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No. 71.

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

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**B I L L .**

**An Act to amend the Act respecting the  
Provincial Duty on Tavern Licenses.**

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Received and read first time, Friday, 25th  
April, 1862.

Second reading, Friday, 25th April, 1862.

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**Hon. Mr. GALT.**

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**S. Derbshire & G. Desbarats, Queen's Printer.**

An Act to amend the Act respecting the Provincial  
Duty on Tavern Licenses.

**W**HEREAS it is expedient to make the law uniform Preamble.  
throughout this Province, with respect to the issuing  
of Licenses on which a Provincial Duty is payable under  
chapter twenty of the Consolidated Statutes of Canada,  
intituled : *An Act respecting the Provincial Duty on Tavern-  
keepers* : Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Council and Assembly of Canada,  
enacts as follows :

**1.** Every License on which a duty is payable under the Act  
10 last above cited, and which shall be issued after the passing  
of this Act, whether in Upper or in Lower Canada, shall be  
issued by the Revenue Inspector for the Revenue Division in  
which the hotel, tavern, house, vessel or place, to which the  
License is to apply, shall be situate ; and the Provincial Duty  
15 payable on such License, shall be paid to such Revenue  
Inspector before he shall deliver such Licence ; and the words  
" Tavern License," in this Act, shall mean and include any  
such License as aforesaid, and no other.

Duty to be  
always payable  
to Revenue  
Inspector.

**2.** Every such License shall be issued by the proper  
20 Revenue Inspector as aforesaid,—in Lower Canada, (except  
the City of St. Hyacinth) in favor of any person, on payment  
of the Provincial Duty thereon, and on the production to such  
Revenue Inspector of the certificate from the proper municipal  
authority, required by the laws now in force in order to obtain  
25 such license,—and in Upper Canada, in favor of any person,  
on payment of the Provincial Duty thereon, and on the produc-  
tion to such Revenue Inspector of a certificate from the  
municipal authority, who, without this Act, might have issued  
such license, that such person has complied with the require-  
30 ments of the law and other by-laws of the Municipality in that  
behalf, and is entitled to such license for the time for which it  
is demanded of the Revenue Inspector, and for the hotel,  
tavern, house, vessel or place mentioned in such certificate ;—  
and in the City of St. Hyacinth, on payment of the Provincial  
35 Duty, and on the production of the like certificate as is required  
by law in any other place in Lower Canada.

Every License  
to be issued by  
Revenue Ins-  
pector, and to  
whom.

**3.** The sum payable to the Municipality for any such  
certificate as aforesaid, under any Act or By-law in force at the  
40 time of the passing of this Act, shall be that which would

As to the sum  
payable to the  
Municipality in

U. C. on any  
license.

without this Act be payable for the license, diminished by the amount of the Provincial Duty on such license ; and the minimum sum which may be made payable for such certificate, under the two hundred and forty-seventh section of *An Act respecting the Municipal Institutions of Upper Canada*, and the maximum sum which may, under that section, be made payable for such certificate, without submitting the by-law to the approval of the electors, shall be also diminished by the amount of the Provincial Duty on the license ; and the power to grant, or to pass by-laws for granting Tavern Licenses, 5 10 conferred by the Act last cited, on the Council of any Municipality in Upper Canada, or conferred by any Act on the Municipal Council of the City of St. Hyacinth, shall, after the passing of this Act, be construed and have effect as applying to the granting of certificates for Tavern Licenses 15 under this Act.

Power to Muni-  
cipalities to  
licenses how  
to be construed.

As to licenses  
granted before  
the passing of  
this act.

4. Every Tavern License lawfully granted before the passing of this Act, shall remain in force during the time for which it was granted ; but except the holders of such unexpired licenses, no person shall be held to have a Tavern License, 20 unless he has a license issued in the manner prescribed in this Act ; and the penalty imposed by any Act or By-law on persons selling spirituous liquors to be drunk upon the premises, in any hotel, tavern, house, vessel or place, without being duly licensed, shall be incurred by any person so selling spirituous 25 liquors without having a license issued under this Act.

Act 23 V. c. 6  
not affected.

5. The Act passed in the twenty-third year of Her Majesty's Reign, intituled : *An Act to prevent the unlicensed sale of Intoxicating Liquors in the unorganized Tracts of this Province*, shall not be affected by this Act. 30

Repeal of  
inconsistent  
enactments.

6. So much of the Act cited in the preamble to this Act, or of any other Act, as vests the power of granting Tavern Licenses in any Municipal Council or municipal authority, or as excepts the City of St. Hyacinth from the general law of Lower Canada, with respect to Tavern Licenses, or as makes 35 any provision inconsistent with this Act, or any provision which, by the passing of this Act, will become unnecessary or inapplicable, is hereby repealed.