

that such Liquor was sold according to the provisions of this Act, or was kept and owned by him for lawful purposes.

XV. Every person who shall sell or deliver to any other person any alcoholic or intoxicating Liquor, contrary to any provision of this Act, shall be liable for all damages which may happen or result to any other person from any act, negligence, carelessness, inadvertence or default committed, suffered or done by the person to whom such Liquor was sold or given, or by any person who drank the same, or any part thereof, if such person was in a state of intoxication, produced by the Liquor so sold, or delivered at the time he committed the said act, or was guilty of such negligence, carelessness, inadvertence, or default.

Persons selling, &c. liquor to another, liable for this Act.

XVI. Any person may maintain an action in any Court in this Province against any other person who shall sell or deliver any Liquor, contrary to any provision of this Act, to the husband, wife, parent, child, guardian, ward, apprentice or servant of the plaintiff, and it shall not be necessary in any such action, to aver, or prove any special damage resulting to the plaintiff by such sale, or delivery, but the Court or Jury, before which such action is tried shall, on proof of such sale, or delivery, as aforesaid, assess the damages of the plaintiff therein at not less than one shilling, and if any special damage be shown, for such higher sum as may be just, and judgment shall be given accordingly: any married woman may prosecute and maintain such action in her own name, with or without the consent of her husband, and upon the trial of any action under this Section, the defendant, plaintiff, wife or husband of the plaintiff, may be examined as a witness, any law or rule of Court to the contrary notwithstanding. And the plaintiff in any such action shall be entitled to full costs upon obtaining a verdict or judgment for any sum whatever.

Action by husbands, parents, &c. against persons furnishing liquor to their wives, children, &c.

XVII. Upon the trial of any complaint or civil action under any provision of this Act, proof of the manufacture, sale, barter or keeping of alcoholic or intoxicating Liquor by the defendant, shall be sufficient to sustain an allegation that the same was unlawful, and unless he prove the contrary judgment shall be rendered against him.

Onus of proof on Defendant.

XVIII. It shall be the duty of every Constable, Policeman or Watchman, whenever he shall see any person grossly intoxicated in any public street or place, to apprehend such person and to keep him in some safe and convenient place, until he shall become sober, and thereupon, forthwith to take him before a Justice of the Peace, Reeve, Police Magistrate, Commissioner for small causes in Lower Canada, or Judge of a Circuit or Division Court, and it shall be the duty of such Justice, or other Functionary, to administer to such person an oath or affirmation, and to examine him for the purpose of ascertaining whether any offence has been committed against any provision of this Act, and if such person shall refuse to be sworn or to affirm or to answer any question pertinent to such examination,

Arresting of intoxicated persons and their examination.