

No dwelling house, of which no part is a shop, to be searched, unless on a special oath to some act of sale, &c.

but no dwelling house in which, or in part of which, a shop is not kept, shall be searched, unless one at least of said complainants shall testify on oath to some act of sale of alcoholic or intoxicating liquors therein or therefrom, within at least one calendar month of the time of making said complaint; and the owner or keeper of said liquors seized as aforesaid, if he shall be known to the officer seizing the same, shall be summoned forthwith before the Justices or Judge by whose warrant the liquors were seized, and if he fail to appear, and it is shewn to the satisfaction of the said Justices or Judge that the said liquors were intended for sale, they shall be declared forfeited, and shall be destroyed by authority of the written order to that effect of said Justices or Judge, and in his presence or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer by whom they shall have been destroyed, in attesting that fact upon the back of the order by authority of which it was done; and the owner or keeper of such liquors shall pay a fine of ten pounds, and costs, or stand committed for three calendar months in default of payment.

Seized liquors to be advertised when the owners are not known.

12. If the owner, keeper or possessor of liquors seized under the provisions of this Act shall be unknown to the officer seizing the same, they shall not be condemned and destroyed until they shall have been advertised, with the number and description of the packages as near as may be, for two weeks, by posting up a written or printed description of the same in three public places; that if such liquors are actually the property of any person authorized to sell the same agreeably to the provisions of this Act, they may not be destroyed, but upon satisfactory proof of such ownership within said two weeks before the Justices or Judge by whose authority said liquors were seized, said Justices or Judge shall deliver them to the owner, taking his receipt therefor upon the back of said order, which shall be returned to said Justices or Judge.

Any Justice, Mayor, Alderman, &c., on information that intoxicating liquors are kept for illegal sale in any shop, shanty, &c., to search for the same.

If found, keeper to be arrested and liquors to be seized.

13. It shall be the duty of any Justice of the Peace, Mayor, Alderman, Assessor, City Marshal, Constable or Policeman, if he shall have information that any intoxicating liquors, except as before excepted, are kept or sold in any tent, shanty, hut or place of any kind for selling refreshment in any public place, on or near the ground of any cattle show, agricultural exhibition, military muster, or public occasion of any kind, to search such suspected place, and if such officer shall find upon the premises any intoxicating liquors, he shall seize them and arrest the keeper or keepers of such place, and take them forthwith or as soon as may be before some Justice or Judge of a Police Court, with liquors so found and seized, and upon the proof that said liquors are intoxicating, that they were found in possession of the accused in a tent, shanty or other place as aforesaid, he or they shall be fined in the sum of five pounds or be sentenced to imprisonment for thirty days, and the liquors so seized shall be destroyed by order of said Justice or Judge.

All payments for liquors illegally sold deemed illegal.

Securities given to be void.

14. All payments or compensations for liquors sold in violation of law, whether in labour, money or other property, either real or personal, shall be held and considered to have been received in violation of law and without consideration, and against law, equity and good conscience; and all sales, transfers and conveyances, mortgages, liens, pledges and securities of every kind, which either in whole or in part shall have been for or on account of alcoholic or intoxicating liquors, shall be utterly null and void against all persons and in all cases; and no rights of any kind shall be acquired thereby, and no action of any kind shall be maintained either in whole or in part for alcoholic or intoxicating liquors sold in contravention of this Act.

All Acts in force relating to the sale of intoxicating liquors, or granting licences, repealed. Reservations.

15. All Acts and parts of Acts now in force relating to the sale of intoxicating liquors, or for granting licences, &c., be and the same are hereby repealed; provided that all licences granted under the authority of any of said Acts or parts of Acts shall continue in like force and effect as if the said Acts or parts of Acts had not been repealed, and that all rules and regulations made under and by virtue of any such Acts or parts of Acts shall continue of force during the term of such licences; provided also, that no inn keeper, tavern keeper or retailer, who, since the passing of any such Acts or parts of Acts, hath sold upon trust or credit any wine, brandy, rum, strong beer, ale, or any other strong or spirituous liquors, to any person whomsoever, shall have any remedy against said person, his executors or administrators, either in law or equity for the recovery of the same.

Interpretation of Act.

16. Whenever in any of the aforesaid provisions words importing the singular number or masculine gender are used, the said provisions shall be understood to