

eds, and other documents in his possession, custody or control, relating to any matter connected with the said proceeding, saving all just exceptions to such production; and shall be liable to the same penalties for non-production of such books, papers or documents as he would incur by refusal or neglect to attend, pursuant to such summons, or to be sworn, or to answer any question touching the case.

APPEALS.

104.—(1) In all cases of prosecution for any offence against any provisions of this Act, for which any penalty or punishment is prescribed, a conviction or order of the said Justices or Police Magistrate, as the case may be, except hereinafter mentioned, shall be final and conclusive, and except as hereinafter mentioned, against such conviction or order there shall be no appeal.

(2) Subject to the provisions contained in the following sub-sections hereof, an appeal shall lie to the Judge of the County Court of the County in which the conviction is made, sitting in Chambers, without a jury, in all cases where the person convicted is a licensee, or the conviction is for any offence committed on or with respect to premises licensed under this Act, provided a notice of such appeal is given to the prosecutor or complainant within five days after the date of said conviction.

(3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the said Judge, or (where the penalty of imprisonment with or without hard labor is imposed) shall enter into a recognizance with two sufficient sureties, in the sum of \$200 each, before the convicting Justices or Police Magistrate, conditioned personally to appear before the said Judge, and to try such appeal and abide by his judgment thereon, and to pay such costs as he may order, and in case the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may (although the order directs imprisonment in default of payment) instead of remaining in custody as aforesaid, give such recognizance as aforesaid, or may deposit with the said Justices or Police Magistrate convicting the amount of the penalty and costs, and a further sum of \$25 to answer the respondent's costs of appeal.

(4) Upon such recognizance being given or deposit made, the said Justices or Police Magistrate shall liberate such person, if in custody, and shall forthwith deliver or transmit, by registered letter, prepaid, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the Clerk of the County Court of the County wherein such conviction was had.

(5) The appellant shall pay to the Clerk of the County Court, for his attendance and service in connection with such appeal, the sum of \$1, and the same may be taxed as costs in the cause.

(6) An appeal shall lie to the Judge of the County Court of the County in which an order of dismissal is made, sitting in Chambers, without a jury, when the Attorney General of the Province so directs, in all cases in which an order has been made by a Justice dismissing an information or complaint laid by an inspector, or any one on his behalf, for contravention of any of the provisions of this Act, provided notice of such appeal is given to the defendant, or his attorney, within fifteen days after the date of such order of dismissal. Within ten days after the notice of appeal the Judge shall grant a summons calling upon the defendant and the Justice or Justices making the order, to show cause why the order of dismissal should not be reversed and the case re-heard. Upon the return of the summons, the Judge, upon hearing the parties, may either affirm or quash the order, or, if he thinks fit, may hear the evidence of such other witnesses as may be produced before him, or the further evidence of any witnesses already examined, and may make an order affirming the order of dismissal, or may reverse such order, and convict the defendant, and may impose such fine and costs, or other penalty, as is provided by this Act, and the order so made shall have the same effect and be enforced in the same manner as is provided in the case of conviction before Magistrates under this Act.

(7) The practice and procedure upon such appeal, and all the proceedings thereon, shall henceforth be governed by the law respecting the Procedure on Appeals to a County Court from Summary Convictions, so far as the same is not inconsistent with this Act.

105. An appeal by the Inspector, or other prosecutor, shall lie to the Supreme Court from the decision, judgment or order of any Judge of a County Court upon an appeal from any conviction or order made in cases arising out of or under this Act, in which a conviction or order has been quashed, or set aside, upon the ground, directly or indirectly, of the invalidity of any Act or parts of the Legislature of this Province, or of any part thereof, or from the decision, judgment or order of the Judge of a County Court in any other case arising out of or under this Act in which the Attorney General of the Province shall certify that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal; such appeal shall be had, upon notice thereof being given to the opposite party of the intention to appeal, within eight days, where the certificate of the Attorney General is necessary and is obtained,

within fifteen days after such judgment, decision or order shall have been made, and, in case of such appeal, the Clerk of the County Court shall certify the judgment, conviction, orders, and all other proceedings, to the Clerk of the Supreme Court, for use upon the appeal. The said Court shall thereupon hear and determine the said appeal, and shall make such order for carrying into effect the judgment of the Court as the Court shall think fit.

