

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1787. Saint John, NB: J. Ryan, 1787.

27 George III – Chapter 6

An Act to empower the Justices of the General Sessions of the Peace, in the several Counties in this Province, to grant Licences to Tavern-keepers, and Retailers of spirituous Liquors.

I. Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Justices of the General Sessions of the Peace, in the several counties in this province, shall at their General Sessions, or at any special Session, to be for that purpose holden, have full power and authority, and they are hereby authorised and empowered to give and grant Licences to such persons as they in their discretion shall think fit, being of good fame and character, to licence them, and each and every of them to keep a tavern, or to sell wine, brandy, rum, beer, ale, or any strong liquors whatsoever within their respective counties, by retail or the small measure, under the quantity of five gallons, and that it shall and may be lawful for the said Justices; or the major part of them, then and there assembled, to ask, demand, and receive for every such licence, by them to be given and granted as aforesaid, such sum as they in their discretion shall think fit, not exceeding four pounds, nor less than ten shillings for each licence for one year, which sums so to be received shall be paid by the Clerks of the respective counties into the hands of the respective county Treasurers, to defray such necessary contingent expences of the county, as such Justices, or the major part of them shall from time to time by their orders in their General Sessions, direct such Clerks retaining for their trouble two shillings and six-pence for each licence so to be granted and no more.

II. And be it farther enacted, That every person so licenced as aforesaid, shall at the time of taking such licence, enter into recognizance with two good and sufficient sureties to his Majesty in such sum as the said Justices or the major part of them then and there assembled shall direct, to keep an orderly house, and obey such rules and regulations as the said Justices in their General Sessions, or the major part of them, then and there assembled, shall from time to time make and ordain to be observed by Tavern-keepers and retailers, respectively in such county, which rules and regulations the said Justices in their General Sessions as aforesaid, are hereby authorised and empowered to make and ordain.

III. And be it further enacted, That if any person or persons shall sell any wine, brandy, rum, beer, ale, or any strong liquors whatsoever, by retail or the small measure under the quantity of five gallons without licence, first had and obtained for that purpose as aforesaid, and entering into recognizance as aforesaid, he, she or they, so offending shall for every offence forfeit and pay the sum of five pounds to be recovered upon complaint made to any one of his Majesty's Justices of the peace, in the county where such offence shall be committed, upon the oath of one or more credible witness or witnesses, and levied by warrant of distress and sale of the

offenders goods, under the hand and seal of such Justice, directed to any constable of the town or parish where such offence shall be committed, rendering the overplus if any, aftering deducting the costs and charges of such distress and sale to the offender, and if no goods shall be found, whereon to levy such distress, it shall and may be lawful for such Justice by warrant under his hand and seal, to commit such offender to the common goal of the county where such offence shall be committed without bail or main-prize for such time: not exceeding three months, nor less than one month, as such Justice shall in his discretion think fit, unless such penalty and forfeiture together with the costs and charges shall be sooner paid, one half of all which penalties and forfeitures shall be paid into the hands of the overseers of the poor of the town or parish where such offence shall be committed, for the use of the poor of such town or parish, the other half to him or them who shall make complaint and sue for the same.

IV. And be it further enacted, That if any person or persons shall keep a Tavern without having a licence given and granted as aforesaid, to him, her or them for that purpose, and entering into recognizance as aforesaid, or without such licence to keep a tavern, and entering into recognizance as aforesaid, shall entertain any person or persons in his, her or their house, and shall sell to such person or persons so entertained, any rum, brandy, wine, beer, ale, or any strong liquors, or mixed liquors, to be drank and consumed in his, her or their house, or any part of such house, such person or persons so offending shall be subject and liable to the same penalty for each and every offence, as persons selling by retail, without licence, and without entering into recognizance as aforesaid, are herein before made subject and liable to be sued for, recovered, and applied in the same manner, and to the same uses and purposes.

Provided always, That any person or persons to whom a licence shall be granted as aforesaid to keep a tavern, shall have included in such licence, a licence also to sell any strong liquors whatsoever by retail, without taking out a separate licence so to sell by retail.

V. And be it farther enacted, That this act shall be publickly read by the Clerk at the opening of every Court of General Sessions of the Peace in the several counties in this province, and the Justices of such courts shall at the same time cause a list of all the tavern-keepers and retailers respectively in their respective counties, to whom licence has been granted as aforesaid, to be delivered to the Grand Jurors at such courts respectively, and it shall be particularly given in charge to such Grand Jurors, to make diligent enquiry and preferment of all and every such person and persons as shall be guilty of any breach of, or offence against this act, contrary to the true intent and meaning thereof, and upon such preferment, it shall and may be lawful for the Justices of such court to proceed against such offender, in the manner herein before directed, to one Justice to proceed for the recovery of the penalties herein before inflicted, and upon conviction of such offender or offenders, before the Justices of such court, such penalty and penalties shall upon the recovery thereof be paid into the hands of the respective county Treasurers for the same uses and

purposes, and subject to the same orders and directions as the sums to be paid for licences, are herein before directed to be applied and subject unto.

VI. And be it further matted, That nothing in this act contained shall extend or be construed to extend to the City of Saint John, but the licences to be granted therein, shall be granted as heretofore agreeable to the directions in the Charter of the said City, and the laws of the Common Council of the said City regulating the same.