



AN ACT

For Better Prohibiting the Sale or Gift of Intoxicating Liquors to the Indians.

WHEREAS, it is expedient to Prevent the Sale or Gift of Spirituous Liquors to Indians.

Be it therefore enacted by the Governor on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly of Vancouver Island and its Dependencies :

Act of Council of 3d August, 1854, Repealed.

I. The Act of Council passed and published August 3d, 1854, entitled "An Act prohibiting the Gift or Sale of Intoxicating Liquors to the Indians," is hereby repealed.

No Person to Give or Sell Liquor to Indians, or Allow the Same to be Consumed by Indians, under a Penalty of not more than £100.

II. It shall not be lawful for any person to give, sell, or barter, intoxicating liquor to any Indian, or to permit or suffer the same to be given, sold, or bartered as aforesaid, or to be consumed by any Indian in such person's abode, shop, store, bar-room, warehouse, cellar, tent, yard, boat, canoe, or other premises; and every person so doing, shall, on conviction before any Justice of the Peace, forfeit and pay a fine of not more than One Hundred Pounds Sterling for the first offence, together with the costs of conviction.

No Person to Keep Liquor in the Vicinity of an Indian Encampment or Gathering.

III. It shall not be lawful for any person, whether licensed or not, who shall occupy or use any tent, cabin, canvass or brush tent, or other place in an Indian camp, or gathering of Indians; or any house, shop, store, tent, hut, cabin, shanty, enclosure, or other premises, on or within fifty yards of an Indian Reserve, or Indian gathering, (unless by special authorization in writing from the Governor), or any boat, barge, canoe, or floating cabin, stationed, whether permanently or temporarily, in the immediate vicinity of any Indian camp or gathering of Indians, to keep, have, or hold therein, any fermented, spirituous or intoxicating liquor whatsoever; and every person so doing shall, on conviction before any Justice of the Peace, be condemned to pay a fine of not more than One Hundred Pounds Sterling, together with the costs of conviction, and the confiscation of the liquors so found, and of any vessel containing them. And any house, shop, store, tent, hut, cabin, wooden shanty, boat, barge, canoe, or floating cabin, situated as aforesaid, and kept or used for the illegal traffic of liquor with Indians, shall be confiscated and subject to such

disposition thereof, as shall to the convicting Magistrate appear reasonable.

Search Warrant May Issue.

IV. On information being laid on oath before a Magistrate of the existence, or well founded suspicion of the existence of fermented, spirituous, or intoxicating liquors, in any of the above places or premises, it shall be lawful for such Magistrate to grant a search warrant to examine the said premises, or any of them.

Penalty of Imprisonment on Second Conviction, or in Default of Fine.

V. In the event of a second conviction for any offence under this Act, or in case of a first conviction if default shall be made in payment of any fine imposed by this Act, it shall be lawful immediately on conviction, for the convicting Magistrate to commit the person or persons so convicted to the common jail, with or without hard labor, for any term not less than one, nor more than twelve calendar months. And if it shall appear to such Magistrate that the goods and chattels of the person or persons so convicted are sufficient to pay the fine, it shall also be lawful for the said Magistrate to issue his warrant, causing such fine to be levied by distress and sale of said goods and chattels; and on realization of the full amount of the fine and all costs, and the costs of the distress and sale, he shall then release such person or persons from further imprisonment; but no part realization shall in any way operate as a discharge of any part of the imprisonment, whether with or without hard labor, and the produce of such part realization shall be forfeited to the Crown.

Convictions to be Summary.

VI. All convictions under the provisions of this Act, shall be summary.

Moiety of Fines may be Given to Informer.

VII. The Magistrate may award one moiety of the fines recovered hereunder to or among any informers, and the remainder shall be paid into the Treasury.

Short Title.

VIII. This Act may be cited for all purposes as the "Indian Liquor Act, 1860."

Passed the House of Assembly, 15th October, 1860.

Passed the Council, 30th October, 1860.

Received my assent, 2d November, 1860.

JAMES DOUGLAS,
Governor.