AN ACT

To provide for and Regulate the Sale of Wines, Spirits, Malt and other Liquors.

WHEREAS it is expedient to regulate the Sale of Wines, Spirituous, Malt and other Liquors, and to grant Licenses to persons duly authorising them to sell the same;

Therefore, be it 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, that from and after the passage of this Act there shall be raised, levied, collected and paid to the use of Her Majesty, Her Heirs and Successors, for every License to be granted for the sale of Wines, Spirits, Beer, Ale, Porter, Cider or Perry, the sums following.

Licenses to sell Wines by Wholesale, £25 per annum.

I. For every License to sell Wines, Spirits, Beer, Ale, Porter, Cider or Perry, by wholesale, the sum of Twenty-five Pounds, sterling, (£25) per annum, which shall be paid in four quarterly instalments of Six Pounds Five Shillings (£6 5s. 0d.) each in advance, as hereinafter provided.

Licenses to sell Wines, &c., by retail, £60 per annum.

II. For every License to sell Wines, Spirits, Beer, Ale, Porter, Cider or Perry, by retail, the sum of Sixty Pounds, sterling, (£60) per annum, which shall be paid in four quarterly instalments of Fifteen Pounds, (£15) each, in advance, as hereinafter provided; provided always that it shall be lawful for any chemist or druggist to sell Alcohol, wholesale or retail, on payment of an annual license of Twenty-five Pounds, (£25) by four quarterly instalments of Six Pounds Five Shillings (£6. 5s. 0d.) each in advance, as hereinafter provided.

License to sell Wines, &c., by retail at a distance not less than three miles from any town, £12 per annum.

III. For every License to sell Wines, Spirits, Beer, Ale, Porter, Cider, or Perry, by retail on any premises which shall be distant not less than three miles measured by the road from any town in the Colony, the sum of Twelve Pounds, (£12) by four quarterly instalments of Three Pounds sterling, (£3) each, in advance, as hereinafter provided.

Manufacturers of Ale, Beer, &c., exempt.

IV. No person or persons manufacturing Ale, Beer, Porter, Cider, or Perry, shall come under the provisions of this Act for selling the produce of such manufacture wholesale.

Quantities to be sold under License.

V. A Wholesale License shall entitle the holder thereof to sell Wines, Spirits, Ale, Beer, Porter, Cider, or Perry, in quantities of not less than Two Gallons, imperial measure, or twelve reputed quart bottles, or twenty-four reputed pint bottles, at one time; and a Retail License shall entitle the holder thereof to sell Wines, Spirits, Ale, Beer, Porter, Cider, or Perry, in any quantities not exceeding Two Gallons, or not exceeding twelve reputed quart bottles, or twenty-four reputed pint bottles at any one time.

Time for which Licenses are to be granted.

VI. All Licenses granted under this Act by the Justices of the Peace, shall be for one year from the twenty-first of July in each year.

Provided nevertheless, that the Justices may and they are hereby authorised from time to time to grant any one or more of the Licenses hereinbefore mentioned, for a shorter period than one year, but not less than three months, to such persons only as have not been before licensed for the same year; but all such licenses shall terminate, as well as the licenses for one year, on the said twenty-first day of July; and

Provided always, that no license shall be granted to any person not before licensed, unless it shall appear to the magistrates that

such grant be necessary to the interests of the public.

Licenses may be Surrendered.

VII. It shall be lawful for any person to give up his license by notifying to the Colonial Treasurer in writing, before the day on which any quarterly payment shall become due, his intention to give up his License from that day.

Penalties for non-Payment of Instalment.

VIII. Any person holding any one of the aforesaid Licenses, and neglecting or refusing to pay any one of the aforesaid quarterly instalments when they become due, shall, on proof of any such non-payment before any Justice of the Peace, be liable to a penalty of not more than double the amount of the unpaid License, to be recovered by distress and sale of the goods and chattels of such defaulter.

As Regards Auctioneers.

IX. It shall not be lawful for any Auctioneer to sell or dispose of by public auction or private contract, Wines, Spirits, Beer, Ale, Porter, Cider, or Perry, unless such Auctioneer shall take out a License in the manner prescribed by this Act, or unless such sale take place in behalf of some person licensed to sell Wines, Spirits, Beer, Ale, Porter, Cider, or Perry, under the provisions of this Act.

Penalty for Selling under Cover of License Granted to Another Person.

X. If any person shall sell or suffer to be sold Wines, Spirits, Beer, Ale, Porter, Cider, or Perry, under cover or by means of a License granted to another person, he shall be liable to all the penalties which are incurred by persons selling Wines, Spirits, Ale, Beer, Porter, Cider, or Perry without a License.

Penalties for Selling without License.

XI. It shall be unlawful to sell any Wines, Spirits, Ale, Beer, Porter, Cider, Perry, or Alcohol without a License, and all persons selling such liquors or any of them without such License, shall, on conviction thereof before any Justice of the Peace, be liable to a fine of not less than ten pounds, (£10,) and not more than one hundred pounds (£100) for every such offence, together with the costs of conviction.

Instalments, how to be paid.

XII. All duties imposed under this Act shall be due and payable in four quarterly instalments, on the twenty-first day of July; the twenty-first day of October; the twenty-first day of January; and the twenty-first day of April, in each and every year, to the Colonial Treasurer, at his office in Victoria, between the hours of ten o'clock, A. M., and four o'clock, P. M.

Acts repealed.

XIII. The several Acts or parts of Acts set forth in the Schedule A. to this Act annexed, are hereby repealed.

Short title.

XIV. This Act may be cited as the "Liquor License Act 1861."

SCHEDULE A.

1. Ordinance of Council dated March 27th, 1853, authorizing the levying of certain duties on Licenses for the Sale of Spirituous Liquors.

2. An Act dated November 15th, 1858, to amend the law relating to the Licensing of Inns, Public and Beer Houses.

3. An Act dated November 15th, 1858, to amend the Laws relating to Inns and Beer Houses.

4. An Act to authorize and regulate the Sale of Wines, Spirits and other Liquors, dated July 18th, 1859.

Passed the House of Assembly the 16th day of July 1861.

E. BOWERS DOGGETT,
Clerk of the House of Assembly.

Passed the Council the 17th day of July, 1861.

JOSEPH PORTER,
Acting-Clerk of the Council.

Assented to this 18th day of July, 1861.

JAMES DOUGLAS,
Governor.