral, or thing, or any intoxicating substance other than alcohol or pure spirits of wine, or who shall knowingly have in his possession, or shall keep or expose for sale, any spirituous liquors in which any such narcotic, caustic, deleterious, poisonous, or intoxicating matter or substances aforesaid hath been mixed or infused, shall be guilty of a misdemeanor. 30
- Mixing drugs  
with liquor. XLVIII. Every person who shall mix or infuse in any spirituous liquors, any narcotic, caustic, deleterious or poisonous drug, mineral, or thing, or any intoxicating substance other than alcohol or pure spirits of wine, or who shall knowingly have in his possession, or shall keep or expose for sale, any spirituous liquors in which any such narcotic, caustic, deleterious, poisonous, or intoxicating matter or substances aforesaid hath been mixed or infused, shall be guilty of a misdemeanor. 35
- Mixing dif-  
ferent liquors,  
or coloring  
them, &c. XLIX. Every person who shall mingle together two or more kinds of spirituous liquors, any one or more of which have been imported into this province, or shall color or flavor by any admixture any spirituous liquor imported into this Province, shall be guilty of misdemeanor. 40

## PENALTIES AND PUNISHMENTS.

- Punishment  
for misde-  
meanor under  
this Act. L. And every person who shall have been guilty of any one of the preceding misdemeanors, shall, upon conviction thereof, be condemned to be kept imprisoned in the common jail of the locality, at hard labor, for not less than nor more than months. 45

LI. Any person who shall have been guilty of any act, matter, or thing, in contravention of this Act, whether the same be declared by this Act to be a misdemeanor or any less offence, shall be liable to a fine or penalty of not less than \_\_\_\_\_, nor more than \_\_\_\_\_ pounds; Provided always, that when such person shall have been convicted and punished upon an indictment for a misdemeanor for such offence, he shall not be liable to be afterwards proceeded against for such fine or penalty by reason of the same offence.

Punishment of offences under this Act.

Proviso.

PROCEEDINGS TO ENFORCE PROHIBITIONS.

LII. If any Justice of the Peace have a personal knowledge or be satisfied on the oath of one witness, that any person is in a state of intoxication in any public place or in any place where such person is exposed to public view, such Justice shall cause such person to be placed in custody by a verbal or written order; and so soon as such person shall have recovered his reason, the Justice shall inflict upon him the fine by this Act provided for any contravention thereof, for such drunkenness, together with a further sum of not over \_\_\_\_\_ shillings, for the expense of keeping him in custody, and costs; and if the same be not paid, such person shall be imprisoned in the common gaol until the same are paid or until he shall have undergone an imprisonment equivalent to the same; and the Justice may also swear the said person and then interrogate him respecting the individual and place from whom and where he bought or obtained spirituous liquors, and may thereupon direct proceedings against any person who may be shewn to have committed any breach of this Act, and if the person sworn refuses to testify or answer fully to such questions, the Justice may commit him to custody and detain him therein until he shall comply with the legal orders of such Justice and answer such interrogatories.

Proceedings for the punishment of drunkards.

Drunkard may be examined as to who furnished him with liquor, &c.

LIII. Whenever any person stands charged in any legal proceeding with having caused, suffered or permitted any of the above named contraventions of this Act, to take place in any building, vessel, place or premises, owned, occupied, held, used or possessed by him, it shall be sufficient for the party complaining or prosecuting to prove that such contravention of this Act was committed in the building, vessel, place or premises, owned, occupied, held, used or possessed by the party complained of, in order to obtain a judgment against the party complained of; Provided always, that if such party at the time of pleading admits the fact of such contravention of this Act and proves that he took every precaution to prevent the same, and that the act complained of was done without his knowledge and against his wish, and in spite of the precaution taken by him, the Justice trying the case may in his discretion give a judgment for five shillings penalty, but with full costs.

What shall be sufficient proof of contravention.

Proviso; when precautions are proved to have been taken.

LIV. In every case in which a fine or penalty shall have been imposed on any tenant or lessee of any real property, for any contravention of this Act committed upon or within the limits of the premises leased or tenanted, such tenant or lessee shall be held to have forfeited every legal right to continue to hold such premises, and the landlord, lessor or proprietor shall be authorised to treat him as a tenant at will and to adopt the usual proceedings forthwith, to eject the tenant or lessee from the said premises without notice or delay, and whether there be or be not any lease or contract for leasing between them, and notwithstanding that the tenant or lessee shall have paid in advance the rent for such premises for any longer or shorter period; and the tenant or lessee shall have no claim against

Tenants contravening this Act may be ejected by their landlords.

such landlord, lessor or proprietor for or by reason of any damage, loss or injury sustained by such tenant or lessee for or by reason of such ejection.

Summary recovery of penalties before one J. P.

LIV. Any penalty by this Act imposed may be recovered by summary proceeding on the complaint of the Revenue Inspector, before any Justice of the Peace having jurisdiction at the place where the penalty was incurred. 5

Other Justices not to interfere.

LVI. And whenever any such complaint shall be brought before a Justice of the Peace, he shall have exclusive jurisdiction over it, and no other Justice shall be entitled to interfere or assist in hearing or deciding the same, unless specially requested in writing by the Justice who shall have issued the summons or warrant. 10

Justices may commence by warrant to apprehend, if necessary.

LVII. It shall be optional with the Justice to whom complaint is made by the Revenue Inspector, to proceed in the first instance by a summons requiring the defendant to appear; or, if he shall be of opinion that the interest of justice will be furthered thereby, to issue a warrant to apprehend the defendant, and bring him before him to answer to such complaint; and may detain him in custody or hold him under recognizance until the complaint is disposed of.

