

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1859. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1859.

22 Victoria – Chapter 31

An Act relating to an Act intituled *An Act to explain an Act intituled 'An Act to regulate the sale of Spirituous Liquors.'* Passed 13th April 1859.

Act 18 V. c. 23, extended to Police of Portland.

Whereas in and by the ninth Section of an Act made and passed in the twentieth year of the Reign of Her present Majesty, intituled *An Act to repeal the Act to prevent the importation, manufacture, and traffic in intoxicating Liquors, and to regulate the sale thereof*, it is among other things enacted that all complaints for violation of an Act made and passed in the seventeenth year of Her said Majesty's Reign, intituled *An Act to regulate the sale of Spirituous Liquors 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 that District, shall be heard, tried, and determined before the Police Magistrate of the said Parish of Portland, or the sitting Magistrate at the Police Office there, and not elsewhere: And whereas in and by an Act made and passed in the eighteenth year of the Reign of Her present Majesty, intituled *An Act to explain an Act intituled 'An Act to regulate the sale of Spirituous Liquors.'* it is directed that from and after the passing of that Act, "the penalties imposed under the provisions of the Act intituled *An Act to regulate the sale of Spirituous Liquors*, passed in the seventeenth year of Her present Majesty's Reign, and the costs of conviction, may be levied by Warrant of distress and sale of the offender's goods and chattels, or by Warrant of commitment against the person of such offender, or both, at the discretion of the Court or Justice imposing such penalty, and in case of commitment, the said Court or Justice shall define the number of days in the Warrant, in no case to exceed thirty days for any one offence or conviction," and that "the form of every Warrant or process, the mode and power of levying the money, or executing the same, shall be as nearly as may be, the mode, form, and power given and prescribed by Chapter 138, Title XXXVII, of the Revised Statutes, 'Of Summary Convictions:' " And whereas doubts have arisen whether the provisions of the last recited Act, and the power and authority thereby given, extend to the Police District of the Parish of Portland, in the County of Saint John, or the Police Magistrate of the said Parish of Portland, or the Sitting Magistrate of the Police Office there;—

Be it therefore enacted and declared by the Lieutenant Governor, Legislative Council, and Assembly,— That from and after the passing of this Act, the provisions of the Act made and passed in the eighteenth year of Her present Majesty's Reign, intituled *An Act to explain an Act intituled 'An Act to regulate the sale of Spirituous Liquors.'* shall extend and be construed to extend to the Police District of the Parish of Portland, in the County of Saint John, and to the Police Magistrate of the said Parish of Portland, or the Sitting Magistrate at the Police Office there, any usage or custom to the contrary notwithstanding.