

**Proviso.**

person to sell any intoxicating Liquors at a place not within the scope and meaning of this section at the time when such license shall issue, and such place shall come afterwards at any time before such license shall have expired to be within the scope and meaning of this section, then such license shall become null and void from such time; And provided thirdly, 5 that this Section shall not extend to any person selling intoxicating Liquors by wholesale, and not retailing the same, if such person be a licensed Distiller or a Brewer.

**Penalty for contravention of this Act how recoverable, &c.**

II. Any person who shall, in contravention of this Act, by himself, his clerk, servant or agent, expose or keep for sale or barter, or shall 10 sell, dispose of, give or exchange for any other matter or thing, to any other person any intoxicating Liquor, shall be liable to a fine of £ on the first conviction, £ on the second, and on the third and every subsequent conviction to such last mentioned fine and imprisonment for a period not more than six calendar months, such fine to be paid over to the 15 Chamberlain, Treasurer, Clerk or Secretary-Treasurer, of the Municipality in which the offence shall be proved to have been committed, for the use of the Municipality, and to be applied to such public purposes as the Council thereof may direct, and in default of payment of any fine and costs imposed under this Act, with the costs of prosecution, at the time of conviction, 20 the offender shall be imprisoned until the same be paid, under warrant of the Justice, Reeve, Mayor, Police-Magistrate, Recorder, or Judge before whom the conviction shall be had.

**Agents punishable as principals**

III. If any clerk, servant or agent, or other person in the employment or on the premises of another, shall sell, dispose of, or exchange for any other 25 matter or thing, or assist in selling, disposing of, exchanging for any other matter or thing, any intoxicating Liquor in contravention of this Act, for the person in whose service or on whose premises he may be, he shall be held equally guilty with the principal and shall suffer the like penalty.

**Who may hear cases under this Act.**

IV. Any Justice of the Peace, any Reeve or Mayor of a Township, Vil- 30 lage or other Municipality, any Police Magistrate, a Recorder of any City or Town, any Judge of a Circuit or Division Court shall and may hear and determine in a summary manner any case arising within his or their jurisdiction under this Act; and every person who shall make complaint against any other person for contravening this Act or any part or portion thereof, 35 before such Justice, Reeve, Mayor, Police Magistrate, Recorder or Judge, may be admitted as a witness, and if the Justice, Reeve, Mayor, Police Magistrate, Recorder, Judge or Commissioner before whom the examination or trial is had shall so order (as he may if he shall think there was probable cause for the prosecution) the defendant shall not recover costs, though the 40 prosecution fail.

**On what conditions only an appeal shall be allowed.**

V. No Appeal shall be allowed to any person complained of or convicted under this Act, unless he shall enter into a Recognizance or Bond to the Municipality in which the offence is alleged to have been committed in the sum of £25, jointly and severally, with two good and sufficient sureties, to 45 prosecute his Appeal, and to pay all costs, fines and penalties that may be awarded against him upon the final determination of the case; and no Recognizance or Bond shall be taken except by the Justices, Reeve, or Police Magistrate, Recorder or Judge before whom the complaint was made or the offender tried, and the security shall be to his satisfaction, and if the appeal 50