Sufficient statement in summons, &c.

LVIII. It shall be sufficient for the plaintiff or complainant, in the summons or warrant, to state in the words of the statute that the party complained of committed the alleged offence. 20

Proceedings on return of summons or warrant.

LIX. On the return day of the summons or warrant, the defendant shall be called upon to answer to the merits of the suit, and no plea to the form shall be admitted, but if the Justice is of opinion that the defendant has not been sufficiently informed by the words in which the offence is charged, or that the summons or warrant is any way defective, informal, or insufficient, any one or more amendment or amendments may be made by the permission of the Justice, but in all cases without costs; and the defendant shall thereupon plead: No plea of general issue or general denial shall be in any case received by the Justice, but the defendant shall be bound specifically to deny every allegation which he desires to put in issue; and the plaintiff or complainant shall be required to prove those facts only that have been specifically denied by the defendant; and every allegation of the plaintiff or complainant which has not been specifically denied by the defendant shall be held and taken to be fully and explicitly admitted, and no evidence to support or contradict it shall be permitted by the Justice to be adduced or filed. 30

Pleading must deny specific facts.

Parties may be examined.

LX. The parties, plaintiff and defendant may interrogate each other on oath, by producing in writing before the Justice the questions or interrogatories that either of them may wish to defer to the other, and the answers of the party interrogated shall be reduced to writing, and shall be proof in the suit or proceeding against the party answering; and if the party questioned does not answer fully and without evasion each and every question submitted to him, he shall be held to have answered in the affirmative each and every such question. 40

Where no provision is made by this Act.

LXI. Except so far as this Act provides for the mode and form of proceeding to secure penalties, recourse in such cases shall be had to the usual mode and form of proceeding before the Justice of the Peace. 45

**LXII.** Any Justice of the Peace before whom any suit or complaint under this Act is pending, can and may enforce the attendance of any witness before him by subpoena, and by a warrant if the subpoena be not instantly obeyed, and may commit any witness who declines to answer or answers 5 evasively any lawful question. Every person whether a parent or relative of any party to a suit, except husband or wife, shall be a competent witness, and no person shall be allowed to decline answering by reason of his having incurred any liability under this Act, when brought up as a witness for the prosecution, but no such witness shall ever be liable to 10 any prosecution or indictment for any offence against this Act, the commission whereof he may have disclosed in his testimony.

Justice may enforce attendance of witnesses.

Relatives competent, except husband and wife, &c.

**LXIII.** In any proceeding under this Act, it shall not be necessary to prove that the act complained of, took place on the precise day on which it is laid in the summons or record; proof that it was committed on or about the 15 day named shall be sufficient.

Precise day need not be proved.

**LXIV.** Any person who shall tamper with any witness before or after subpoena served, or shall in any way directly or indirectly induce such witness to absent himself, or to swear falsely, or to conceal any thing, shall be guilty of a misdemeanor and shall be liable to a penalty of £.

Tampering with witnesses.

**LXV.** The Revenue Inspector shall obtain professional assistance, subject to the approval of the Attorney General, to institute and conduct all suits and prosecutions for penalties, and to prepare and support all indictments before the Court of Quarter Sessions against parties who may commit offences or crimes against this Act; and the Attorney General shall from 20 time to time establish the rates of remuneration for such professional services, which shall be paid by warrant out of the fund provided by this Act for the purpose of carrying it into effect.

Professional assistance to Inspectors.

**LXVI.** Upon the offence charged being made out to the satisfaction of the Justice, he shall inflict such penalty authorized by this Act as in his 30 discretion he may think best, and with costs to the Revenue Inspector; but no costs shall be awarded against him upon his failure in any suit or proceeding, unless the Justice shall be satisfied that the party defendant had not been guilty within the last six months of any infraction of this Act, of the kind charged against defendant; or unless the Justice be 35 satisfied that the prosecution was entirely unnecessary or oppressive. And in each and every such case the judgment awarding costs against the Revenue Inspector shall be absolutely void, unless it contains a statement of such reason for awarding costs against him.

Justice may inflict penalty and allow costs, but not against Inspector except in certain cases.

Reasons must be assigned.

**LXVII.** When the Revenue Inspector in any such suit prays that the defendant shall be deprived of his license, in addition to the penalty imposed upon him, the Justice may in his discretion, order and adjudge that the defendant shall, in addition to the penalty, also forfeit his license. And any such judgment shall of itself operate as a revocation of such license; and shall incapacitate the defendant from ever holding any license under 45 this Act.

Defendant may be adjudged to lose his licence; effect of judgment.

**LXVIII.** If the amount of the penalty and costs awarded against a defendant be not paid forthwith, the justice shall issue a warrant against the body of the defendant, and he shall be committed to the Common Jail and kept

Commitment in default of payment of penalty.

Proviso. incarcerated until he shall have paid the same; Provided always, that every twenty-four hours of such imprisonment shall be equivalent to a payment of                    shillings of such penalty and costs; and that any such defendant shall not be imprisoned under any such order or judgment for more than twenty-four hours for each                    shillings, which he may be condemned to pay. 5

Act not to affect Physicians, &c. LXIX. Nothing in this Act shall be construed to prevent licensed Physicians and Apothecaries from compounding or prescribing and selling to sick persons any medicine in the preparation of which any spirituous liquors shall have been used. 10