

CAP. LXXI.

An Act relating to Liquor Licenses in the City of Saint John, being in addition to and amendment of an Act to regulate the sale of Spirituous Liquors in the City and County of Saint John.

Sec.	Sec.
1 Sec. 16, 24 Vic. Cap. 23, repealed, and new Section enacted.	11 Police Magistrate may summon evidence.
2 Time when bars and places for sale of liquors must be closed.	12 & 13 One door only allowed in bar-room, &c. Penalty.
3 Penalty for violation of Section 2.	14 When more than one door may be allowed. Proviso.
4 Places after 1st May, 1876, where liquors shall not be sold.	15 Penalties under Act other than provided in 2nd Section.
5 When liquors may be supplied to travellers, &c. at hotels, &c. within the hours prohibited by Act.	16 Copy of Act to be furnished to licensee.
6 Persons liable for violation of Act.	17 Penalties, how recovered and applied.
7 What shall be deemed <i>prima facie</i> evidence of violation of Act.	18 Wife may be evidence for husband.
8 Authority to Peace Officers to enter hotel, &c.	19 Act to be taken as part of Act 24 Vic. Cap. 23.
9 Penalty for refusal of entry to Peace Officer.	20 Definition of terms.
10 Light in bar, &c. to be <i>prima facie</i> evidence of sale of liquor.	21 Parts of what Acts repealed. Forms.

Passed 10th April, 1875.

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

1. Section sixteen of an Act made and passed in the twenty fourth year of the Reign of Her present Majesty, intituled *An Act to regulate the sale of Spirituous Liquors in the City and County of Saint John*, is hereby repealed, and in lieu thereof it is hereby enacted as follows:—The Mayor of the City of Saint John may ask, demand and receive for every license by him to be granted under the Charter of the City, any such sum as he and the person petitioning for such license shall agree upon, not to be less in the case of a wholesale license than the sum of fifty dollars, and in the case of a tavern license, of the sum of fifty dollars, to be applied to the public use of the Corporation of the City of Saint John.

2. No tavern keeper, inn keeper, hotel keeper, or other retail liquor dealer whatsoever, within the City of Saint John, shall open or keep open, or permit or suffer to be opened or kept open, in any way or for any purpose whatsoever, his tavern, bar, shop, store, or other room or place for the sale of liquors, nor shall sell or barter, or expose for sale or barter any liquor or liquors, between the hours of ten of the clock in the evening of any day and six of the clock the next morning, nor shall he do so between the hours of ten of the clock on Saturday night and six of the clock on Monday morning.

3. If any person mentioned in the last preceding Section shall between the hours of ten of the clock on Saturday evening and six of the clock on Monday morning, violate any of the provisions of the last preceding Section by doing or permitting to be done any of the acts mentioned therein, he shall, upon conviction, be liable to a penalty not exceeding the sum of one hundred dollars for each offence, and upon a second conviction therefor shall, in addition to such penalty, forfeit any license then held by him, and shall for the period of two years from such second conviction be disqualified from holding a license within the City of Saint John, and any license granted or held by him during such period of two years from such second conviction shall be absolutely void and of no effect.

4. From and after the first day of May, A. D. 1876, no license shall be granted to any person to sell liquors by retail in any store, shop, place or premises where groceries, meat or provisions are sold or exposed for sale, or in any store, shop, place or premises connected by any internal communication with such first mentioned store, shop, place or premises.

5. Nothing in this Act contained shall be construed to prevent the supply of liquors at meals to *bona fide* guests or travellers in any hotel or inn, but this shall not be taken or construed to authorize the opening of any bar room in such hotel or inn, or the sale in such bar room of any liquors within the hours prohibited by this Act.

6. The occupant of or the person licensed to sell liquors in any house, shop, room or other place in which any violation of this Act, or any matter, act or thing in contravention thereof, or of any provisions of the said recited Act passed in the twenty fourth year of the Reign of Her present Majesty, shall take place, shall be personally liable to the penalties and punishments prescribed by this and the said recited Act, notwithstanding such violation or act, matter or thing in contravention of this and the said recited Act, be by some person who cannot be proved to have so acted under or by the direction of such occupant or person licensed.

7. Proof to the satisfaction of the Police Magistrate that liquors, or a bar counter, beer pump, jugs, kegs, bottles, decanters, tumblers, glasses, or any other vessels, appliances or preparations commonly used or applied for containing or for the use of spirituous or fermented liquors, were found in or upon any house, shop, room or other place, shall be deemed *prima facie* evidence of a sale of liquors without license by the occupier of such house, shop, room or other place.

8. Any Officer of the Peace is hereby authorized and empowered to enter into or upon any tavern, hotel, inn, bar room, shop, store or other premises, whether licensed or not licensed to sell liquors; provided always, that before entry upon such premises of any person not so licensed as aforesaid, such officer shall obtain a warrant, as herein provided; which warrant (Form H), the Police Magistrate, on being satisfied by information on oath that reasonable cause exists to suspect that liquors are being sold on premises the occupier of which is not licensed as aforesaid, may grant under his hand, by virtue whereof it shall be lawful for any Officer of the Peace, at any time or times within one month from the date thereof, to enter on such premises named in the warrant, and examine every room therein and part thereof, and every closet, sideboard, or other article or place therein which such officer may suspect to contain liquor or liquors; and for the purpose of making such search or examination, if, on request to open or unlock the same, such request be not complied with, may break open any lock or fastening whatever that may be upon such room, closet, sideboard, or other article or place where he may suspect such liquor to be for the purpose of sale and traffic.

9. If, on the request of any Officer of the Peace to enter any premises mentioned in the last preceding Section, such request be refused, or if such officer having been admitted, is obstructed or hindered in the exercise of the power and authority by this Act conferred, or if such light and assistance as he may require be refused, the occupier of such premises shall be liable to a penalty of not less than ten nor more than fifty dollars.

10. If any person or persons, other than members of the family or household of any licensed tavern, hotel, or inn keeper, is or are found present or frequenting, or if gas or other light is seen burning in the bar room of any licensed tavern, hotel, or inn, or in any other room where liquor is sold in such tavern, inn, or hotel, at any time or during any hours in which the sale of liquors is prohibited by any pro-