

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1855.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1855.

18 Victoria – Chapter 36

**An Act to prevent the Importation, Manufacture, and Traffic in Intoxicating Liquors. Passed 12th April 1855.**

Section.

1. Liquor, manufacturing, importing, or keeping for sale; penalty.
2. Appointment of Agents to import and sell for specific purposes.
3. Agents to give bonds, and conform to rules; suits against.
4. Vessels used in illegal importation, forfeited.
5. Search of vessels and destruction of liquors; reservation.
6. Reports and oaths respecting imported liquors, to be as in other cases.
7. Search for and seizure of liquors unlawfully imported, and the conveyance
8. Liquor imported by an Agent and not reported, forfeiture.
9. Persons acting for another as to liquor, penalty.
10. Warrant by a Justice on receiving information Return of seizure.
11. Liquor seized without warrant, proceedings against.
12. Condemnation of liquors to bar action.
13. Agents, chemists, and manufacturers to conspicuously mark packages containing liquors.
14. Fraudulent marking packages of liquor, penalty.

Section.

15. Search warrant for liquor, on specific complaint; seizure; return and arrest of persons; judgment.
16. Fine or imprisonment on proof. Advertisement when persons not known; further proceedings.
17. No appeal to be allowed unless party gave notice; costs.
18. Arrest of and information required from persons found intoxicated.
19. Persons unlawfully dealing in liquor incompetent as jurymen. Cases under this Act to have a precedence.
20. Payments for liquors in violation of this Act to be as without consideration.
21. Ship stores exempted from seizure.
22. Liquors not imported for a County, Town, or City, to be contraband.
23. Construction of Terms.
24. Liquors usually known as alcoholic, to be deemed such without proof.
25. Prosecution for penalties, before whom.
26. Warrant of distress and sale for penalties.
27. Additional Fees.
28. Forms in Schedule to be good in law.
29. Licences to sell to be void after this Act comes in force.
- 30 Act to commence on 1st January 1856. Forms.

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

1. Whoever shall manufacture, import, or bring into this Province, or sell or keep for sale, any liquors, unless specially licenced therefor in the manner hereinafter provided, shall on the first conviction, forfeit the sum of ten pounds, and on every subsequent conviction twenty pounds, or

suffer imprisonment for a term not less than three nor more than twelve months, in the discretion of the Court or Justices.

2. The Sessions in every County, or in incorporated Counties the Council, may annually appoint an agent in each Parish to import, buy, and sell liquors for medicinal, mechanical, chemical, or sacramental purposes; in incorporated Towns or Cities, the respective Councils may appoint the agent.
3. Every agent before receiving a Licence (A) shall execute a Bond (B) with sureties, and shall receive such compensation for his services, and conform to such rules as the Board appointing him may prescribe; and he shall account to the Board for the sale of the liquors and the profits thereof, but he shall receive no part of the profits for a compensation; the profits received by the respective agents under this Section shall be paid over to the County or City Treasurer, and be applied as other County or City funds. The Sessions or Council, on the oath of three competent witnesses that any of the conditions of the bond have been violated, shall order it to be put in suit.
4. Ad vessels and conveyances used in the illegal importation of liquors, or in the transportation of liquors illegally imported, shall be forfeited, and shall be seized and dealt with by any peace officer or by any revenue officer, in the same manner as vessels and conveyances are or may be by any law relating to the protection or collection of the revenue in force at the time of the seizure.
5. It shall be the duty of every revenue officer to search any vessel or other conveyance coming into the Province, suspected of containing liquors imported contrary to this Act, and seize and take therefrom all liquors illegally imported, together with the packages in which they are contained, and to seize the vessel or other conveyance or thing in or by means of which they are illegally imported, or in or by means of which the liquors are transported from place to place, which vessel or other conveyance shall be deemed forfeited and sold, and the proceeds distributed among the officers seizing the same. The Treasurer shall cause to be destroyed in his presence all liquors so unlawfully imported, and so seized, but he may preserve a reasonable quantity to supply any agent appointed to sell liquors, and distribute the proceeds of the sale thereof among the seizing officers of the port where such liquors have been seized.
6. The master of every vessel arriving at any port or place, Having liquors on board, and the owner, consignee, or person entering any such liquors inwards, shall respectively make the like reports, and take and subscribe the like oaths with respect thereto, so far as they may be applicable to the intention and objects of this Act, and in the same time and under the same penalties as they are respectively required to do under the provision of any law then in force relating to the collection or protection of the Revenue; which oaths the proper officer shall administer. The master of any such vessel, and the owner, consignee, or person entering such liquor or concerned in any way in the landing thereof without a permit, shall be respectively subject to the same penalties and forfeitures for landing any such liquors as shall be imposed upon them by any law relating to the protection or collection of the Revenue, for concealing or improperly landing goods liable to the payment of duties.

