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No. 250.

2nd Session, 7th Parliament, 26th Victoria, 1863.

BILL.

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

Received and read, first time, Monday, 20th
April, 1863.

Second reading, Wednesday, 22nd April,
1863.

Mr. BOURASSA.

QUEBEC :

PRINTED FOR THE CONTRACTORS BY
HUNTER, ROSE LEMIEUX, ST. URSULE ST.

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

WHEREAS the sale by retail of adulterated Liquors has been and is Preamble.
 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,
 5 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 from practising such adulteration; Therefore, Her Majesty, by and with
 10 the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

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
 15 a color 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
 20 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 inland
 25 revenue inspection division, 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. Inspector of Liquors to be appointed. His duties.
- 5.** The Governor in Council shall designate the territorial limits of
 30 the jurisdiction of such Inspector and Analyst, and provide a convenient office and all necessary accommodation and materials for the execution of his duties 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
 35 Governor in Council may think fit. Salary of Inspector.

PROSECUTIONS, ACTIONS AND PENALTIES.

- 7.** Any purchaser of liquors which he believes to be adulterated,
 shall make a complaint in relation thereto, without delay, and shall
 40 thereupon seal the same, so that no person shall have access thereto. Complaints.

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 Revenue inspection division, 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.

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.

Where des-
truction 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.

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 be inserted, or in whole or in part in such newspapers as he shall designate, the whole at the expense of the party convicted.

Inspector
shall require
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.

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.

Appeals from
convictions
under this
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 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 Holydays, 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.

DIVERSE PROVISIONS.

Chap. 107 of
Cons. Stat. of
Canada to
apply to cases
under this
Act.

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.

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."
The Liquor Inspection Fund created.

18. With a view to meet the expenditure to be incurred under the provisions of this Act, all vendors or retailers of Liquor shall be bound, on the thirty-first day of December, of each year, to obtain a License under this Act, as such, from the Collector of inland revenue for the District, which Licenses the said Collector is hereby authorized to grant on payment of the sum of five shillings, which shall be paid into the "Liquor Inspection Fund."
Vendors of articles of Food and Drink to obtain licenses annually.

19. It shall be the duty of the Inspector and Superintendent of Police or other Chief Constable or Officer of Police in any locality to prepare and deliver, on the first day of March of each year, to such Collector of inland revenue, a list alphabetically arranged, of all vendors or retailers of Liquors, within the limits of his jurisdiction; and every such vendor or retailer of Liquors continuing to vend and sell or expose for sale any Liquors without a License, under this Act, shall be liable to a penalty of *fifty dollars* for every day during which such person shall continue to vend or sell or expose for sale such Liquors.
Penalty on selling w. thout a license: