

1867 Bylaw "Licenses to Taverns and Shops", Township of Westmeath

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BY-LAW No. 5--1867.

A B Y - L A W

RESPECTING THE ISSUE OF

LICENSES TO TAVERNS AND SHOPS

WITHIN THE

Township of Westmeath,

In the County of Renfrew,

AND TO REGULATE THE SAME.

Pembroke :

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JOBING OFFICE,
1867.

A By-Law respecting the Issue of Licenses to Taverns and Shops within the Township of Westmeath, in the County of Renfrew, and to regulate the same.

WHEREAS, it is expedient to fix the conditions upon which Licenses may be issued to Taverns and Shops within the said Township, and to establish Rules for the regulation of Taverns and Shops licensed to sell Liquors therein :

Therefore, be it enacted by the Municipal Council of the Township of Westmeath aforesaid, 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,

1. That every person applying for a Tavern License within the said Township, shall make such application to the Municipal Council thereof by Petition, which Petition shall have appended or annexed thereto the *bona fide* signatures of at least thirty of the Municipal electors, resident within the Township; shall give to the License Inspector a Bond for the due observance of the By-Laws of the Municipality, he or she, in the sum of Forty Dollars, along with two good and sufficient sureties in the sum of Twenty Dollars each, and shall pay for a certificate of qualification the sum of Twenty Dollars, to the use of the Municipality.

2. That every such applicant shall be possessed of a house in which such Tavern shall be kept, which shall contain, in addition to what may be needed for the use of the family of the Tavern-keeper, not less than four bed-rooms with a suitable complement of bedding and furniture, at least one sitting room apart from the Bar-room, for the accommodation of visitors; there shall be also on the premises a yard, a stable capable of stabling at least six horses, a privy, and a shed capable of containing three span of horses.

3. That every person applying for a Shop License within the said Township, shall make such application to the Inspector of Licenses for the said Township, and shall pay to such Inspector the sum of Twenty Dollars for his License, said Twenty Dollars to be handed over by such Inspector to the Township Treasurer, to the use of the Municipality; and every such applicant for a Shop License shall give to the said Inspector the same security for the observance of the By-Laws of the Municipality as is by this By-Law required of licensed Tavern-keepers therein.

4. That every Tavern-keeper within the said Township, who has a Tavern License, shall exhibit over the door of such Tavern, House or Place, in large letters, the words "Licensed to sell Wine, Beer, and other Spiritous or Fermented Liquors," under a penalty in default of so doing of One Dollar, recoverable with costs before any Justice of the Peace, upon oath of one credible witness, one half of which penalty shall go to the informer and the other half to the Municipality.

5. That the Rules and Regulations following shall be duly observed by licensed Tavern and Shop-keepers within the said Municipality, viz:

1st. That every such Tavern-keeper shall be provided with a good and convenient yard, kept clear of cattle or other animals running loose, good stables, and sufficient hay and grain to meet the demands of travellers, and shall furnish clean beds and bedding, and good palatable food to travellers, or to other persons demanding the same.

2nd. That every such Tavern-keeper shall conduct himself or herself with sobriety and honesty, and as a good subject of Her Majesty the Queen; shall receive guests and purchasers with attention and civility, and keep his or her house in a clean and comfortable condition for their reception.

3rd. That no such Tavern-keeper shall, in his or her house, allow any playing at Cards or Dice, or Gambling of any kind *not licensed*, drunkenness, profane swearing, indecent, sedicious or traitorous language, or permit at any time of any noise or disturbance to the annoyance of any guest, or lodger, or other persons in the neighborhood of such Tavern.

4th. That no such Tavern-keeper shall allow any tippling in his or her house, or draw, or give any liquor to any person who may enter his or her house in a state of intoxication, or sell liquors by retail to be consumed out of his or her house, in quantities greater than as if to be consumed in the house.

5th. That no such licensed Shop-keeper shall sell liquors, for which a License is required, by retail, in quantities less than one quart, or shall allow any such Liquors sold by him or her to be consumed within his or her 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 and costs.