7. A peace officer may, with or without warrant, except as provided for in the fifteenth Section, search for and seize liquors, with the packages, which may be brought or imported from any place out of this Province, contrary to this law, and the vessel or other conveyance by which such liquors are imported, or by which they are transported from place to place, or any liquor which he may believe intended for illegal sale, and shall make a return of the quantity and description of the liquors seized, and the conveyances, as near as may be, to a Justice. A peace officer may enter and search any vessel or conveyance suspected of containing or carrying liquors unlawfully imported or brought into this Province; and any revenue or peace officer, being requested, neglecting or refusing to search for or seize liquors imported contrary to this Act, or any peace officer neglecting or refusing to execute any warrant Or other process issued by a Justice under this Act, shall forfeit the sum of ten pounds, and be dismissed from office.

8. All liquors imported by a licenced agent, and not duly reported, shall be forfeited.

9. Any person in the employment of another, manufacturing, importing, or bringing directly or indirectly into this Province, or selling any liquors for his principal, contrary to this Act, or who shall have charge of any liquors illegally imported, shall be subject to the penalty of twenty pounds; and in any proceeding he may be described the manufacturer, importer, or seller.

10. Any Justice, on receiving the Information (C) shall issue his Warrant (D). If the liquors are seized, the officer shall return the quantity with the number and description of the packages, with the warrant. Unless it be proved before the Justice that the liquors were legally imported, they shall be forfeited and destroyed according to the written Order (E), and the person importing or in charge of the liquors shall pay a fine of twenty pounds and costs, or be imprisoned for three months unless the same be sooner paid; and the vessel, if not exceeding fifteen tons burthen, or other conveyance, by which such liquors are so imported or transported from place to place, shall be forfeited and publicly sold by the Order (F) of the said Justice.

11. If the liquors, vessel, or conveyance be seized without warrant, a Justice shall, on application, issue his Warrant (G) and the Justice to whom the warrant is returned may proceed thereon, and give the like judgment, and make the like orders as he might have done were the seizure made under his warrant.

12. The condemnation of liquors, vessels, or conveyances, shall be a bar to any action or claim for the same or the value thereof, or any damages necessarily arising out of the seizing, against any person seizing or in any way connected with the seizing or safe keeping thereof.

13. Every agent, chemist, or manufacturer shall keep any package containing liquors marked conspicuously with his name and occupation, under the penalty of ten pounds for each offence, and every day such package is left unmarked, shall be deemed a substantive offence. No agent shall sell liquors to a minor or apprentice, knowing him to be such, without the written order of his parent or master, nor to any intemperate person, knowing him to be such, nor for purposes not allowed by this Act, under a penalty of ten pounds for each offence.

14. Whenever any package containing liquors shall be seized, bearing the marks required to be put upon packages owned by any County, chemist, artist, or manufacturer, when in fact such liquors are not so owned, such fraudulent marking shall be conclusive evidence that they are kept for unlawful sale, and they shall be forfeited. When an illegal sale of liquors is alleged, proof of delivery shall be evidence of the sale,

15. If any reputable person, resident in the County where the complaint is made, shall before any Justice make complaint on Oath (H) that he believes liquors, intended for illegal sale, are kept or deposited in any vessel, building, or place other than a dwelling house, no part of which is used as a shop or for purposes of traffic in such County, by a person named in the complaint, or by some person unknown, the Justice shall issue his Warrant of Search (J) to a peace officer, who, if the liquors are there found, shall seize and convey them to a place of security, to be kept until final action had on the complaint; and in his return on the warrant shall describe the liquors so seized and the packages in which they are contained, with reasonable certainty, and the officer shall arrest the person named in the warrant and bring him forthwith before a Justice to answer the complaint, and shew cause why the liquors should not be forfeited. If he should not be arrested, or being arrested fail to prove to the satisfaction of the Justice that the liquors are not intended for illegal sale, they shall be forfeited and destroyed by the written order of the Justice, and in his presence or that of a person he shall appoint, who shall join with the officer destroying the same in certifying that fact on the order; provided always, that no warrant shall issue for the search of any dwelling house in which a family resides, or in which or part of which a shop is not kept, or other place is not kept for the sale of such liquors, unless it shall be first shewn to the Justice, by the testimony of three or more reputable persons upon oath, that there is reasonable ground for believing that liquors have been sold, kept, or deposited in such dwelling house, intended for unlawful sale, said testimony shall be reduced to writing, and signed by the persons giving such testimony; and any of the said witnesses who shall be convicted of giving false testimony knowingly and wilfully in the statements so subscribed, shall be punished therefor by imprisonment for a term not exceeding two years.

