



## BY AUTHORITY

In the Ninth Year of His Majesty King Edward the Seventh.

### AN ACT TO AMEND "THE LIQUOR LICENSE ACT," CHAPTER 22, CONSOLIDATED STATUTES, 1903.

Passed 6th April, 1909.

Be it enacted by the Lieutenant-Governor and Legislative Assembly, as follows:

1. Sub-section (1) of Section 10 of Chapter 22 of The Consolidated Statutes, 1903, being "The Liquor License Act," is hereby repealed and the following substituted in lieu thereof:—

"(1) A tavern license shall authorize the licensee to sell, traffic and barter by retail in fermented or spirituous liquors in quantities not exceeding one quart, and in malt liquors not exceeding one gallon, which may be drunk in the hotel, saloon or tavern, or other house of entertainment in which the same is sold."

Sub-section (2) of said section 10 is hereby amended by striking out the word "quart" in the fourth line thereof and substituting in lieu thereof the words "reputed quart of not less than twenty-five ounces."

Said section 10 is hereby further amended by adding thereto the following as sub-section (3):

"(3) Every person who bottles for sale any fermented or malt liquors, which have been imported into the Province shall be required to have a wholesale license and shall pay therefor the same duties as are payable by a brewer under section 35 and 36."

2. Sub-section (2) of section 11, of said Chapter 22, is hereby amended by striking out the words "twenty-fifth day of March" in the fourth line and substituting in lieu thereof the following words: "twenty-eighth day of December;" and sub-section (4) of said section 11 is hereby amended by striking out the words "first day of April" in the second line and substituting the words "fifth day of January" in lieu thereof; and by striking out the words "first day of May" in the third line and substituting the words "twenty-fifth day of January" in lieu thereof.

3. Sub-section (1) of section 19 of said Chapter 22, is hereby repealed and the following substituted in lieu thereof:

"(1) The number of tavern licenses to be granted in the respective municipalities shall not in each year be in excess of the following limitations:—In cities and incorporated towns respectively, according to the following scale, that is to say: in any ward of such city or incorporated town, one for each full two hundred and fifty of the first one thousand of the population in such ward, and one for each full five hundred over one thousand of the population. Provided further, that in the City of Saint John, subject to the provisions of sub-section (4), there shall not in any year be issued more than seventy-five tavern licenses."

4. Section 21 of said Chapter 22, as amended by the Act 7th Edward VII., Chapter 46, is hereby repealed and the following substituted in lieu thereof:—

"21. (1) If, at least forty days before the date on which a poll would be held at the regular annual or biennial election (as the case may be) of members of any city or town council, or of any county council, a petition signed by at least twenty-five per centum of the ratepayers of any ward of a city or town, or any parish, is presented to the Mayor, or to the Clerk of the Council of any city or town, or to the warden, or to the secretary of any municipality, in districts in which under this Chapter liquor licenses may be granted, praying that a vote may be taken of the ratepayers in such ward or parish, in such city, town or municipality, upon the question of whether or not the said ratepayers are in favor of the granting of licenses in said ward or parish, it shall be the duty of the Council of such city, town or municipality, and they are hereby authorized to have a vote taken upon the said question on the same day and during the same hours as the vote for the aforesaid next annual or biennial election of members of the city, town or county council of such respective city, town or municipality.

(2) The petition provided for in sub-section (1) of this section may be in the following or similar form:—

"To the Mayor, Common Clerk or City Clerk of the City of \_\_\_\_\_, or to the Town Clerk of the \_\_\_\_\_, or to the Warden or Secretary of the Municipality of \_\_\_\_\_ (as the case may be.)

The petition of the undersigned ratepayers in \_\_\_\_\_ (here insert the name of the Ward of the City or Town, or of the Parish,) sheweth that your petitioners hereby pray that a vote may be taken of the ratepayers in the said Ward or Parish (as the case may be), on the same day as that on which a poll would be held for the next regular annual or biennial election of members of the city, town or county council of such respective city, town or municipality, upon the question of whether or not the said ratepayers are in favor of the granting of liquor licenses in such Ward or Parish (as the case may be.)"

The petition shall be accompanied by a solemn declaration proving the genuineness of the signatures, and also that the said petition is signed by at least one-quarter of the ratepayers in such ward or parish.

