

By-Law No. 3. — 1875

A By-Law concerning Fermented or Spirituous Liquors and the Sale thereof within the Township of Westmeath in the County of Renfrew.

Whereas, it is necessary to define the Conditions and qualifications requisite for granting Certificates to obtain Tavern and Shop Licenses for the retail, within the Municipality of Westmeath in the County of Renfrew, of Spirituous, fermented or other manufactured liquors, the security to be given by an applicant for either of such Licenses for observing the By-Laws of the said Municipality, to limit the number of such licenses, to regulate the Taverns and Shops so licensed, to determine the sums to be paid to the Municipality for such Licenses, to appoint an Inspector of Licenses, define his duties, ^{and by} the remuneration to be made to him, ~~and to fix the security to be given by him for the effectual discharge of his duties.~~

Therefore the Municipal Council of the Municipality of Westmeath aforesaid, pursuant to an Act of the Legislature of Ontario passed in the 37th year of Her Majesty's Reign and chaptered 32, enacts as follows:—

"Liquors"

1. In this By-Law the word "Liquors" or "Liquor" shall be understood to mean and comprehend all spirituous and malt-liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating.

Tavern Licenses.

2. A Tavern License shall be construed to mean a License for selling or trafficking by retail in fermented, spirituous or other liquors, in quantities less than one quart, which may be drunk in the Tavern or Inn in which the same liquor is sold.

Shop License.

3. A Shop License shall be construed to mean a License for selling, bartering or trafficking by retail in such liquors in Shops, Stores or places other than Taverns or Inns, in quantities not less than three half pints, at any one time, to any one person, and at the time of sale to be wholly removed and taken away, in quantities not less than three half pints at a time.

Obtaining Licenses

4. Every Tavern or Inn authorized to be licensed under this By-Law, shall contain, and during the continuance of the License shall continue to 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, together with, in every case, a suitable complement of bedding and furniture, one sitting Room apart from the Bar-room for the accommodation of visitors or travellers, and there shall also be attached to the said Tavern or Inn proper stabling for at least six Horses, a good yard, a Shed and a Privy.

Certificates

5. A certificate for a License to sell spirituous, fermented or other manufactured

liquors by retail, within the said Municipality, shall not be granted to any applicant, except in the manner and upon the conditions expressed in Section Number Nineteen of this By-Law.

Cost of License.

6. The sum to be paid for a Tavern or Shop Licensed in this Municipality, to its use, in addition to the Provincial Duty thereon, shall be twenty Dollars for each such License issued for this Municipality.

Number of Taverns & Shops.

7. The number of Licenses which may be issued for Taverns, in this Municipality, from the first day of March A.D. 1875 to the first day of March A.D. 1876, shall not exceed seven; and the number of Licenses which may be issued for Shops, during the same time, shall not exceed four.

Regulations of Taverns.

8. Every person who keeps a Tavern or Inn within the said Municipality for which a Tavern License has been duly issued and is in force, shall exhibit over the door of such Tavern or Inn, in large letters, the words "Licensed to sell wine, beer, and other spirituous or fermented liquors."

Liquors not to be sold from 7 P.M. Saturday till 6 A.M. Monday.

9. In all Licensed Taverns, within the said Municipality, 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 six of the clock on the Monday morning thereafter, nor during any further time on the said days, or any hours or other days during which, by any Statute in force in this Province, the same, or the bar-room or bar-rooms thereof, ought to be kept closed, save and except, where a requisition for medical purposes, signed by a licensed Medical Practitioner, or by a Justice of the Peace, is produced by the vendee or his agent, nor shall any such liquor be permitted or allowed to be drunk in any such Tavern or Inn during the time prohibited by this By-Law for the sale thereof.

Provide yard

10. Every Keeper of such Tavern or Inn, within the said Municipality, shall be provided with a good and convenient yard for the accommodation and keeping therein of the carriages or other vehicles of travellers and others frequenting such Tavern, which yard shall, when so occupied at any time, be kept clear of all Cattle, Sheep, Pigs or other animals running at large, with proper and comfortable stables, a sufficient supply of Hay and Oats or other Grain to satisfy the wants of travellers, and shall at all times, furnish clean and comfortable Bed-rooms, beds and bedding, and proper and nutritious food, to all travellers, lodgers, or other person demanding the same.

furnish Hay &c

Conduct of Keeper

11. Every Keeper of such Tavern or Inn, shall conduct himself or herself with honesty and sobriety, and as a good subject of Her Majesty; shall receive all guests

Gambling &
prohibited.

and purchasers with courtesy, shall provide them with all ^{requisite} ~~necessary~~ attendance and satisfy their just demands with all due civility; and shall, at all times, keep his ^{his} house in a clean and comfortable condition for their reception and entertainment.

