

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1857. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1857.

20 Victoria – Chapter 1 Session 1

An Act to repeal the Act to prevent the importation, manufacture, and the traffic in Intoxicating Liquors, and to regulate the sale thereof. Passed 26 July 1826.

Section.	Section.
1. Act 18 V. cap. 36, repealed.	6. Acts 17 V. c. 15, and 18 V. c. 23, declared.
2. Discontinuance of prosecutions for penalties.	7. Special Sessions may grant <i>ad interim</i> licences under 17 V. c. 15.
3. Restoration of seized Liquors not destroyed.	8. By whom licences are to be granted, &c. in Fredericton and incorporated Towns.
4. Duties under 18 V. c. 2, to be levied.	9. Trial of Violations of 17 V. c. 15, in Police districts in St. John and Portland.
5. Discharge of Agents appointed under 18 V. c. 36.	

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

1. That an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to prevent the importation, manufacture, and traffic in Intoxicating Liquors*, be and the same is hereby repealed.
2. In all prosecutions for penalties under the said Act pending, whether on appeal or otherwise, at the time of the passing of this Act, it shall be lawful for the defendant in any such prosecution, if he shall think proper, to require all proceedings therein to be discontinued on paying or tendering the amount of taxable costs under the said Act to the person entitled to receive the same, and on such payment or tender, such prosecution shall be immediately discontinued.
3. Wherever liquors or packages have been seized under the said Act hereby repealed, and have not been destroyed, the Governor in Council may order such liquors and package to be restored to the owner thereof, on payment of the taxable costs of such seizure.
4. All duties imposed by an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act imposing Duties for raising a Revenue, on any article the importation of which was prohibited by the Act hereby repealed*, shall be hereafter levied and collected as if the said Act so repealed had never been passed.
5. Any general or special Sessions or other Bodies empowered by the said Act hereby repealed to appoint Agents for the sale of liquors, may make such arrangements for the disposal of any liquors in charge of the Agents appointed by them respectively, and for the compensation of such Agents, as they may deem proper, and thereupon the Bonds given by such Agents shall be discharged.

6. An Act made and passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act to regulate the sale of Spirituous Liquors*, and an Act made and passed in the eighteenth year of the same Reign, intituled *An Act to explain an Act intituled "An Act to regulate the sale of Spirituous Liquors,"* are hereby declared to be in full force.
7. The Justices at any Special Sessions shall grant wholesale and Tavern Licences under the said Act passed in the seventeenth year of Her Majesty's Reign, intituled *An Act to regulate the sale of Spirituous Liquors*, on such terms and conditions and upon payment of such sums as they shall deem just and proper, not exceeding the sums mentioned in the said Act; the Licences so granted to continue in force only until the first General Sessions thereafter.
8. All Licences to be granted and regulations to be made in the City of Fredericton, under the said Act hereby declared to be in force, shall be granted and made by the City Council of the said City ; and in all incorporated Towns, the Licences to be granted and the regulations to be made as aforesaid, shall be granted and made by the Town Councils of such Towns corporate; and the duties required by the said Act to be done by the Clerks of the Peace in the several Counties, shall in such Towns corporate be done by the Clerks thereof.
9. All complaints for violation of the said Act passed in the seventeenth year of Her Majesty's Reign, intituled *An Act to regulate the sale of Spirituous Liquors, within the Police District of the City of Saint John*, or within the Police District of the Parish of Portland in the County of Saint John, and all proceedings for penalties under the said Act in those Districts, shall be severally made, heard, tried, and determined before the Police Magistrate of the said City, or the sitting Magistrate at the Police Office there, or the Police Magistrate of the said Parish of Portland, or the sitting Magistrate at the Police Office there, in whichever of the said Districts the offence may have been committed, and not elsewhere.