

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1839. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1839.

2 Victoria – Chapter 50

An Act in further amendment of the Law relating to Tavernkeepers and Retailers. Passed 23d March 1839.

Whereas in and by an Act made and passed in the first year of the Reign of Her present Majesty Queen Victoria, intituled "An Act in addition to and in amendment of an Act, intituled 'An Act to regulate Tavernkeepers and Retailers,'" power and authority is given to Her Majesty's Justices of the Peace of this Province in their respective Courts of General Sessions, to enforce the observance of such rules and regulations as they had made or should thereafter make in and for their respective Counties, under such penalty or penalties as to them in their respective General Sessions might seem meet, to be in no case less than ten shillings nor more than five pounds for each and every breach of such rules and regulations, such penalty or penalties to be recovered before Her Majesty's Justices of the Peace in General Sessions, or any two of the Justices of the Peace of the County in which the offence had been committed: And whereas doubts have arisen whether the said Courts of General Sessions of the Peace, or the said two Justices of the Peace, have any power or authority to compel the attendance of witnesses to give evidence before them respectively, on prosecutions under the provisions of the said in part recited Act or the Act to which the same is an addition and amendment; for remedy,

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act, Her Majesty's Justices of the Peace in General Sessions in the several and respective Counties, or any two of Her Majesty's Justices of the peace, shall have full power and authority to compel the attendance of witnesses to give evidence on any proceedings had before them respectively, against any person or persons for a breach of any rule or regulation made, or for the recovery of any penalty imposed under the authority of the said above in any part recited Act, or the Act to which it is an amendment; for which purpose the Clerk of the Peace for the County in which the said offence shall have been committed and in which such proceeding is had, or one of the Justices of the Peace before whom the cause is to be tried, shall have full power and authority to issue subpœnas; and the subpœnas issuing Out of the General Sessions of the Peace shall be in such form as the Court of Sessions shall from time to time prescribe, which subpœnas shall be tested in the name of any Justice of the said Court of General Sessions and returnable at the next ensuing term of the Court of General Sessions; and the subpœna to be issued by any such Justice shall be according to the form in the schedule to this Act, which subpœnas shall be served as other subpœnas issuing out of the Court of General Sessions.

II. And be it enacted, That the Justices of the Peace in General Sessions, or the said two Justices, shall have full power and authority to impose such penalty for the non-attendance of witnesses duly subpœnaed to attend before such General Sessions or the said Justices respectively, such penalty not to exceed two pounds for each contempt of non-attendance, provided it be made to

appear, to the satisfaction of such General Sessions or the said two Justices respectively, that the said witness or witnesses have been legally served with the said subpœna, requiring the attendance of such witness, and that no sufficient cause prevented his or her attendance in obedience to such subpœna; such penalties to be levied, collected, appropriated and applied in all respects agreeably to the provision of an Act of General Assembly made and passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled “ An Act to facilitate summary proceedings before Justices of the Peace, and the execution of warrants by Constables.”

III. And be it enacted, That this Act shall be in force so long as the Acts to which it is an amendment.

SCHEDULE.

Subpœna to be issued by the Justice before whom the cause is pending.

To A. B. C. You and every of you are required to appear before me _____, at my _____ in the Parish of _____, on the _____ day of _____, at the hour of _____ in the _____ noon, to give evidence on the part of our Sovereign Lady the Queen against _____ for the alleged breach of _____ and then and there to be tried; and take notice that in case you or either of you neglect to appear and testify, you will be liable to a penalty of not exceeding forty shillings, according to the form of the Act of Assembly lately made and provided. Dated the _____ day of _____ 18__.

N. M., J. P.