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No. 21.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act to restrict and restrain the sale of
Intoxicating Liquors from Saturday night
till Monday morning.

Received and read, first time, Wednesday, 16th
February, 1859.

Second reading, Monday, 21st February, 1859.

MR. DALY.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to restrict and restrain the sale of Intoxicating Liquors from Saturday night till Monday morning.

WHEREAS it would be conducive to the welfare and to the social condition of Her Majesty's subjects in Upper Canada, that a restriction and restraint were put to the indiscriminate sale therein of liquors called intoxicating liquors, at certain periods; and as many cases which have led to the commission of crime and the deprivation of the lives of Her Majesty's subjects have therein occurred by and through the indiscriminate and excessive use of such liquors; Therefore Her Majesty, &c. enacts as follows :

Preamble.

I. In each and every place and places where, by the present existing laws of Upper Canada, intoxicating liquors are allowed to be vended and sold and disposed of, by wholesale and by retail, no vendition, sale or disposal of the said liquors shall take place therein, or on the premises thereof, or out of or from the same, to any person or persons whomsoever, from and after the hour of seven of the clock on Saturday night till the hour of eight of the clock on Monday morning thereafter, save and except in cases on a requisition or certificate signed by a Licensed Medical Practitioner, or by a Justice of the Peace, Reeve, or Deputy Reeve, and in such cases only for the purposes of the sick and for medicine.

No liquor to be sold between 7, p.m., on Saturday, and 8, a.m., on Monday.

Exception.

II. A penalty for the first offence of not less than twenty-five dollars, with costs, in case of conviction, shall be recoverable from and leviable against the goods and chattels of the person or persons who are the proprietors in occupancy, leaseholders, or tenants, or agents in occupancy of the said place or places, who shall be found to have contravened the enactment in the first section of this Act,—for the second offence, a penalty against all such persons of not less than fifty dollars, with costs,—for a third offence, a penalty against all such persons of not less than one hundred dollars, with costs,—and for a fourth offence, a penalty against all such persons of not less than three months' imprisonment, with hard labor, in the common gaol of the County wherein such place and places may be; the number of said offences to be ascertained by the production of a certificate from the convicting Justice, or by other evidence satisfactory to the Justice before whom the information or complaint may be made.

Penalty for first offence.

For a second.

For a third.

For a fourth

III. Any person or persons may be the informant or informants, complainant or complainants, in prosecuting under this Act: All proceedings shall be begun within sixty days from the date of the offence; and all informations, complaints, or other necessary proceedings may be brought and heard before any one or more Justices of the Peace of the County where the offence or offences were committed or done, and the mode of procedure in, and the forms appended to, the Act of the sixteenth Victoria, chapter 178, for summary proceedings not indictable, may be followed as regards the cases and proceedings under this Act.

Proceedings for penalties under this Act.

Application
of pecuniary
penalties.

IV. The said penalties in money, or any portion of them that may be recovered, shall be paid to the convicting Justice or other acting Justice in the case, and by him paid equably, one half to the informant or complainant, and the other half to be paid over by said Justice to the Treasurer of the Municipality where the place or places referred to are situated. 5

Interpreta-
tion.

V. The word "liquors" in this Act shall be understood to mean and comprehend all spirituous and malt liquors, and all combinations of liquors and other liquors or drinks which are intoxicating.

Act limited to
U. C.

VI. This Act shall apply to Upper Canada only.

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