

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

1. Where any conviction is made under said Chapter 39 of the Acts of Assembly, 58 Victoria, or any Act in amendment thereof, and a fine, or fine and costs, are imposed, it shall not be necessary in default of payment to issue a warrant of distress, but the defendant, in default of payment of such fine, or such fine and costs, as the case may be, may be imprisoned in the common gaol of the County for any term not exceeding three months, unless the fine, or fine and costs and the costs of commitment and conveying the defendant to the said common gaol, the amount whereof shall be specified in the conviction, shall be sooner paid.

2. Such conviction shall be, as near as may be, according to form (M) in the schedule to Chapter 62, of the Consolidated Statutes, "Summary Convictions."

CAP. XXXII.

An Act in further amendment of "The Liquor License Act, 1896."

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| <p>Sec.</p> <p>1. Sub-section (1) of Section 81 of "The Liquor License Act 1896" amended.</p> <p>2. Section 81 further amended by adding a third sub-Section.</p> <p>3. Town Council of Chatham may appoint Inspectors; rights, powers and duties of.</p> <p>4. Default in discharge of duty; penalty for.</p> <p>5. Remuneration of Inspectors.</p> <p>6. To be indemnified by Town when compelled to pay costs.</p> | <p>Sec.</p> <p>7. Inspectors shall make annual returns of all cases prosecuted, etc.; Police Magistrate, of Chatham, and Justices to make like returns of all offences committed in said town.</p> <p>8. Town not liable to contribute towards salary of County Inspector.</p> <p>9. County Inspector to have no jurisdiction in Town.</p> <p>10. Sections 35 and 36 of "The Liquor License Act, 1896" amended as to the Town of Grand Falls.</p> |
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Passed 28th April, 1899.

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

1. Sub-Section (1) of Section 81 of the said "The Liquor License Act, 1896," is hereby amended by striking out the words "before any police or any stipendiary magistrate, or any two of Her Majesty's justices of the peace having jurisdiction in the County or district in which the offence is committed;" and substituting and enacting the following in lieu thereof :

Before any justice of the peace or any police or stipendiary magistrate having jurisdiction in the County, parish or district in which the offence is committed.

2. Said Section 81 is hereby further amended by adding as a third sub-Section thereto the following :

(3) In all prosecutions for the punishment of any offence against any of the provisions of "The Liquor License Act, 1896," or of any Act in amendment thereof, the magistrate, or justice or justices, in addition to any

other costs authorized and provided by law, may tax, award and allow as part of the prosecutor's costs a counsel fee not exceeding ten dollars for the first day and an additional counsel fee not exceeding five dollars for any subsequent day during which the hearing may last; such counsel fee shall not be taxed and allowed in any case except where an attorney of the Supreme Court is employed to prosecute at the hearing, or where the inspector shall himself prosecute and is an attorney of the Supreme Court.

3. Notwithstanding anything contained in the 119th and following Sections of "The Liquor License Act, 1896," the Town Council of the Town of Chatham may from time to time appoint one or more inspectors for the said Town, who shall each hold office for one year from the date of his appointment or until another be appointed in his place, and whose duties shall within said Town be in all respects the same as those imposed by law upon an inspector for the County of Northumberland under the provisions of said Section 119 and following Sections of said Act, and every inspector so appointed for such Town shall, within such Town have, possess and enjoy all the rights, powers, privileges, protections and immunities conferred or imposed upon constables or police officers by any Act of Assembly of this Province, or conferred or imposed upon inspectors by Sections 90, 91 and 92 of the said "The Liquor License Act, 1896."

4. 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 any 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 Town for which such inspector is appointed, to form part of the contingent fund thereof.

5. Each said inspector shall be paid out of the funds of the said Town a salary not exceeding five hundred dollars per annum, to be paid in such instalments as the Town Council may by bye-law determine, and the said Town is hereby authorized to make an assessment for the payment of such salary and the expenses connected therewith, in like manner as other moneys required for the purposes of the said Town are assessed.

6. Every inspector so appointed shall be indemnified by the Town for all the necessary costs incurred and paid by him in prosecuting any complaint, where the same is dismissed by any Court hearing the same, or when a conviction is had and quashed on appeal to the Supreme Court, or otherwise, or in case the fine and costs be not recovered, on the production of a certificate from the judge or Court hearing the information and complaint, that there were reasonable grounds for making the same.

7. Every such inspector shall make return of all cases prosecuted by him in each and every year ending the 31st of December, how the same were disposed of, the amount of fines and costs paid, or punishments awarded, and any other matters required of him by the Town Council, and such returns shall be made to the first meeting of the Town Council after the 1st of January in each and every year; and the police magistrate of such Town, and every justice of the peace, or other Court of competent jurisdiction, before whom