

CHAP. 7.

An Act to amend "An Act to make further provision as to Duties of Customs in Manitoba and the North West Territories," and further to restrain the importation or manufacture of Intoxicating Liquors into or in the North West Territories.

[Assented to 26th May, 1874.]

Preamble.

IN amendment of the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled, "*An Act to make further provision as to Duties of Customs in Manitoba and the North West Territories,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows : —

Period limited by 36 V. c.39, extended.

1. The period limited by the first section of the Act herein above cited is hereby extended, so that the Duties of Customs chargeable by law in Rupert's Land at the time of the passing of the Act referred to in the said section, shall be continued without increase in the Province of Manitoba and the North West Territories, until the first day of July, One thousand eight hundred and seventy four, subject to the exception made in the first subsection of the said section, and to the exceptions and provisions hereinafter contained.

Sub. 2 of s. 1 of 36 V. c. 39, repealed and new provisions substituted.

2. From and after the passing of this Act sub-section two of the first section of the said Act shall be and is hereby repealed, except as to things done or penalties incurred under it, and the following sub-sections substituted therefor, as part of the said Act :

Importation or making of intoxicating liquors into or in N. W. Territories prohibited.

"2. Spirits, strong waters, spirituous liquors, wines, and fermented and compounded liquors and intoxicating drink of every kind are hereby prohibited to be imported into any part of the North West Territories ; nor shall any spirits, strong waters, spirituous liquors, wines or fermented or compounded liquors or intoxicating drink of any kind be manufactured or made in the said North West Territories, or brought into the same from any Province of Canada, except by special permission in writing of the Lieutenant Governor of the said Territories : and if any spirits or strong waters, spirituous liquors, wines or fermented or compounded liquors or intoxicating drink are imported or manufactured or made in the said Territories or brought into the same, in contravention of this Act, they shall be absolutely forfeited and may be seized by any Officer of the Customs or Excise or by any Constable wheresoever found ; and on complaint made before him, any judge, stipendiary magistrate or justice of the peace, may, on the evidence of one credible witness that this Act has been contravened in respect thereof, order the said spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors, or intoxicating drink so seized to be forthwith destroyed, or in case of the same not having been seized, then on complaint as aforesaid, such judge, stipendiary magistrate, or justice of the peace, may issue a search warrant, as in cases of stolen goods under the Acts in force respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences and upon the same being found may cause them to be forthwith destroyed."

Seizure and forfeiture for contravention.

Penalty.

How appropriated.

"3. Any person in whose possession or on whose premises such spirits, strong waters, spirituous liquors, wines or fermented or compounded liquors, or intoxicating drink of any kind may be or may have been found, shall be liable to a penalty not exceeding two hundred dollars, nor less than fifty dollars, one half of which shall go to the informer."

How recoverable.

4. Any penalty incurred under this Act shall be recoverable with costs of prosecution by summary conviction on the evidence of one credible witness, before any judge, stipendiary magistrate or justice of the peace having jurisdiction in the North West Territories, who shall, on payment of the same, pay the informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction, the convicting justice may, in his discretion, levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and costs, to any common gaol or house of correction or lock-up house within the North West Territories for a period not exceeding six months, unless the said penalty and costs be sooner paid."

Imprisonment in default of payment.

Conviction, &c., not invalid for want of form.

"5. No seizure, prosecution, conviction or commitment under this Act shall be invalid on account of want of form, so long as the same is according to the true intent and meaning of this Act."

Licenses to manufacture spirits to be issued only at certain places in British Columbia.

3. After the expiration of the licenses now issued, licenses to manufacture spirits or other excisable articles within the Provinces of Manitoba and British Columbia shall be issued only for the following places, namely : — Victoria and New Westminster in British Columbia, and Fort Garry in Winnipeg in Manitoba, and such other places as may, from time to time, be named for the purpose by order of the Governor in Council.

Act to be one with 36V.c.39.

4. This Act shall be construed as one Act with the Act hereby amended.