

have elapsed subsequent thereto, the Sheriff or Gaoler shall discharge such person from confinement forthwith without the payment of any gaol fees, and said Sheriff or Gaoler shall not be liable in any suit for an escape, or in any other suit, in consequence of such discharge.

3. After such discharge such person so discharged shall not be again arrested or imprisoned in the same suit, or for the same cause of action.

4. No discharge under the provisions of this Act shall prevent the plaintiff proceeding to final judgment, or issuing execution against the property of the debtor, or recovering the amount of the judgment.

CAP. XXIII.

An Act to continue and amend an Act to regulate the sale of Spirituous Liquors.

Sec.	Sec.
1 Sec. 4, Act 17th Vic. cap. 15, repealed.	License; Wholesale dealers; penalty.
2 When Licenses shall not issue.	4 Intimidating or bribing witness.
3 Sec. 11, 17th Vic. cap. 15, repealed; penalty for selling without	5 Proof of selling without License.
	6 Limit of Act.
	7 Not to affect Act 24th Vic.

Passed 7th April 1870.

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

1. That Section four of an Act made and passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act to regulate the sale of Spirituous Liquors*, be and the same is hereby repealed.

2. Notwithstanding any thing contained in the said Act in the last Section mentioned, no license shall be granted or issued within any Parish in this Province when two thirds of the rate-payers resident in such Parish shall petition the Sessions against issuing any license within such Parish.

3. Section eleven of the said Act is hereby repealed, and in lieu thereof—If any person shall directly or indirectly sell or barter any liquors without license, or if a licensed wholesale dealer shall sell any liquor in any quantity less than one pint, or shall allow any liquor to be drunk on his or their premises, every person so offending shall for the first offence forfeit a sum not exceeding forty dollars nor less than ten dollars, to be recovered with costs of prosecution before the said Court of General Sessions, or before any two Justices of the Peace resident in the County in which the offence shall be committed, and in default of payment the offender shall be committed to the common gaol for a term not exceeding fifty days nor less than thirty days; for the second offence he shall forfeit a sum not exceeding fifty dollars nor less than twenty dollars, to be recovered with costs of prosecution before such Court or Justices as aforesaid, and on default of payment shall be committed as aforesaid for a term not exceeding eighty days nor less than forty days; and for every subsequent offence he shall forfeit the sum of sixty dollars, to be recovered with costs of suit before such Court or Justices as aforesaid, and on default of payment shall be committed as aforesaid for the term of three months.

4. Any person who shall bribe or attempt to bribe, intimidate or attempt to intimidate, any person with a view to hinder or prevent him from giving testimony as to any violation of this Act, or the Act hereby continued, or any Act in addition to or amendment or explanation thereof, shall be liable to a penalty of not less than twenty dollars.

5. In any prosecution under and by virtue of the provisions

of the Acts mentioned in the last preceding Section, or any of them, proof of keeping a shop with liquors therein, or of keeping such liquors in any part of any house or building apparently for sale, or of any person being found drinking in any such shop, house, or building, or coming out therefrom intoxicated, shall be sufficient evidence against the occupier of such shop, house, or building, of the selling or retailing liquors without license, or the allowing them to be drunk upon the premises, as the case may be, unless the person complained of shall prove to the satisfaction of the Court trying the complaint, either that he or she has a license, or that there was no sale or barter of liquors as complained of.

6. That the said first recited Act intituled *An Act to regulate the sale of Spirituous Liquors*, and any Act or Acts in addition thereto, or in amendment or explanation thereof, subject however to the provisions of this Act, together with this Act, shall be and continue in force and effect until the first day of January which will be in the year of our Lord one thousand eight hundred and seventy five, and thence to the end of the then next Session of the General Assembly.

7. That nothing in this Act contained shall interfere with the operation of an Act made and passed in the twenty fourth year of Her Majesty's Reign, intituled *An Act to regulate the sale of Spirituous Liquors in the City and County of Saint John*, and the several provisions thereof, or with the provisions of any Act in amendment thereof or in relation thereto.

CAP. XXIV.

An Act to amend an Act intituled "An Act relating to Lunacy."

Sec.	Sec.
1 Application for Writ <i>de lunatico</i> , &c. how made.	3 Proceedings under Act 32nd Vic.
2 Proceedings thereon.	4 Provisions under former Act, inconsistent, repealed.

Passed 7th April 1870.

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

1. That from and after the passing of this Act, on application by petition or information under oath to any Judge of the Supreme Court in Equity in this Province for a Commission either *de lunatico inquirendo*, or *de idioto inquirendo*, such Judge is hereby authorized in his discretion to grant the same, and order the same to issue under the seal of the said Court.

2. That the proceedings thereupon shall be in accordance with the practice heretofore pursued, and the commission, inquisition and return shall be filed with the Clerk on the Equity side of the Supreme Court, and all further proceedings thereupon and in relation thereto shall be had and conducted in the said Court, and the provisions of the several Acts relating to the administration of Justice in Equity, so far as the same can be applied to such proceedings, shall apply thereto.

3. That all proceedings had and taken, and all Commissions issued under the Act thirty second year of Her Majesty's Reign, intituled *An Act relating to Lunacy*, shall be returned and filed with the said Clerk, whereupon the said Court shall proceed thereupon in the same manner as if such proceedings had been taken under this Act.

4. All the provisions of the said Act inconsistent with the provisions of this Act, except as to proceedings already had and taken, and for which provision is made by this Act, are hereby repealed.