

By-Law No - 3 - 1869.

A By-Law respecting Tavern and Shop Licenses within the Township of Westmeath in the County of Renfrew.

Whereas it is expedient to fix the conditions upon which certificates may be granted to obtain Tavern Licenses for the retail of spiritous, fermented or other manufactured liquors, to be drunk in the Tavern, Inn, Ale-house, beer house, or other place of public entertainment in which the same is sold, and also, certificates to obtain Licenses for the retail of such liquors in quantities not less than one quart in Shops, or places other than ~~taverns~~, inns, ale-houses, beer-houses or places of public entertainment; and to fix and define the duties, powers and privileges of the Inspector or Inspectors of Licenses, the remunerations he or they shall receive, and the security to be given for the efficient discharge of the duties of the office of Inspector,

Therefore, be it enacted by the Municipal Council of the Township of Westmeath in the County of Renfrew, constituted and assembled by virtue, and under the authority of an Act of the Parliament of Canada intituled, "An Act respecting the Municipal Institutions of Upper Canada," and it is hereby enacted, by, and under the authority of the same

- No person to sell without license. } 1st. No person shall sell by retail any spiritous, fermented or other Manufactured liquors within the said Township of Westmeath, without having first obtained a license authorizing him so to do, ~~as herein provided~~.
- Application for License to be by Petition. } 2nd No certificate for a license to retail spiritous, fermented or other manufactured liquors in any tavern, ale-house, beer-house, place of public entertainment or Shop, shall be granted to any applicant except upon petition by the applicant to the Council of the said Township of Westmeath, praying for the same; nor until the Inspector shall have reported that the applicant is a fit and proper person to have a License, and has all the accomodations required by law, and that such applicant has complied with the By-Laws of the said Township, and also, that such applicant has given him a Bond for the due observance
- Inspector to report. }
- Applicant to give Bond - }

Of the By-Laws of the said Municipality, he, or she in the sum of Forty Dollars, along with two good and sufficient Sureties in the sum of twenty Dollars each.

Certificates for Taverns \$20⁰⁰
for Shops \$38⁰⁰

3rd. The sum to be paid to the Township Treasurer, to the use of the Municipality, for a certificate to obtain a Tavern or Shop License within the said Municipality shall be Twenty Dollars for each Tavern License, ^{and} Thirty eight Dollars for each Shop License.

No Certificate to be granted in certain cases

4th. It shall not be lawful for the Council of the said Township of Westmeath, to grant any certificate for a License, or any certificate whatsoever, whereby any person can obtain or procure any license for the sale of Spiritous, fermented or intoxicating liquors, on the days of the ~~celebration~~ ^{and} of the Agricultural Association of the County of Renfrew or of the Township Agricultural Society, either on the grounds of such Association or Society, or within the distance of three hundred yards from such grounds.

Licenses to be exposed constantly under a penalty of \$5⁰⁰ for each days' omission so to do. and Costs.

5th ~~Every~~ all licenses within the said Township of Westmeath shall be constantly and conspicuously exposed in the Shops or in the Barroom of taverns, inns, ale-houses, beer-houses or other places of public entertainment within the Township aforesaid under a penalty of five dollars for every days wilful or negligent omission so to do, to be recovered with costs from the Shop-Keeper, or tavern, inn, ale-house or beer-house Keeper, or Keeper of any other place of entertainment so making default.

Label to be over door of Taverns under a penalty of \$1⁰⁰ + Costs

6th Every person who keeps a tavern, inn, ale-house, beer-house, or other house, or place of public entertainment, and has a tavern license, shall exhibit over the door of such tavern, inn, ale-house, beer-house, or other place of public entertainment, in large letters, the words "Licensed to sell wine, beer, and other spiritous or fermented liquors," and in default thereof shall be liable to a penalty of one Dollar besides costs.