106. On an appeal to a Judge of the County Court from a conviction or order under this Act, when costs are directed to be paid by either party, no greater costs shall be taxable by or against either party, as between party and party, than the sum of \$10, and the actual and necessary disbursements in procuring the attendance of witnesses.

CIVIL REMEDIES AGAINST TAVERN KEEPERS, ETC.

107. Where, in any inn, tavern, or other house or place of public entertainment wherein refreshments are sold, or in any place wherein intoxicating liquor of any kind is sold, whether legally or illegally, any person has drunk to excess intoxicating liquor of any kind, therein furnished to him, and while in a state of intoxication from such drinking has come to his death by suicide, or drowning, or perishing from cold or other accident caused by such intoxication, the keeper of such inn, tavern or other house or place of public entertainment, or wherein refreshments are sold, or of such place wherein intoxicating liquor is sold, and also any other person or persons who for him or in his employ, delivered to such person the liquor whereby such intoxication was caused, shall be jointly and severally liable to an action for personal wrong (if brought within three months thereafter), by the legal representatives who may bring either a joint or several action against them, or a separate action against either or any of them, and by such action or actions may recover such sum, not less than \$100, nor more than \$1,000, in the aggregate, of any such actions, as may therein be assessed by the Court or jury as damages.

RESTRICTION OF SALE TO INEBRIATES.

108. If a person in a state of intoxication assaults any person, or injures any property, the person who furnished him with the liquor which occasioned his intoxication—if such furnishing was in violation of this Act, or otherwise in violation of law—shall be jointly and severally liable to the same action by the party injured as the person intoxicated may be liable to; and such party injured, or his legal representatives, may bring either a joint and several action against the person intoxicated, and the person or persons who furnished such liquor, or a separate action against either or any of them.

109.—(1) When it shall be made to appear in open Court, sitting in the County in which he resides, that any person, summoned before such Court, by excessive drinking of liquor, misspends, wastes, or lessens his estate, or greatly injures his health, or endangers or interrupts the peace and happiness of his family, the Police Magistrate or Justices holding such Court shall, by writing under the hand of such Police Magistrate, or under the hands of two of such Justices, forbid any licensed persons to sell to him any liquor for the space of one year, and such Police Magistrate, Justices, or any other two Justices of the County in which the said person resides, may, at the same or any other time, in like manner, forbid the selling of any such liquor to the said person by any licensed person of any other city, town or district, to which he resorts or may be likely to resort for the same.

(2) Whenever the sale of liquor to any such drunkard shall have been so prohibited, if any other person, with a knowledge of such prohibition, gives, sells, purchases or procures for or on behalf of such prohibited person, or for his or her use, any liquor, such other person shall, upon conviction, incur for every such offence a penalty not less than \$25 and not more than \$50.

(3) Any person so prohibited or notified, his servants or agents, who shall violate this section, shall, for a first offence, be liable to a penalty not exceeding \$20, and for a second and any subsequent offence, shall be liable to a penalty of not less than \$20 and not exceeding \$50.

(4) The person in respect of whom any such notice shall be given may, at any time while the same is in force, apply to the Judge of the County Court of the County in which he resides, after having given seven days' notice of his intention so to do to the Police Magistrate or Justices who signed the said prohibition or notice, and the Clerk of the County Court of the County in which such person resides, to set aside such prohibition or notice. The Judge may, upon hearing the said party and any witnesses, either *viva voce* or upon affidavit, set aside the said prohibition or notice, or dismiss the said application, as in his discretion may seem best; provided, nevertheless, that before any such prohibition or notice shall be set aside by the Judge, it shall be made to appear that the wife or husband (if married and residing with such wife or husband) as the case may be, of the person applying, has knowledge of such application and consents thereto.

110. The husband, wife, parent, child of twenty-one years or upwards, brother, sister, master, guardian or employer, of any person who has the habit of drinking intoxicating liquor to excess—or the parent, brother or sister, of the husband or wife of such person—or the guardian of any child or children