

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1833. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1833.

3 William IV – Chapter 29

An Act to amend the Law relative to the Sale of spirituous Liquor by Tavernkeepers and Retailers, within the County of Saint John, and for the more effectual Prevention and Punishment of Drunkenness. Passed 19th March 1833.

Whereas in and by an Act of Assembly made and passed in the First Year of the Reign of His present Majesty, intituled *An Act to regulate Inns, Taverns, and Houses for selling strong or spirituous Liquors, and to repeal all the Laws now in Force relating to the same*, the Justices of the Peace for the City and County of Saint John are authorized and empowered to grant Licences to such and to so many Persons as they in their Discretion shall think fit, to keep a Tavern or Inn, within the County of Saint John, and to receive for each Licence so granted a Sum not exceeding Ten Pounds: And Whereas it is deemed expedient, that the Number of Tavern Licences within the said County of Saint John should be regulated and limited by Law;

I. Be it enacted by, the Lieutenant Governor, Council and Assembly, That the Number of Licences to be granted by the Justices of the Peace of the said City and County of Saint John, to keep a Tavern or Inn within the said County of Saint John, without the Bounds of the said City, shall not in the Whole exceed Thirty five, to be divided and apportioned as follows; (that is to say,) a Number not exceeding Twenty five within the Parish of Portland; a number not exceeding Seven within the Parish of Lancaster; and a Number not exceeding Three within the Parish of Saint Martins.

II. And be it further enacted, That no Tavernkeeper, or Innkeeper within the said County of Saint John, shall suffer or allow any Person not being a Member of the Family of such Tavernkeeper or Innkeeper, or living or boarding in the House, to drink any Wine, strong Beer, Ale, Brandy, Rum, or other spirituous Liquor, mixed or unmixed, within the said Tavern or Inn on the Lord's Day, commonly called 'Sunday,' under the Penalty of Two Pounds for each and every Offence, to be recovered, levied and applied as directed in and by the said last mentioned Act.

III. And be it further enacted, That the Penalty for selling any Wine, Brandy, Rum, Beer, Ale, or any strong Liquors whatsoever, in any Quantity less than Five Gallons, within the County of Saint John, without Licence, shall be Ten Pounds for each and every Offence, to be recovered, levied and applied as directed in and by the said Act.

IV. And Whereas in and by a certain other Act passed in the said First Year of His Majesty's Reign, intituled *An Act to repeal the Act now in Force against the Profanation of the Lord's Day, commonly called 'Sunday,' and for the Suppression of Immorality, and to make, other Provisions in lieu thereof*, every Person, convicted of Drunkenness is liable to forfeit and pay a Sum not less than Five Shillings, nor more than Twenty Shillings, at the Discretion of the Justice before whom the said Conviction shall take place: And Whereas it sometimes happens that Persons are found in such a

State of Intoxication as to render them incapable of immediately appearing before a Justice, in order to their being convicted of the said Offence, and more efficient Regulations are necessary for the Prevention of the said Offence within the County of Saint John;’ Be it therefore further enacted, That any Justice of the Peace of the City and County of Saint John, shall have Power and Authority to commit any Person who may be found in a State of Drunkenness, in any Part of the County of Saint John, to the Custody of any Constable of the Parish wherein the Offender may be found; and that it shall be the Duty of such Constable thereupon to take and detain such drunken Person in his keeping, in some convenient Place, until he becomes sober, and then to take him before the said or some other Justice, who shall thereupon have full Power to examine into such Offence, and to proceed to the Conviction and Punishment of the said Offender, in the Manner directed by the said Act, without any Summons for that Purpose being First served on the said Offender; and if the Place where any Offender shall be so found in a state of Drunkenness be in or within Five Miles of the City of Saint John, the Constable to whose Custody he shall have been so committed may carry him to the common Gaol or House of Correction within the said City of Saint John, in order that he may be there detained, until he is in a proper State to be carried before the Justice; but no Person shall be detained under this Section for any longer Space of Time, than Forty eight Hours before he is carried before a Justice of the Peace as hereby directed.

V. And be it enacted, That this Act shall continue and be in Force for Three Years from the First Day of April next, and no longer.