Liquors not to be sold

7th No licensed Shop-Keeper, or other person having a Shop-license, within the said Township of Westmeath,

in shops to be drunk on the premises, penalty \$10⁰⁰-~~4~~

nor in quantities less than one quart, penalty \$1⁰⁰

Intoxicating liquors not to be sold or disposed of during certain times

except for medicinal purposes, & production of a requisition signed by a doctor or Magistrate.

penalty for 1st offence \$20⁰⁰ or 15 days imprisonment

shall allow any liquors sold by him, and for the sale of which a license is required, to be consumed within his shop, or within the building of which such shop is a part, either by the purchaser thereof, or by any other person not usually resident within such building, under a penalty of ten dollars besides costs; and shall not sell, or, allow to be sold, any such said liquors, in quantities less than one quart under a penalty of one dollar and costs.

8th In all places within the said Township of Westmeath, where intoxicating liquors are, or may be allowed to be sold by wholesale or retail, no sale or other 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 or after the hour of seven of the clock on Saturday night till the hour of six of the clock on Monday morning thereafter, nor ~~on any~~ other day or time during which such sale or other disposal of the said liquors shall be, or may hereafter be prohibited by law, save and except in cases where a requisition for medicinal purposes, signed by a licensed medical practitioner, or by a justice of the Peace, is produced by the vendor or his agent, nor shall any such liquors be permitted, or allowed to be drunk in any such places, except as as aforesaid, during the time prohibited ^{by law} for the sale of the same; for the punishment of offences against the section of this By-Law, a penalty, for the first offence against the provisions thereof, of not less than twenty dollars with costs, or fifteen days imprisonment, in case of conviction, shall be recoverable from, and livable against, the goods and chattels of the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy of the said place or places, who shall be found by himself, herself, or themselves, or his, her, or

2nd Offence }
 \$40⁰⁰ + Costs,
 or 20 days.

3rd Offence }
 \$100⁰⁰ + Costs,
 or 50 days.

4th Offence }
 3 months +^e

their servants or agents, to have contravened the enactment in this Section, or any part thereof; for the second offence, a penalty against all such of not less than forty dollars with costs, or twenty days imprisonment with hard labour; for a third offence, a penalty against all such of not less than one hundred dollars with costs, or fifty days imprisonment with hard labour; and for a fourth or any after offence, a penalty against all such of not less than three months imprisonment with hard labour, in the common jail of the County of Pemfrew, the number of such offences to be ascertained by the production of a certificate under the hand of the convicting justice, or by other satisfactory evidence to the justice before whom the information and complaint may be made; and it is hereby enacted, that convictions for several offences may be made under this By-Law, although such offences may have been committed in the same day; Provided always, that the increased penalties hereinbefore in this Section imposed, shall only be recoverable in the case of offences committed on different days.

Penalties for
 selling without
 License,
 1st \$20⁰⁰
 and costs.

second, in
 County jail not
 exceeding three
 months.

3rd in jail
 for 6 months

9th. Any person who shall sell or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, ^{within the Township of Westmeath,} without a license therefor by law required, shall, for the first offence, on conviction thereof, forfeit and pay a penalty of not less than twenty dollars besides costs, and not more than fifty dollars besides costs; and for the second offence, on conviction thereof, such person shall be imprisoned in the jail of the County of Pemfrew, to be kept at hard labour for a period not exceeding three calendar months; and for the third and any after offence, on conviction thereof, such person shall be imprisoned in the jail aforesaid, to be kept at hard labour for a period of six calendar

months; and the number of convictions may be ascertained by the production of a certificate under the hand of the convicting justice, or by other satisfactory evidence.

10th All prosecutions under this By-Law for the offences of vending, selling or disposing of wine, whiskey, gin, rum, brandy, beer, ale, cider or other spiritous, fermented or manufactured liquors without License within the said Township of Westmeath, whether the prosecution be for a penalty or for punishment by imprisonment, shall take place before any two or more of Her Majesty's Justices of the Peace having jurisdiction in the municipality of Westmeath aforesaid, who shall have authority to hear and determine the same in a summary manner according to the practice and procedure, and after forms contained in and appended to the Act Chapter one hundred and three of the Consolidated Statutes of Canada, intitled, "An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders," and the Act or Acts amending the same; and on such trial and proceedings the prosecutor or complainant shall be a competent witness, and the conviction or order of the said two or more justices, shall be final and conclusive, and all prosecutions under this section shall be commenced within twenty days after the commission of the offence or after the cause of action arose, and not afterwards.

