



BY AUTHORITY.

ANNO DECIMO SEPTIMO VICTORIÆ REGINÆ.

CAP. XIV.

## An Act to regulate the Sale of Spirituous Liquors.

Section.

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Section.

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Passed 1st May 1854.

BE it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. That an Act made and passed in the fifteenth year of the Reign of Her present Majesty, intituled *An Act to prevent the traffic in Intoxicating Liquors*, be and the same is hereby repealed.

2. No person shall directly or indirectly barter or sell any liquors without Licence for that purpose first obtained as hereinafter provided.

3. The General Sessions of the Peace for the several Counties in this Province, are hereby empowered to grant wholesale and Tavern Licences to such and so many persons of good character as they in their discretion shall think proper, to sell Liquors by wholesale or keep a Tavern within their respective Counties, demanding and receiving for every such Licence a sum not exceeding twenty five pounds, nor less than five pounds, which sum shall be paid into the hands of the Clerk of the Peace of the County where the same shall be granted, together with two shillings and six pence to the said Clerk for his trouble in issuing such Licence; but no wholesale or Tavern Licence shall be in force for a longer period than one year.

4. Nothing in the third Section contained shall prevent any such Court, in their discretion, from granting Tavern Licences for the sum of forty shillings to persons residing in remote situations, when the same shall appear to such Court absolutely necessary for the accommodation of travellers.

5. The Clerks of the Peace of the several Counties, within one week after the Sessions during which any Licences may have been granted, shall pay over to the respective County Treasurers all such money so received by them respectively for Licences so granted, towards defraying the contingent expenses of the County.

6. No Licence to keep a Tavern or Inn shall be granted to any person unless he shall be of orderly and sober habits, and shall have the means of comfortably entertaining travellers; and no person licenced to sell by wholesale any liquors under the provisions of this Act, shall sell any such liquor in any quantity less than one pint, nor shall such wholesale dealer permit any such liquor to be drank on his premises.

7. The said Courts shall, from time to time, make and ordain such rules and regulations as they may deem necessary to be observed by wholesale dealers and Tavern Keepers in their respective Counties, under such penalties as the said

Courts respectively may consider right; but in no case to be less than one pound nor more than five pounds, for every breach of such rules and regulations, to be recovered before the Court of Sessions, or any two of Her Majesty's Justices of the Peace of the County where the offence may be committed.

8. No wholesale or Tavern Licence shall be granted in any County in this Province unless at the General Sessions, and every person on obtaining a Licence shall enter into recognizance to Her Majesty in the sum of forty pounds with two good sureties, conditioned to obey such rules and regulations.

9. When it shall come to the knowledge of any such Courts respectively, or of any two of Her Majesty's Justices of the Peace in any County, by complaint or otherwise, that any wholesale dealer, Tavern or Inn Keeper within the jurisdiction of said Courts or of the said Justice, has been guilty of a breach of any rule or regulation made as aforesaid, it shall be lawful for the said Court or the said two Justices to cause the offending party to be brought before them at such time as they in their discretion shall appoint; and the said Court or the said two Justices may compel the attendance of any witnesses to give evidence on any proceedings to be had before them respectively against any person for the breach of any such rules or regulations, or for the recovery of any penalty imposed under the authority of this Act.

10. When any person having been legally served with a Subpœna, shall neglect or refuse to attend according to the exigency of the same, he shall be liable to a penalty not exceeding two pounds for every default, to be imposed by the said Court or the two Justices, unless it shall be made to appear to the satisfaction of the said Court or Justices that the party subpœnaed had good excuse for non-attendance.

11. If any person shall directly or indirectly sell or barter any liquors without Licence, or if a licenced wholesale dealer shall sell any liquor in any quantity less than one pint, or shall allow any liquor to be drank on his or their premises, every person so offending shall for each offence forfeit a sum not exceeding ten pounds nor less than two pounds, to be recovered with costs of prosecution before the said Court for the County in which the offence shall be committed, or before any Justice of the Peace of the said County, on the oath of a credible witness.

12. No Licence granted under this Act shall entitle any person to keep a Tavern or Inn, or to sell liquor by wholesale in any house or place other than that for which his Licence may have been granted; but in case of the death or removal of any person licenced as aforesaid, before the expiration of the same, it shall be lawful for the said Court of General Sessions, or any Special Sessions, (if they see fit,) to grant to the person succeeding to such Tavern or wholesale premises, a Licence to continue and keep on the same during the residue of the time of the said Licence, but the person so succeeding shall enter into the like recognizance as if he had originally obtained such Licence under the authority of this Act.

13. No Inn Keeper or Tavern Keeper who shall sell upon trust or credit, any liquors, mixed or unmixed, to any person, shall have any remedy against the said person, his executors or administrators, either in Law or Equity, for the recovery of the value thereof; and if any Bill, Bond, Note, Mortgage, or other security or conveyance, shall be made and delivered, the consideration or any part of the consideration of which shall be proved to be for liquors sold, the same shall be deemed and taken to be fraudulent and void in all Courts of Justice; and if any pawn or pledge shall be left by any person with any Tavern or Inn Keeper, it shall be lawful for any Justice of the Peace of the County in which such pawn or pledge may have been given or left, on complaint and proof of the same, to order the said pawn or pledge to be restored, and shall further convict the Inn Keeper or Tavern Keeper who may have received the same in a penalty not exceeding five pounds for each offence.

14. No Tavern Keeper or Inn Keeper shall permit any apprentice to any profession or trade, or any servant, or any person under the age of sixteen years, to sit or remain drinking