6th. And that every such Tavern-keeper who shall be duly convicted before the Reeve of the said Township of Westmeath, or before any of Her Majesty's Justices of the Peace having jurisdiction within the said Township, for the violation of any of the foregoing Regulations, shall, besides the cost of such conviction, pay for the first offence a penalty of Twenty Dollars, and for every subsequent offence, a penalty of Forty Dollars, one half of which penalty shall be paid to the informer and the other half to the Township Treasurer, to the use of the said Municipality; And that the before-mentioned penalties and costs incurred by any such said licensed Tavern or Shop-keeper, and not paid according to the Order of the Convicting Justice or Justices, shall be recovered and levied by distress against the goods and chattels of the person so violating the Regulations aforesaid.

6. That in licensed Taverns and Shops within the said Township of Westmeath, intoxicating Liquors, for the sale of which a License is required, 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 eight of the clock on Monday morning thereafter, nor on any other day between the hours of ten of the clock in the evening and the hour of five of the clock on the morning following, save and except when demanded by travellers, or 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 vendee or his agent; nor shall any such Liquors be permitted or allowed to be drunk in any such places, except as aforesaid, during the time prohibited for the sale of the same; that a penalty for the first offence of not less than Twenty Dollars with costs, or fifteen days imprisonment with hard labor, 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 of the said place or places, who shall be found by himself or herself or themselves, or his, her or 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 labor; for a third offence, a penalty against all such of not less than One Hundred Dollars with costs, or fifty days imprisonment with hard labor; and for a fourth and any after offence, a penalty against all such of not less than three months imprisonment, with hard labor, in the Common Gaol of the County of Renfrew aforesaid, the number of such offences to be ascertained by the production of a certificate from the convicting Justice, or by other satisfactory evidence to the Justice before whom the information or 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 on the same day, provided always that the increased penalties hereinbefore imposed shall only be recoverable in the case of offences committed on different days.

7. That the Reeve of the said Township with any one Justice of the Peace having jurisdiction in the said Township, upon complaint made on oath to them, or one of them respectively, of riotous or disorderly conduct in any Inn, Tavern, Ale or Beer House 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 for having a riotous or disorderly house, and (in addition to the penalty incurred by such keeper under a preceding Section of this By-Law) annul his or her License, or suspend the same for not more than sixty days with or without costs, as in his or their discretion may seem just.

8. That no person shall sell or barter (within the said Township of Westmeath) intoxicating Liquor of any kind without the

License therefor by Law required, under a penalty of not less than Twenty Dollars and costs, and not over Fifty Dollars and costs; that all prosecutions for penalties incurred by any person or persons so vending Wine, Rum, Brandy or other Spiritous Liquors, Beer, Ale, Cider or other fermented or manufactured Liquors, without License, in said Township, shall be recoverable with costs before any two or more Justices of the Peace having jurisdiction in the said Township, upon the oath of one credible witness, one half of which penalty shall go to the informer and the other half to the Municipality, which said penalty or penalties, if not forthwith paid to the Justices along with the costs, the same shall be recovered from and levied by distress against the goods and chattels of the person or persons who are the Proprietors in occupancy, or tenants or agents in occupancy of the house or premises, in or out of, or upon or from which such Liquors were sold or bartered as aforesaid.

9. Any person or persons may be the informant or informants, complainant or complainants, in prosecuting under this By-Law; all proceedings shall be begun within twenty days from the date of the offence; all information, complaints or other necessary proceedings, may be brought and heard before any one or more Justices of the Peace of the said County, and the mode of procedure in, and the forms appended to the Act, chapter one hundred and three of the Consolidated Statutes of Canada, for summary proceedings, may be followed as regards the cases and proceedings under this By-Law.

10. The said penalties in money, or any portion of them which may be recovered, shall be paid to the convicting Justice or other acting Justice in the case, and by him paid equally, one half to the informant or complainant, and the other half to the Treasurer of the Municipality; and for the recovery of the said penalties and costs, 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 said offender, and in case no sufficient goods be found to satisfy such penalty and costs, 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 the Common Gaol of the said County of Renfrew, for any term not exceeding thirty days, unless the amount of penalty and costs be sooner paid.

11. And that all By-Laws or parts of By-Laws heretofore passed by the Council of the said Township of Westmeath, which are inconsistent with the provisions of this By-Law, be, and they are hereby repealed.

Passed in open Council this Second Day of March, 1867.

(Signed,) T. M. CARSWELL, *Reeve.*

(Signed,) W. CANNON, *Township Clerk.*

Certified a true Copy,

W. CANNON, *Township Clerk.*