

of such person—may give notice in writing, signed by him or her, or may require the Inspector to give notice to any person licensed to sell, or who sells or is reputed to sell, intoxicating liquor of any kind, not to deliver intoxicating liquor to the person having such habit; and if the person so notified, at any time within twelve months after such notice, either himself or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a licensed medical practitioner, delivers, or in or from any building, booth or place occupied by him, and wherein or wherefrom any such liquor is sold, suffers to be delivered, any such liquor to the person having such habit, he shall incur upon conviction a penalty not exceeding \$50, and the person giving or requiring the notice to be given may, in an action as for personal wrong (if brought within six months thereafter, but not otherwise) recover from the person notified such sum, not less than \$20 nor more than \$500, as may be assessed by the Court or jury as damages; and any married woman may bring such action in her own name, without authorization by her husband; and all damages recovered by her shall in that case go to her separate use; and in case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives, but the defendant shall not be liable to both penalties for the same offence.

111. After the service of the said notice, if any person with a knowledge of such notice gives, sells, purchases for or on behalf of the person with regard to whom the said notice has been given, or for his or her use, any liquor, such other person shall upon conviction incur for every such offence a penalty of not less than \$25 and not exceeding \$50.

#### OFFICERS TO ENFORCE THE LAW—THEIR DUTIES AND POWERS.

112. Every Board of License Commissioners, with the sanction of the Lieutenant-Governor in Council, may appoint one or more officers to enforce the provisions of this Act, and especially those for the prevention of traffic in liquor by unlicensed houses, and shall fix the security to be given by such officers for the efficient discharge of the duties of their office.

113. Every officer so appointed under this Act, every policeman or constable or inspector, shall be deemed to be within the provisions of this Act; and when any information is given to any such officer, policeman, constable or inspector that there is cause to suspect that some person is violating any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information, and enter complaint of such violation before the proper Court, without communicating the name of the person giving such information; and it shall be the duty of the Clerk of the County Court within the County in which the offence is committed to attend to the prosecution of all cases committed to him by an Inspector or Officer appointed under this Act.

114.—(1) Any officer, policeman, constable or inspector may, for the purpose of preventing or detecting the violation of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part of any inn, tavern, or other house or place of public entertainment, shop, warehouse, or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not, and may make searches in every part thereof, and of the premises connected therewith, as he may think necessary for the purpose aforesaid.

(2) Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman or constable or inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, policeman, constable or inspector, or any such searches as aforesaid, shall be liable to the penalties and punishments prescribed by section 62 of this Act.

115. Any Justice of the Peace, upon information by any such officer, policeman, constable or inspector that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale or disposal contrary to the provisions of this Act, in any unlicensed house or place within the jurisdiction of such Justice, may grant a warrant under his hand, by virtue whereof it shall be lawful for the person named in such warrant, or any constable to whom it is directed or delivered, at any time or times within ten days from the date thereof, to enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and examine the same and search for liquor therein; and for this purpose may, with such assistance as he deems expedient, break open any door, lock or fastening of such premises, or any part thereof, or of any closet, cupboard, box or other article likely to contain such liquor; and in the event of any liquor being so found unlawfully kept on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of section 44 of this Act.

116.—(1) When any inspector, policeman, constable or officer, in making or attempting to make any search under or in pursuance of the authority conferred by the preceding two sections of this Act, or under the warrant mentioned in the last preceding section, finds in an unlicensed house or place any

spirituous or fermented liquor, which in his opinion is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same and the vessels in which the same is kept, and upon the conviction of the occupant of such house or place, or of any other person, for keeping spirituous or fermented liquor for sale in such house or place without license, the Justice making such conviction may, in and by the said conviction, or by a separate subsequent order, declare the said liquor and vessels, or any part thereof, to be forfeited to Her Majesty, and may order and direct that the said inspector, policeman, constable or officer shall destroy the same, or any part thereof, and the Inspector or other person, as aforesaid, shall thereupon forthwith destroy the same, or part thereof, as directed by such conviction or order.

(2) Any inspector, policeman, constable or officer having in pursuance of the two preceding sections, or either of them, entered any unlicensed premises in which he seizes, or from which he removes any such liquor as aforesaid, may demand the name and address of any person found in such premises, and if such person refuses to give his name and address, or if the inspector, policeman, constable or officer has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name or address, and may, if such person fail upon such demand to give his name and address, or to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, apprehend him without warrant, and carry him, so soon as practicable, before a Justice of the Peace. Any person found on the premises, as aforesaid, who in answer to the inspector, policeman, constable or officer, refuses to give his name, or gives a false name or address, or gives false information with respect to such name or address, or fails to answer satisfactorily the questions put to him by the inspector, constable or officer, shall be liable to a penalty of not less than \$10 nor more than \$20, besides costs, and in default of payment shall be imprisoned for a period of not less than twenty and not more than forty days.

117. If the occupant or other person, as aforesaid, be not convicted of keeping the said liquor or any part thereof for sale as aforesaid, the inspector or other person so seizing the liquor, as aforesaid, shall return the same to the place where such seizure was made.

118.—(1) It shall be the duty of every officer, policeman, constable or inspector in each Municipality to see that the several provisions of this Act are duly observed, and to proceed by information, and otherwise prosecute the punishment of any offences against the provisions of this Act; and in case of wilful neglect or default in so doing in any case, such officer, policeman, constable or inspector shall incur a penalty of \$10 for each and every such neglect and default.

(2) It shall be the duty of all constables, special constables or policemen, as well as Inspectors, to search out and prosecute all offenders against the provisions of this Act by making complaint and prosecuting the same to a conviction before the persons authorized to receive, and adjudge upon such complaint.

(3) It shall be the duty of the Chief of Police to enforce the provisions of this section, and any officer or policeman convicted of violating the provisions thereof may be summarily dismissed.

#### MUNICIPALITIES UNDER THE CANADA TEMPERANCE ACT.

119. Nothing in the foregoing provisions of this Act shall be construed to affect or impair any of the provisions of The Canada Temperance Act of Parliament of Canada, and no tavern license shall be issued to take effect within any Municipality of the Province in which the second part of the said Canada Temperance has been brought into force, as by the said Act provided.

120. Every Municipality wherein The Canada Temperance Act has been or shall hereafter be proclaimed or come into force, is hereby authorized to appoint one or more Inspectors, whose duty it shall be to search out and prosecute all offenders against the second part of The Canada Temperance Act, and when any information is given to any such Inspector that there is cause to suspect that some person is violating or has violated any of the provisions of the second part of the said Act, within the limits of the Municipality for which he is appointed, it shall be his duty to make diligent enquiry into the source of such information, and if there be reasonable or probable cause for making the same, shall make an information for such violation before a Court of competent jurisdiction, and diligently prosecute the same, and no Inspector appointed under this section shall be dismissed except for cause.

121. The Inspectors shall have, possess and enjoy all the rights, privileges, powers, protections and immunities conferred or imposed upon constables or police officers by any Act of Assembly of this Province, or conferred upon Inspectors by sections 90, 91 and 92 of this Act.

122. For every default in the discharge of his duty such Inspector shall be liable to a penalty of fifty dollars, to be recovered in an action of debt in a Court of competent jurisdiction by any person suing for the same, one-half of the said penalty to be paid to the Treasurer of the Municipality for which such Inspector is appointed, to form part of the contingent fund thereof.