

in that Parish in the month of January one thousand eight hundred and fifty five, upon satisfactory proof made to them of the cause of such destruction, and of the value of the property; such assessment to be collected as hereinbefore provided.

5. This Act shall not apply to the City of Fredericton.

### CAP. XXXVI.

## An Act to prevent the Importation, Manufacture, and Traffic in Intoxicating Liquors.

| Section.   | Section.  |
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| 1. Liquor, manufacturing, importing, or keeping for sale; penalty.                         | 15. Search warrant for liquor, on specific complaint; seizure; return and arrest of persons; judgment.      |
| 2. Appointment of Agents to import and sell for specific purposes.                         | 16. Fine or imprisonment on proof. Adversetisement when persons not known; further proceedings.             |
| 3. Agents to give bonds, and conform to rules; suits against.                              | 17. No appeal to be allowed unless party gave notice; costs.  |
| 4. Vessels used in illegal importation, forfeited.   | 18. Arrest of and information required from persons found intoxicated.                                      |
| 5. Search of vessels and destruction of liquors; reservation.                              | 19. Persons unlawfully dealing in liquor incompetent as jurymen. Cases under this Act to have a precedence. |
| 6. Reports and oaths respecting imported liquors, to be as in other cases.                 | 20. Payments for liquors in violation of this Act to be as without consideration.                           |
| 7. Search for and seizure of liquors unlawfully imported, and the conveyances.             | 21. Ship stores to be exempted from seizure.  |
| 8. Liquor imported by an Agent and not reported, forfeiture.                               | 22. Liquors not imported for a County, Town, or City, to be contraband.                                     |
| 9. Persons acting for another as to liquor, penalty.                                       | 23. Construction of Terms.  |
| 10. Warrant by a Justice on receiving information. Return of seizure.                      | 24. Liquors usually known as alcoholic, to be deemed such without proof.                                    |
| 11. Liquor seized without warrant, proceedings against.                                    | 25. Prosecution for penalties, before whom.   |
| 12. Condemnation of liquors to bar action.   | 26. Warrant of distress and sale for penalties.   |
| 13. Agents, chemists, and manufacturers to conspicuously mark packages containing liquors. | 27. Additional Fees.  |
| 14. Fraudulent marking packages of liquor, penalty.  | 28. Forms in Schedule to be good in law.  |
|  | 29. Licences to sell to be void after this Act comes in force.  |
|  | 30. Act to commence on 1st January 1856.  |

Forms.

*Passed 12th April 1855.*

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

1. Whoever shall manufacture, import, or bring into this Province, or sell or keep for sale, any liquors, unless specially licenced therefor in the manner hereinafter provided, shall, on the first conviction, forfeit the sum of ten pounds, and on every subsequent conviction twenty pounds, or suffer imprisonment for a term not less than three nor more than twelve months, in the discretion of the Court or Justices.

2. The Sessions in every County, or in incorporated Counties the Council, may annually appoint an agent in each Parish, to import, buy, and sell liquors for medicinal, mechanical, chemical, or sacramental purposes; in incorporated Towns or Cities, the respective Councils may appoint the agent.

3. Every agent before receiving a Licence (A) shall execute a Bond (B) with sureties, and shall receive such compensation for his services, and conform to such rules as the Board appointing him may prescribe; and he shall account to the Board for the sale of the liquors and the profits thereof, but he shall receive no part of the profits for a compensation; the profits received by the respective agents under this Section shall be paid over to the County or City Treasurer, and be applied as other County or City funds. The Sessions or Council on the oath of three competent witnesses that any of the conditions of the bond have been violated, shall order it to be put in suit.

4. All vessels and conveyances used in the illegal importation of liquors, or in the transportation of liquors illegally imported, shall be forfeited, and shall be seized and dealt with by any peace officer or by any revenue officer, in the same manner as vessels and conveyances are or may be by any law relating to the protection or collection of the revenue in force at the time of the seizure.

5. It shall be the duty of every revenue officer to search any

vessel or other conveyance coming into the Province, suspected of containing liquors imported contrary to this Act, and seize and take therefrom all liquors illegally imported, together with the packages in which they are contained, and to seize the vessel or other conveyance or thing in or by means of which they are illegally imported, or in or by means of which the liquors are transported from place to place, which vessel or other conveyance shall be deemed forfeited and sold, and the proceeds distributed among the officers seizing the same. The Treasurer shall cause to be destroyed in his presence all liquors so unlawfully imported, and so seized; but he may preserve a reasonable quantity to supply any agent appointed to sell liquors, and distribute the proceeds of the sale thereof among the seizing officers of the port where such liquors have been seized.

6. The master of every vessel arriving at any port or place, having liquors on board, and the owner, consignee, or person entering any such liquors inwards, shall respectively make the like reports, and take and subscribe the like oaths with respect thereto, so far as they may be applicable to the intention and objects of this Act, and in the same time, and under the same penalties as they are respectively required to do under the provision of any law then in force relating to the collection or protection of the Revenue; which oaths the proper officer shall administer. The master of any such vessel, and the owner, consignee, or person entering such liquors or concerned in any way in the landing thereof without a permit, shall be respectively subject to the same penalties and forfeitures for landing any such liquors as shall be imposed upon them by any law relating to the protection or collection of the Revenue, for concealing or improperly landing goods liable to the payment of duties.

7. A peace officer may, with or without warrant, except as provided for in the fifteenth Section, search for and seize liquors, with the packages, which may be brought or imported from any place out of this Province, contrary to this law, and the vessel or other conveyance by which such liquors are imported, or by which they are transported from place to place, or any liquor which he may believe intended for illegal sale, and shall make a return of the quantity and description of the liquors seized, and the conveyances, as near as may be, to a Justice. A peace officer may enter and search any vessel or conveyance suspected of containing or carrying liquors unlawfully imported or brought into this Province; and any revenue or peace officer, being requested, neglecting or refusing to search for or seize liquors imported contrary to this Act, or any peace officer neglecting or refusing to execute any warrant or other process issued by a Justice under this Act, shall forfeit the sum of ten pounds, and be dismissed from office.

8. All liquors imported by a licenced agent, and not duly reported, shall be forfeited.

9. Any person in the employment of another, manufacturing, importing, or bringing directly or indirectly into this Province, or selling any liquors for his principal, contrary to this Act, or who shall have charge of any liquors illegally imported, shall be subject to the penalty of twenty pounds; and in any proceeding he may be described the manufacturer, importer, or seller.

10. Any Justice, on receiving the Information (C) shall issue his Warrant (D). If the liquors are seized, the officer shall return the quantity with the number and description of the packages, with the warrant. Unless it be proved before the Justice