16. If it be proved by confession or otherwise, that the person arrested is the owner or keeper of the liquors, and that they were intended for illegal sale, he shall pay a fine of ten pounds, or be imprisoned for three months unless the same with costs be sooner paid. If the name of the person so keeping or depositing the liquors described in the complaint be not known, and any such liquors are seized, the Justice shall cause a notice of the seizure, describing the liquors and package with reasonable certainty, and the place where the same were seized, and the time and place appointed for adjudication thereon, to be posted up in two or more public and conspicuous places in the County for two weeks successively before the day of such adjudication, for all persons interested to appear and shew cause why the liquors and the packages in which they are contained should not be forfeited. If no claimant appear, or if one appear and do not prove to the satisfaction of the Justice that the liquors were not kept and deposited for illegal sale, they shall be condemned and destroyed as in the tenth Section; and the person so appearing, if he shall claim or be proved to be the owner of such liquors so condemned, shall pay a fine of ten pounds, or be imprisoned for three months unless the fine with costs be sooner paid. If within the two weeks

satisfactory proof can be given that the liquors were not kept for illegal sale, the Justice shall deliver them to the owner, taking his receipt therefor.

17. No order of the Supreme or any other Court, for review or removal, or other appeal from the judgment of a Justice shall be allowed, unless the appellant shall give notice of his intention to appeal to the Justice at the time of conviction, and within ten days thereafter execute a Bond (K) with sureties. If the conviction be affirmed, the defendant shall pay the amount of fines, penalties, and costs awarded against him by the Justice, and the Court shall direct the Justice whose judgment has been appealed from to destroy the liquors.

18. Whenever any person shall be found in a state of intoxication in any public place, a peace officer shall on view apprehend such person and detain him in custody, until the person arrested shall be capable of giving evidence, when he shall take him before a Justice; and such person shall on oath before the Justice, give information of the person and place of whom and at which he may have purchased any liquors within twenty four hours of the period when he shall have been found so intoxicated, and if the person refuses to give such information, he shall forfeit the sum of forty shillings, and in default of payment thereof he imprisoned for a period not exceeding ten days, or until the fine be paid or evidence given. If the Justice shall adjudge from the evidence that the sale of the liquors was an offence against this Act, the person accused of selling shall be proceeded against for an illegal sale.

19. No person engaged in or convicted of the unlawful importation, manufacture, or traffic in intoxicating liquors, shall be competent to sit upon any jury in any case arising under this Act; and when information shall be communicated to the Court, that any juror called is engaged in such importation, manufacture, or traffic, or that he is believed to be so engaged, the Court shall inquire of him with respect to his being so engaged, and no answer which he shall make shall be used against him in any case arising under this Act; but if he should answer falsely, he shall be incapable of serving on any jury; but he may decline to answer, in which case, or if he admit the truth of the information, he shall be discharged. Cases for trial under this law shall take precedence of other business, except criminal cases in which the parties are under arrest awaiting a trial. Nothing in this Act shall prevent any chemist, artist, or manufacturer from keeping at his place of business or residence, such reasonable quantity of distilled liquors as he may have occasion to use and require in his art or trade, but not for sale.

20. All payments or compensations for liquors sold in violation of this Act, whether in labour or money, shall be held and considered to have been received in violation of law, and without consideration, and against equity and a good conscience, and the amount or value thereof may be recovered back; and all sales, conveyances, transfers, mortgages, liens, pledges, and securities of every kind, which either in whole or in part shall have been made or given for or on account of liquors sold in violation of this Act shall as between the seller and purchaser be void, and no action shall be maintained in whole or in part for the price of liquors sold in contravention of this Act; nor shall any action be had or maintained for the recovery or possession of liquors, or the value thereof, except such as are sold, purchased, or held in accordance with the provisions of this Act.

