

No. 83.

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

BILL.

An Act to provide for the Inspection of Spirituous and Alcoholic Liquors, and to prevent the adulteration thereof.

[No 89 of 1865—First Session.]

Mr. BOURASSA.

QUEBEC:

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An Act to prevent the Sale, by Retail, of Adulterated Liquors.

WHEREAS the sale, by retail, of adulterated liquors has been, and is still, productive of grave social evils in the towns, and more especially in the country parts of Canada; and whereas it is expedient to provide for the security of the health, morals and property of the people, and to guarantee to honest traders and manufacturers and consumers of all classes, that security which is their due; and whereas it is necessary that the Legislature should adopt measures of the utmost severity in order effectually to deter, by a dread of the consequences, any person practising such adulteration; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

PRELIMINARY PROVISIONS.

1. The mixing, with liquors destined for sale, of any ingredient calculated to give increased strength or a more agreeable taste, or to impart a colour to such liquors, shall constitute adulteration.

What shall constitute adulteration.

2. There shall be created for the purposes of this Act, a special fund, which shall be called "The Liquor Inspection Fund," which shall be administered by the Receiver General.

Special Fund created for purposes of Act.

3. The words "adulterated liquors" shall apply to all kinds of spirituous or intoxicating liquors bought, sold or consumed in this Province.

Interpretation of words "Adulterated Liquors."

INSPECTOR AND ANALYST.

4. The Governor shall, after the expiration of two months from the day upon which this Act shall come into force, appoint, in each of the great centres of business in Upper and Lower Canada, that is to say, Montreal, Quebec, Three Rivers, Toronto, Kingston and Ottawa, an Inspector and Analyst possessing competent medical, chemical and microscopical knowledge, whose duty it shall be to analyse all liquors purchased within the limits of his jurisdiction, and who shall be under the direction of the Collector of Inland Revenue, and shall assist him in the performance of the duties of his office.

Inspector of Liquors to be appointed.

His duties.

5. The Governor in Council shall designate the territorial limits of the jurisdiction of such Inspector and Analyst, and provide a convenient office and all necessary accommodation and materials for the execution of his duty as such.

Limits of Inspector's jurisdiction.

6. The Inspector and Analyst so appointed shall receive such salary and allowance, out of the moneys collected under this Act, as the Governor in Council may think fit.

Salary of Inspector.

PROSECUTIONS, ACTIONS AND PENALTIES.

- Complaints.** 7. Any purchaser of liquors which he believes to be adulterated, shall make a complaint in relation thereto, without delay, and shall thereupon seal the same, so that no person shall have access thereto.
- Proceedings on any such complaint,** 8. The Justice hearing the cause shall order such liquors to be examined and analysed by the Inspector and Analyst of the inspection-district, who shall make a return and certificate of the result of his analysis, specifying whether such liquors are pure or adulterated, and whether they are so adulterated with deleterious ingredients as to be injurious to health; and such certificate shall, in the absence of any evidence to the contrary, be sufficient proof before such Justice, or in any Court of Justice, of the truth of the matters therein certified; but if proof be ordered, it shall be competent to the defendant to declare, that he requires the attendance of the Inspector and Analyst, to be cross-examined on such certificate, in which case the party prosecuting shall cause him to be summoned;
- Inspector's expenses, &c.** 2. The Inspector and Analyst shall be entitled to recover, from the party requiring his attendance, the full amount of his travelling expenses.
- Punishment of seller.** 9. All persons so selling or retailing adulterated liquors containing ingredients injurious to health shall, upon a complaint being made as aforesaid, be punishable by imprisonment for three months, and by a fine of fifty dollars.
- Adulterated Liquors to be destroyed.** 10. All adulterated liquors, the property of the seller or retailer, shall be seized and confiscated and destroyed 25
- Where destruction may take place.** 11. The Justice hearing the cause may also order that such destruction shall take place in front of the establishment or domicile of the party convicted. h
- In case of repetition of offence.** 12. In case of a repetition of the offence, the Justice hearing the cause may cause a copy of his judgment to be posted up in such places as he shall designate, and may cause the said judgment to be inserted, in whole or in part, in such newspapers as he shall designate, the whole at the expense of the party convicted. 30
- Inspector shall receive a certain fee.** 13. Every Inspector and Analyst shall be entitled to receive for his services a sum of *twenty-five shillings*, more or less, in the discretion of the Justice, to be deemed costs, and paid by the party against whom judgment shall be given. 35
- Recovery and disposal of penalties.** 14. All penalties and forfeitures imposed by this Act shall be recovered summarily on the information of any person who will prosecute for the same, before any two Justices of the Peace near the place where the offence shall have been committed, and shall be payable, one-half to the prosecutor (who shall not be thereby rendered incompetent as a witness), with costs, and the other half to Her Majesty. 40
- Appeals from convictions under this or other Act.** 15. Any person aggrieved by any conviction under this Act, may appeal to the next General or Quarter Sessions of the Peace, to be held for the District or other Territorial Division wherein the same shall have been made, provided that eight days intervene between such 45

conviction and the holding of such Sessions of the Peace next thereafter, and provided that within three clear days after the making of such conviction, exclusive of Sundays and Holidays, such Appellant shall enter into a recognizance with two sufficient sureties before any one Justice, conditioned to try such appeal without any unnecessary delay, and to abide the judgment and to pay all costs to be awarded on such appeal.

DIVERS PROVISIONS.

16. The provisions of the Act, chapter one hundred and three of the Consolidated Statutes of Canada "respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders" in so far as the same are respectively applicable, shall extend and apply to cases under this Act. Chap. 103 of Con. Stat. of Canada to apply to cases under this Act.

17. All penalties and forfeitures recoverable under this Act and accruing to Her Majesty, shall be paid to the Receiver General of this Province, and form part of "The Liquor Inspection Fund." Penalties to go to the Liquor Inspection Fund.

18. With a view to meet the expenditure to be incurred under the provisions of this Act, it is enacted that over and above the duties and fees now payable under the authority of any law, each and every tavern-keeper shall pay *one dollar*, which shall form part of the Liquor Inspection Fund, and which sum shall be payable to the Collector of Inland Revenue, and by him paid over, with other moneys coming his hands, to the Receiver General. Every tavern-keeper to pay one dollar yearly to the Liquor Inspection Fund.