11th All prosecutions under this By-Law, other than those mentioned in the next-preceding section and section twelve, whether for the recovery of a penalty or otherwise, may be brought and heard before any one or more of Her Majesty's Justices of the Peace in and for the said County of Tipperary, and the procedure shall be that of Justices out of Sessions in relation to summary convictions

Prosecutions for selling without license to be before two or more justices, whose decisions shall be final

Prosecutions to be commenced within 20 days after offences, and not afterwards.

Prosecutions under this By-Law, except those mentioned in sections 10 and 12, to be before one

or more Justices
within 2 months of
offence committed

riotous or
disorderly
Taverns,
Inns, &c

and orders, and all prosecutions provided for under this Section shall be commenced within two months after the commission of the offence or the cause of action arose, and not afterwards.

12th The Reeve of the said Township of Westmeath with any one Justice of the Peace, or any two Justices of the Peace having jurisdiction in the said Township, upon complaint made on oath to them, or any one of them respectively, of riotous or disorderly conduct in any inn, tavern, ale-house, beer-house or other house of public entertainment situate within the said Township, may summon the Keeper of the inn, tavern, ale or beer house to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or convict the Keeper of having a riotous or disorderly house, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in his or their discretion may seem just, and in case the Keeper of any such inn, tavern, ale house, beer house or place of public entertainment, shall be convicted under this Section, and his license annulled, he shall not be eligible to obtain a license for the period of two years thereafter.

Any person may
prosecute, and not
be incompetent as a
witness

13th Any person may be the prosecutor or complainant in prosecutions under this By-Law, and no person shall be rendered incompetent as a witness by reason of his being entitled to any portion of the penalty sought to be recovered.

Constable may
enter any house
or place where
liquors are sold,
or reputed to be
sold - person
who fails to
admit such
Constables to

12th Any Constable may, at any time, enter into any tavern, inn, ale house, beer house, or other house or place of public entertainment, or into any shop, or other place wherein refreshments or liquors are sold, or reputed to be sold, whether legally or illegally, within the said Township of Westmeath; and any person being therein, or having charge thereof, who refuses, or after due summons, fails to admit such Constable, into the

be fined from \$10⁰⁰ to \$50⁰⁰

Any person who tampers with, or threatens &c a witness, is liable to a penalty of \$50⁰⁰

Any person having violated any of the provisions of this By-Law who shall compound or settle &c with any person

shall be imprisoned in the County jail for 3 months

Every person concerned in the compromise or settlement &c shall be imprisoned for 3 months

Penalties in money

same, or offers any obstruction thereto, shall be liable to a penalty of not less than ten dollars, nor more than fifty dollars for every such offence.

15th Any person who, on any prosecution under this By-Law, tampers with a witness, either before or after he or she is summoned or appears as such witness on any trial or proceeding under this By-Law, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself or herself, or to swear falsely, shall be liable to a penalty of fifty dollars for each offence.

16th Any person who having violated any of the provisions of this By-Law, shall compromise, compound or settle, or shall offer or attempt to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or if a complaint shall have been made, with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution, or otherwise, shall be guilty of an offence under this By-Law, and on conviction thereof, shall be imprisoned at hard labour in the common gaol of the County of Renfrew for the period of three calendar months.

17th Every person who shall be concerned in, or be a party to the compromise, composition or settlement mentioned in the next preceding section, shall be guilty of an offence under this By-Law, and on conviction thereof, shall be imprisoned in the common gaol of the County of Renfrew for the period of three calendar months.

18th The penalties in money in this By-Law mentioned, or any portion of them which may be re-

how to be paid.

covered, shall be paid to the convicting justice or justices in the case, and by him or them paid equally, one half to the prosecutor or complainant, and the other to the Treasurer of the said Township of Westmeath; and for the recovery of the said penalties and legal costs upon and after conviction, in cases not appealable, and in cases appealable where no appeal has been perfected according to law, it shall and may be lawful for any justice or justices to issue a warrant of distress to any constable or peace officer against the goods and chattels of the person or persons convicted; and in case no sufficient distress be found to satisfy the said conviction, then it shall and may be lawful for the said justice or justices to order that the person or persons so convicted be imprisoned in any common gaol within the said County of Renfrew for any period not exceeding thirty days, unless the penalty and all costs be sooner paid.

penalties and costs how recoverable.