12. No Keeper of such Tavern or Inn, shall permit or allow, in his or her house or ~~on the premises~~ attached thereto, of any playing at Cards or Dice, for money, drinks or otherwise, or Gambling of any kind not licensed, drunkenness, profane swearing, indecent, seditious or traitorous language, or any noise or disturbance, to the annoyance of any guest, lodger or other person therein, or of the occupants of the Houses or Dwellings in the neighbourhood thereof; nor permit or allow of loafers, or any tippling, nor draw for, or give any such liquor, to any person, who may be in a state of intoxication; and should any person enter any such Tavern or Inn in a state of intoxication or become intoxicated while therein, the Keeper of such Tavern or Inn shall take all needful care of such person until he shall have sufficiently recovered from his intoxication to be able to leave such Tavern or Inn with safety.

Penalty

13. Every and any Keeper of such Tavern, within the said Municipality, may be summarily prosecuted before any one or more of Her Majesty's Justices of the Peace having jurisdiction in the said Municipality, for any and every breach of this By-Law; and any Keeper of such Tavern or Inn ~~shall~~ upon conviction thereof, shall for each such offence or breach; pay a fine or penalty, in the discretion of such Justice or Justices, of not less than five nor more than twenty Dollars, besides the costs of prosecution; and such Justice may by warrant under his hand and seal, or in case two or more such Justices act together, under the hand and seal of one of them, cause any such penalty and costs, or costs only, if not forthwith paid, to be levied by distress of the goods and chattels of the offender, and in case of there being no distress found out of which the penalty and costs, or costs only, can be levied, such Justice or Justices may commit the offender to the Common Goal of the County of Renfrew for any term not exceeding twenty — days, unless such fine, ~~and~~ penalty and costs, including the costs of commitment, be sooner paid.

Forfeiture
of Security

14. In case any Keeper of such Tavern, shall be convicted, under Section number 36, of the heretofore mentioned Act of the Legislature of Ontario Chaptered 32, and his or her license suspended or annulled, then and in any such case, the sum mentioned in his security to observe the By-Laws of the said Municipality, shall be forfeited and immediately paid over to the Treasurer to the use of the said Municipality, and if not so paid may be recovered together with the costs of prosecution from the Keeper of such Tavern and his or her sureties, as directed in the next preceding section of this By-Law, or by Suit in the Division Court.

Licensed
Shopkeepers.

15. A Shop or Store-keeper, within the said Municipality, licensed to sell by retail spirituous, fermented or other combinations of liquors which are intoxicating, shall not sell such liquors in quantities less than three half pints at any one time to any one person and at the time of sale such liquors to be wholly removed and taken away in quantities not less than three half pints at any one time.

Liquors ^{not} to be drunk in Shop.

16. No such Shop or Store-keeper shall allow any liquors sold by him, or in his possession, for the sale of which a license is required, to be consumed within his Shop, or within the building which such Shop forms part of, or which communicates by any entrance with such Shop, either by the purchaser thereof, or by any person not usually resident within such building.

not to be sold at certain times.

17. Section Number nine of this By-Law shall apply to Shops or Stores within the said Municipality, as well as to Taverns or Inns.

Inspector.

18. Mr Joseph Jackson _____ is hereby appointed Inspector of Licenses in the said Municipality for the current year.

Duties of as to Certificate for Taverns, & Shops

19. Upon and after any person shall have applied by Petition to the Council of the said Municipality for a certificate to obtain ~~to obtain~~ a Tavern or Shop License within the said Municipality, and upon notice of such application having been given to the said Inspector, or in case of the death or incapacity otherwise of the said Inspector, then to such other Inspector as may be appointed by the Council of the said Municipality, the said, or such other Inspector, shall immediately after the receipt of such notice, proceed to examine the house and premises of every such person ^{applying} for a Tavern License, and ascertain ^{that} such person is possessed of the requirements mentioned in Section Number Four of this By-Law, and ~~that he~~ is the true owner of the business of such Tavern; and if he finds such person has the requirements mentioned, that he is the true owner of the business of such Tavern and is a fit and proper person to keep such Tavern, then the said, or such other Inspector shall forthwith under his hand report to the Clerk of the said Municipality, after he shall have taken from such Tavern keeper a Bond with two sufficient sureties to observe the By-Laws of the said Municipality, the keeper of such Tavern in the sum of Forty _____ Dollars and the said two sureties in the sum of Twenty _____ Dollars, each, to be paid to the said Municipality, in form following, - that is to say, "I, A. B. Inspector of Licenses for the Municipality of Westmeath, ^{in the County of Renfrew} do hereby certify, that I have examined the house and premises of C. D. situate on Lot Number _____ in the _____ Concession of the ^{said} Township of Westmeath, whose name has been given to me as an applicant by Petition to the Council of the said Municipality for a Certificate to obtain a Tavern License for said house therein, that he is the true owner of the business of the said Tavern, that he is a fit

and proper person to keep such tavern, that he has complied with the require-
ments of the law, and of the By-Laws and regulations in force in the said Municipi-
pality in that behalf and that such Tavern-keeper is entitled to a License for his
~~or her said House~~ ^{such Tavern (shop)} from the first day of March 1875 to the first day of March 1876,
which report he shall sign ^{date and} and forthwith convey to the Clerk of the said Municipality,
who, or the Reeve, ^{the Reeve & Clerk} or in conjunction, upon the receipt and filing thereof ^{shall} grant under
his or their hands a Certificate to obtain such License.

for Shops.