(3) Upon the receipt of the said petition by the said Mayor, common clerk, city clerk, town clerk, warden or secretary, (as the case may be), it shall be the duty of such official to lay the same before the city, town, or county council at the meeting immediately following the receipt thereof; and it shall be the duty of the said city, town or county council to appoint a sufficient number of returning officers to take the said vote, and to make all necessary provision for the taking thereof in accordance with the requirements of this section, and in case the council of any city, town or county shall refuse or neglect to take such vote, as hereinbefore required, the Lieutenant-Governor in Council is hereby authorized upon the facts being laid before him to take such measures to have the prayer of the said petition referred to in sub-sections (1) and (2) of this section, carried into effect and a vote taken on said question, as may be necessary.

(4) It shall be the duty of the returning officer appointed by the city, town or county council, as hereinafter provided, to appoint a poll clerk, and to secure a suitable polling place for the taking of the vote required to be taken by sub-section (1) hereof, in the same building in which the civic or municipal election is held, where possible, and if not so possible, then in the nearest available building to that in which said civic or municipal election is held.

(5) All persons entitled to vote at an election of members for the Legislative Assembly for the year in which the said vote is taken shall be entitled to vote upon the said question as to whether or not the ratepayers are in favor of granting liquor licenses in such ward or parish, and the word "ratepayer" or "voter" when used in this section shall mean any person duly qualified to vote under the provisions of the New Brunswick Elections Act; and it shall be the duty of the secretary of any county in which a ward or parish is situate, in which a vote is directed to be taken under the provisions of this section, to furnish the returning officers appointed hereunder with a duly certified copy of the list of electors for the said Ward or Parish in which said vote is to be taken, and where there is more than one polling district in the said ward or parish the said list so to be furnished shall be divided so as to contain the names of those qualified in each district respectively.

In any city or town where the lists of electors are not made out by wards the city or town council shall upon the petition of ten ratepayers of any ward cause a list of the electors of such ward to be made; such list shall be prepared by the city or town clerk from the last list of electors for the city or town on file in the office of the secretary of the County in which such city or town is situate, and upon the list so prepared being submitted to the city or town council and approved, such list shall be deemed to be a correct list of the ratepayers of such ward to be used in holding an election under this section in such case. In like manner where the list of electors of any city or town is included in the parish list, in which such city or town is situate, the county secretary shall upon the application of ten electors of said parish prepare and certify a list of electors of said parish outside of such city or town which shall be deemed to be a correct list of the voters of such parish to be used in holding an election under this section.

(6) The said vote shall be taken by secret ballot, which ballot shall be in the following form:—

FOR LICENSE
AGAINST LICENSE

An "X" opposite the words "For License" shall indicate that the ratepayer votes in favor of the granting of license; and an "X" opposite the words "Against License" shall indicate that the ratepayer votes against the granting of such license. A ballot box and a sufficient number of ballot-papers, printed on plain white paper in black letters, and also un-gummed envelopes, to be used as hereinafter directed, shall be furnished by the respective city, town or county councils to the returning officer or officers; the fact that no poll for a civic or municipal election is necessary to be held in any ward or parish in which a vote is directed to be taken under this section, shall in no way affect the taking of such vote.

(7) The persons entitled to be in the room while such vote is being taken, shall be the returning officer, the poll clerk, one or more constables or peace officers, and two persons representing those promoting the said petition, and two persons representing those opposing the said petition.

(8) The returning officer shall before the opening of the poll see that a compartment is screened off so that the voter shall be concealed from the rest of the room while marking his ballot.

(9) Not more than one voter shall at any one time enter the room where the vote is being taken, and such voter, upon so entering, shall declare his name, surname and addition, to the returning officer, and if the name of such voter is found on the list of voters, he shall receive from the returning officer an envelope with an ungummed flap, and also a ballot paper, and the returning officer shall write his initials in black ink in the presence of the voter upon the envelope, and the returning officer shall instruct the voter where and how to mark his ballot, in the terms of sub-section (6) herein, and to place the same in the envelope and return to him.

(10) The voter, on receiving the envelope and ballot, shall forthwith proceed into the compartment so screened off as aforesaid, and shall there mark his ballot-paper and place the same in the envelope so given him by the returning officer, and shall then hand it, unsealed, to the returning officer, who shall then immediately, and in the presence of the voter, place the envelope containing such ballot in the ballot-box without