21. Such a reasonable quantity of liquors as are required for ship stores, found in any vessel arriving at any Port in the Province, shall be exempted from seizure under the provisions of this Act.
22. All liquors not imported for any County, Town, or City, shall be contraband, and dealt with as smuggled goods, and the provisions of any law relating to the protection or collection of the revenue in regard to smuggled goods shall apply thereto, and to all proceedings relative thereto; and all the officers of the revenue are required to seize liquors and prosecute the person importing or transporting them from place to place, in the manner prescribed for smuggled goods in any Act relating to the protection or collection of the revenue; and every officer acting under the authority of this Act shall be deemed a revenue officer, and every thing done under this Act shall be deemed to be done in the execution of the laws relating to the protection or collection of the revenue, and in every case the officers shall be entitled to all the privileges and immunities, and subject to all the duties provided in the laws relating to the protection or collection of the revenue.
23. In the construction of this Act, the term "liquor" or "liquors" shall mean brandy, gin, whiskey, rum, wine, ale, porter, or any other alcoholic, spirituous, or intoxicating liquor; "package" shall mean any keg, jug, barrel, pipe, or thing whatever for carrying liquid; "vessel" shall mean any boat, ship, or other thing which floats on the water, and is propelled by steam, wind, or oars; "conveyance" shall mean horse, carriage, cart, wagon, sled, or other vehicle by which anything is carried, drawn, or hauled; "Treasurer" shall mean the Treasurer, Deputy Treasurer or other officers of the Revenue department in any port or place; "Peace Officer" shall mean Sheriff, Coroner, Deputy Sheriff, Constable, Policeman, or any authorized person to execute a warrant; "imprisonment" or "imprisoned," when it is prescribed or mentioned as a punishment, shall mean imprisonment in the Common Gaol, or Provincial Penitentiary, with or without hard labour, at the discretion of the Court or Justice; when it is provided to be incurred until a fine is paid, it shall mean imprisonment in the common gaol of the County; "building" shall mean any dwelling house, shop, barn, warehouse, store, or shed.
24. Any liquors usually or commonly known as being alcoholic, spirituous, or intoxicating, shall be deemed and taken to be alcoholic, spirituous, and intoxicating, and no proof of their alcoholic or intoxicating quality shall be necessary in any proceeding under this Act; but the presumption of such their quality may be rebutted.
25. All penalties, forfeitures, and convictions to be had under and by virtue of this Act, may be tried and determined before any one or more Justices of the Peace in the County where the offence is committed.
26. All penalties or forfeitures shall be recovered with costs by warrant of distress and sale of the offender's goods and chattels; for want of goods and chattels imprisonment not exceeding three months.
27. In addition to the Fees now allowed by law for any proceeding before a Justice, or to any constable or other officer, the following shall be allowed on all proceedings under this Act, viz:—

*To the Justice.*

For taking any bond, the sum of five shillings.

For making any order for the destruction of liquors, two shillings and six pence.

For attending in person or by deputy, two shillings and six pence.

*To the Officer.*

For executing any warrant for the seizure or destruction of liquors, five shillings, besides travelling and other expenses by him incurred in the care, custody, or destruction of such liquors in pursuance of the warrant or order of the Justice, three pence per mile for actual travel in the execution of his duty in any proceeding under this Act.

*To the Attorney.*

Attending any proceeding before a Justice, a sum not exceeding two guineas, nor less than half a guinea for each attendance, at the discretion of the Justice.

28. The several Forms in the Schedule to this Act contained, or Forms to the like effect, shall be deemed good in law.

29. No licence or authority had or granted before or after the passing of this Act for the sale of spirituous, intoxicating, or malt liquors, shall be of any force or effect after the time appointed for this Act to come into operation.

30. This Act shall not come into operation until the first day of January in the year of our Lord one thousand eight hundred and fifty six.

SCHEDULE.

(A)

to wit:—This to certify that \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ (Yeoman), having executed a Bond with sureties, pursuant to law, is hereby licenced to act as the Agent of the said County, for the Parish (or City) of \_\_\_\_\_ for the importation, purchase, and sale of liquors according to law, for one year from this date, subject to the rules made for the government of such Agent in the purchase and sale of such liquors – Given under the Seal of the Sessions (or Council, as the case may be), this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_.