20. In all cases of application as aforesaid for a Shop License and on notice given
thereof to said, or such other Inspector, the said, or such other Inspector, shall proceed to
the Shop or Store of such applicant, and shall ascertain if such applicant is the true
~~owner~~ ^{owner} of the business of such Shop or Store, ^{and} that he is a fit and proper person to keep
such licensed Shop or Store, ^{and if so found} the said, or such other Inspector, shall, after having
taken from such Shop or Store-keeper a Bond for the sum of Forty — Dollars
with two sufficient sureties in the ^{further} sum of Twenty — Dollars, each, conditioned
to observe the By-Laws of the said Municipality and payable to the Treasurer thereof,
report to the Clerk in the same form ^(substituting the word Shop for that of Tavern) as that given in the last preceding Section,
and forthwith transmit the same, upon the receipt and filing of which a Certificate
may be issued in the manner mentioned in the last preceding Section.

report to be in
fav. of owner only.

21. The said, or such other Inspector, shall not report in favour of any applicant
other than the true owner of the business of the Tavern or Shop proposed to be
Licensed.

Inspector
to prosecute
&c.

22. When any information is given to the said, or such other Inspector, that there is
cause to suspect that some person is violating the provisions of the aforesaid Act of the
Legislature of Ontario, or the provisions of this By-Law, the said, or such other Inspector
shall make diligent enquiry into the truth of such information, and enter complaint
of such violation before the proper Court, without communicating the name of the
person giving such information; and generally to see that the several provisions
of the said Act, and of this By-Law are duly observed, and to proceed by information
or otherwise prosecute for the punishment of any offence against said Act, or
this By-Law.

Fees.

23. The said, or other such Inspector, shall be paid for each Tavern and Shop
inspected and report made thereon the sum of One dollar and fifty cents,
and in cases of prosecution by him under the Act aforesaid or under this By-
Law, shall prepare and present, to the Council of the said Municipality, his
account ^{in each case} for loss of time, and of costs not recovered, if any, and the said Council
shall thereupon refund to him his costs not recovered, and such remuneration

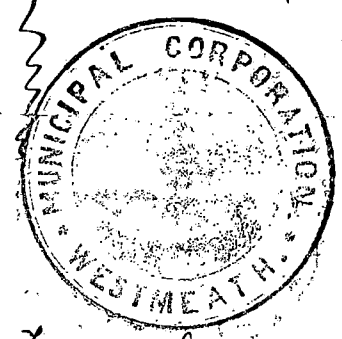
for his loss of time in the conduct of such prosecution, as it shall deem just and reasonable, except in such cases where the convicting Justice or Justices shall have awarded to him any part of the fine or penalty imposed upon the offender, and in any such case the said, or other such Inspector, shall not be entitled to any remuneration from the said Council for such prosecution, unless the said Council shall deem the amount so awarded to him insufficient to remunerate him for such loss of time, in which case the said Council may grant to him such sum, in addition to that so awarded to him, as in its judgment shall be deemed just and reasonable.

Act to apply to Municipality.

24. The enactments or provisions of the said Act of the Legislature of Ontario, passed in the 37th year of Her Majesty's Reign and Chaptered 32, shall apply to and be binding, in every matter and thing therein mentioned, ~~and~~ upon each and every Tavern and Shop-Keeper, Municipal Officer and ^{all} other person and persons within the said Municipality.

25. That all ^{respective} By-Laws ^{and the sale thereof,} heretofore made by any Council of this Municipality, be, and are hereby repealed.

Passed in open Council this first day of February A.D. 1875
 W. Cannon
 Township Clerk



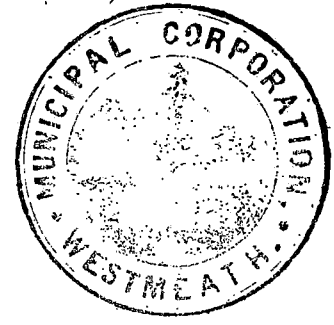
William Moore Chairman

The parties to whom Tavern License under the foregoing By-Law, if favourably reported ^{by} the Inspector of Licenses, are as follows, viz -

- James Johnston on Lots Nos. 4, 5 & 6 in Block B, Village of Beaculburg, Westmeath
- Thomas Sullivan on Lot No. 48 in Block G, ^{known as the Pembroke House} Village of Beaculburg, ~~Westmeath~~
- James Lindsay on Part of Lot No. 2 in the 6th Concession, Township of Westmeath
- Archibald Acheson, on part of Lot 23 in the 6th Concession of the Township of Westmeath
- Mrs Allamell Crackie on Lot 24 in ^{known as the Dominion House} Con. A. & D. L. Township of Westmeath
- Yousaint ~~the~~ Cecil on Lot No. 10 in the W. F. & C. Concession, ~~Township of Westmeath~~
- Gilbert Gervais on Lot No. 3. E. F. C. Concession, Township of Westmeath

Dated the first day of February A. D. 1875 being part of the foregoing By-Law.

W. Cannon
 Township Clerk



William Moore Chairman

By-Law No. 3, 1875 -
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