Accommodation required

19th Every tavern and Inn authorized to be kept under the provisions of this By-Law, shall contain, in addition to what may be needed for the use of the family of the tavern or inn keeper, not less than four bed-rooms, with a suitable ^{complement} quantity of bedding and furniture, and there shall also be attached to the said tavern or inn, proper stabling for at least six horses.

Meaning of words "liquors" and "liquor"

20th In this By-Law the word "liquors" or "liquor" shall be understood to mean and comprehend all spiritous and malt liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating.

Inspector of Licenses -

21st The Inspector of Licenses for the said Township of Westmeath, shall, upon being furnished by the Township Clerk, with the names of the parties who may have applied for Tavern License within

to inspect
premises

take Bonds

deliver report
to Lu. Clerk,
along with
the Bonds.

to take Bond
from each
Shop-keeper,
and
deliver Bond
and report to
Lu. Clerk.

Inspector
may endorse
on license
permission
to sell liquors
out of his house,
or to remove
to another
house in
Township

the limits of the said Township, and whose petitions shall have been accepted by the Council of the said Municipality, forthwith proceed to inspect the premises of such parties; if he finds such parties duly qualified, and possessing the accommodation required by law, he shall demand and receive from each such Tavern Keeper a Bond, with two good and sufficient sureties, for the due observance of the By-Laws of the Municipality; immediately thereafter, he shall deliver to the Township Clerk his report on each such Tavern by him inspected, and the Bonds of such Tavern Keepers as he shall have found entitled to License - he shall also, upon being furnished by the Clerk with the names of the parties who may have applied to the said Municipal Council for Shop License and whose petitions shall have been accepted by said Council, forthwith demand and receive from each such Shop Keeper a Bond, with two good and sufficient sureties for the due observance of the By-Laws of the Municipality, and immediately thereafter deliver such Bond and his report to the Township Clerk.

22nd Such Inspector of Licenses may, in his discretion, but subject to any By-Law of the Municipality, or Resolution of the Council thereof, endorse on any license, permission to the holder thereof, or his assigns or legal representatives, to sell the liquors mentioned in his license at any place out of his house, or to remove from the house to which his said license applies, to any other house to be described in an endorsement to be made by such inspector on the said License, and situated within the Municipality aforesaid; and such

holder to
sell in the
house men-
tioned

but not at more
than one place at
the same
time.

Inspector's
fee

Section 7 of
By-Law 4-1864
By-Law 6-1864
By-Law 5 ¹⁸⁶⁷ except
Sec. 5 and its sub-
sections, + all +
repealed.

~~Passed in Open Council this~~

Passed in Open Council
the 6th day of March 1869

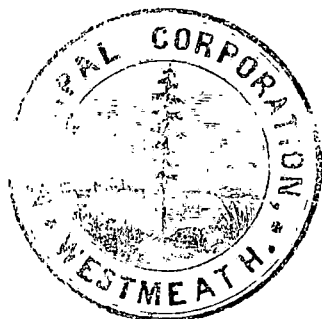
shall authorize the holder of the said license to sell
the same liquors in the house mentioned in the en-
dorsement during the unexpired portion of the
term for which the said license was granted,
and upon the same terms and conditions; and any
bond or security which such holder of a license
may have given for any person relative to such
license, shall apply to the house or place to
which such removal is authorized, but shall not
entitle him to sell at more than one place at
the same time.

23rd - Such Inspector shall be paid from the
Funds of the said Township of Westmeath the sum
of one dollar and fifty cents - for each
Tavern or Shop licensed therein -

24th - And Section 7 of By-Law No. 4-1864,
By-Law No. 6-1864, By-Law No. 5-1867 except
the 5th section thereof and the sub-sections of the
said Section No. 5, and all By-Laws or parts of
By-Laws passed by the Council of the said Town-
ship of Westmeath which are inconsistent
with the provisions of this By-Law, are here-
by repealed.

24th - Such Inspector shall also prosecute any
person or persons who he knows to be selling
liquors without license, within the said
Township of Westmeath -

J. H. Cannon Secy
W. Cannon - In. Clk.



By-Law No. 3-1869
Tavern and Shop
Licenses