Signed  
C. D. Clerk.

}  
}

[L. S.]

(B)

We, A. B. of \_\_\_\_\_ C. D. of \_\_\_\_\_ and E. F. of \_\_\_\_\_  
are held and firmly bound unto the Queen in the sum of \_\_\_\_\_ hundred pounds, for which  
payment to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these  
presents.—Sealed and dated this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_.

Whereas the above bounded \_\_\_\_\_ has been duly licenced to import, purchased, and  
sell liquors, as Agent of the said County, for the Parish of \_\_\_\_\_ for medicinal,  
mechanical, chemical, and sacramental purposes, and none others, for the period of twelve  
months from the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_;

Now if the said \_\_\_\_\_ shall not violate the provisions of an Act made and passed in  
the eighteenth year of Her Majesty’s Reign, intituled *An Act to Prevent the importation,  
manufacture, and traffic in intoxicating liquors*, but shall in all respects conform thereto, and to  
such rules as have been or may be made by the Sessions of \_\_\_\_\_ (Town or City  
Council) for his government in the purchase, sale, and accounting for the profits of the sale of such  
liquors, then this obligation shall be void, otherwise of force.

Signed, sealed and delivered } [L. S.]  
In presence of } [L. S.]  
[L. S.]

(C)

to wit:—The information and complaint of C. D. of (Yeoman), taken this \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 18\_\_\_\_ before the undersigned, one of Her Majesty’s Justices of the Peace in and for the said  
County of \_\_\_\_\_ who saith that\* \_\_\_\_\_ of \_\_\_\_\_ did on or  
about the \_\_\_\_\_ day of \_\_\_\_\_ import, manufacture, or sell intoxicating liquors without  
authority, and contrary to the form of the Act of Assembly. —Sworn before me the day first above  
mentioned, at \_\_\_\_\_ in the County aforesaid.

J. S. J. P.

\*If the importer or person in charge of the liquors is unknown to complainant, then as in preceding  
form down to the word “that,” then add—“a quantity of intoxicating liquors were, on or about the  
\_\_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_ by a person or persons whose names are unknown to  
complainant, imported and brought into this Province, at or near [stating the place,] and that they  
are now [stating the place where they are supposed to be, according to the fact,] to the best of the  
informant’s belief.” —Sworn, &c.



(D)

to wit:-- You are to seize the liquors [here describe the nature or quality] with the packages containing the same, charged to be at [describe the place,] and the vessels, carts, or other conveyances in which they are contained, and keep them safely until disposed of by law; also to apprehend C. D. and bring him before me or some other Justice to answer to the complaint of \_\_\_\_\_ for an illegal importation, (or sale, or manufacture, as the case may be,) and be further dealt with according to law. --Given under my hand this \_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_.

*[If the importer or person in charge of the liquors be unknown, leave out the clause to apprehend the person.]*

(E)

To \_\_\_\_\_ (Constable) of \_\_\_\_\_

Whereas a quantity of intoxicating liquors, viz:-- [describe them as in the return on the Warrant,] were on the \_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_ seized by \_\_\_\_\_ (Constable) of \_\_\_\_\_ on the information of \_\_\_\_\_ which liquors were by me, on the \_\_\_\_ day of \_\_\_\_\_ adjudged forfeited, as being illegally imported (or manufactured, or kept for sale, as the case may be): These are to require you to destroy the said liquors forthwith, and make return thereof. --Dated this \_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_.

J. S. J. P.

(F)

To \_\_\_\_\_ (Constable) of \_\_\_\_\_

Whereas a quantity of intoxicating liquors, viz:-- [describe them as in return on Warrant] were on the \_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_ seized by \_\_\_\_\_ on the information of \_\_\_\_\_ which liquors, together with the packages and the vessel (or conveyance) to wit:-- \_\_\_\_\_ in which they were found, have been adjudged forfeited, I order you to make public sale of the said packages, and also of the said vessel (or conveyances) and make return to me of your doings in the premises --Dated this \_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_.

J. S. J. P.

(G)

To any Constable or Peace Officer of \_\_\_\_\_

Information having been given to be that a quantity of intoxicating liquors, to wit:--[describing them as near as may be] have been seized by \_\_\_\_\_ as being illegally imported, (or as the case may be): you are commanded forthwith to seize and secure the vessel or other conveyance in which the said liquors were imported or found, and to apprehend the persons importing or in charge thereof, [or if the name be known, state it, adding "who is represented as having imported or had charge thereof,"] and bring him forthwith before e or some other Justice to answer to the said information, and to be dealt with according to law. --Dated this \_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_.

J. S. [L. S.]

(H)

to wit:-- The information and complaint of C. D. of the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_ taken this \_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_ before the undersigned, one of Her Majesty's Justices of the Peace in and for the said County of \_\_\_\_\_ who saith that he believes that intoxicating liquors were and still are kept and deposited by \_\_\_\_\_ of \_\_\_\_\_ in [describing the place where the liquors are supposed to be kept] in said County, (or by some person whose name is unknown to the said \_\_\_\_\_) not being authorized to sell liquors within the said County, and that the said liquors are intended for illegal sale; [if it be the fact, and it is desired to search a dwelling house, add "and that the said \_\_\_\_\_ believes that intoxicating liquors have been sold in the dwelling house of the said \_\_\_\_\_ by him or with his consent, within one week next before the date hereof."] -- Sworn at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_.

J. S. J. P.

(J)

To any Constable or Peace Officer of \_\_\_\_\_

Information having been given to me, that intoxicating liquors are kept and deposited by \_\_\_\_\_ of \_\_\_\_\_ in [describing the place as in the information] in said County, and that they are intended for illegal sale [or otherwise, according to the information]: You are commanded to search the said premises, and if such liquors are there found, then to seize and take them to a place of security, to be there kept until disposed of by law: Also to apprehend the said \_\_\_\_\_ [or, the person keeping or depositing the same] and bring him forthwith before me or some other Justice, to shew cause why such liquors should not be forfeited, and be otherwise dealt with according to law. --Dated this \_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_.

J. S. J. P.

(K)

We A. B. of \_\_\_\_\_ C. D. of \_\_\_\_\_ E. F. of \_\_\_\_\_ are held and firmly bound unto the Queen in the sum of one hundred pounds, for which payment to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents. –Sealed and dated this \_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_.

Whereas the said A. B. was on the \_\_\_\_ day of \_\_\_\_\_ convicted before \_\_\_\_\_ one of Her Majesty’s Justices of the Peace for the County of \_\_\_\_\_ of selling (or keeping for sale, or as the case may be) intoxicating liquors contrary to law, and hath given notice of his intention to appeal from the above;

Now if the said \_\_\_\_\_ shall prosecute his appeal with effect, or pay the fines, penalties, and costs which have been imposed against him by the said conviction, in the event of the conviction being affirmed, and shall not during the pendency of the appeal violate any of the provisions of an Act intituled *An Act to prevent the importation, manufacture, and traffic in intoxicating liquors*, then this obligation to be void, otherwise of force.

Signed, sealed, and delivered	}	A. B. [L. S.]
In presence of		C. D. [L. S.]
		E. F. [L. S.]

*Form of Conviction,*

(Which may be adapted to any case under this Act.)

to wit:– Be it remembered, that on the \_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ at \_\_\_\_\_ in the said county, \_\_\_\_\_ is convicted before me, one of Her Majesty’s Justices of the Peace for the said County, on the information of \_\_\_\_\_, for that the said \_\_\_\_\_ did, on the \_\_\_\_ day of keep for sale\* at [describe the place] in the said County, intoxicating liquors, to wit:– [state the description and number and kind of packages] contrary to law, wherefore I adjudge the said liquors and packages forfeited,\* and that the said \_\_\_\_\_ pay a fine of \_\_\_\_\_ and also the sum of \_\_\_\_\_ to the said [the prosecutor] for his costs in this behalf; and in default of payment forthwith, to be imprisoned in the common gaol at \_\_\_\_\_ in the said County, to be there kept for three months unless the said several sums be sooner paid. –Given under my hand this \_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_.

J. S. [L. S.]

If the offence be importing, bringing into the Province, or transporting from place to place, it shall be plainly described, instead of the words “keep for sale,” at the first asterisk, (\*); and if the vessels or carriages are condemned, then insert at the second asterisk, (\*) “and vessels or conveyances [describing them] in which the said liquors were imported,” [or whatever the offence is.]