



S U P P L E M E N T
TO THE
NEW SOUTH WALES
GOVERNMENT GAZETTE
OF WEDNESDAY, OCTOBER 24, 1838.
Published by Authority.

SATURDAY, OCTOBER 27, 1838.

ANNO SECUNDO
VICTORIÆ REGINÆ.
No. 17.

By His Excellency Sir George Gipps, Knight, Captain General, and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, with the Advice of the Legislative Council
An Act to amend an Act, intituled "*An Act to provide for the Conveyance and Postage of Letters.*"

WHEREAS by an Act passed by the Governor of New South Wales, with the advice of the Legislative Council, in the fifth year of the Reign of His late Majesty King William the Fourth, intituled "*An Act to provide for the Conveyance and Postage of Letters,*" it was amongst other things thereby enacted, that it shall and may be lawful for the said Governor to fix the rates and sums of money to be demanded by the said Postmaster-General, and Postmasters respectively, and their assistants, for the receiving, dispatching, and delivering letters and packets, and to increase and reduce the same from time to time as to the said Governor shall seem meet; and to make such rules and regulations for the establishing and managing of the said several Post Offices, and the receiving and dispatching, conveying and delivering of letters and packets, and the collecting and receiving of the said rates and sums, and the said rules and regulations, from time to time, to alter, revoke, or vary, and such other rules and regulations to establish in their stead as he shall deem expedient: Provided, however, that such rates and sums, so to be fixed as aforesaid, shall not in any case exceed the rates respectively inserted, described, and set forth in figures in the Schedule to the said recited Act annexed; marked with the letter *A*: And whereas it is expedient that the said Schedule so marked, with the letter *A*, annexed to the said recited Act,

should be amended so far therein as relates to ship letters and packets mentioned in the said Schedule: Be it therefore enacted by His Excellency the Governor of New South Wales, with the advice of the Legislative Council thereof, No. 24, re. that the said recited part of the said Act, so far as the same relates to the said Schedule marked with the letter *A*, and the said Schedule shall be and the same are hereby repealed.

(Governor to fix rates of postage, and establish rules for the receiving and delivering of letters.)

II. And be it enacted, that it shall and may be lawful for the said Governor to fix the rates and sums of money to be demanded by the Postmaster General, and the Postmasters respectively, and their assistants, for the receiving, dispatching, and delivering of letters and packets, and to increase and reduce the same, from time to time, as to the said Governor shall seem meet; and to make rules and regulations for the establishing and managing of the said several Post Offices, and the receiving, dispatching, conveying, and delivering of letters and packets, and the collecting and receiving of the said rates and sums; and the said rules and regulations, from time to time, to alter, revoke, or vary, and such other rules and regulations to establish in their stead as he shall deem expedient: Provided, however, that such rates and sums; so to be fixed as aforesaid, shall not in any case exceed the rates respectively inserted, described in figures in the Schedule to this Act annexed, marked with the letter *A*.

"GEORGE GIPPS."

*Passed the Legislative Council
this twenty-fifth day of September,
One thousand eight
hundred and thirty-eight.*

WM. MACPHERSON,
Clerk of Councils.

SCHEDULE A REFERRED TO.

Table of the Rates of Postage chargeable upon Letters and Packets in New South Wales.

For every letter or packet weighing less than half an ounce, from one Post Office to another :—	£. s. d.
Not exceeding the distance of 15 miles	0 0 4
Above 15 miles and not exceeding 20 miles	0 0 5
Above 20 miles and not exceeding 30 miles	0 0 6
Above 30 miles and not exceeding 50 miles	0 0 7
Above 50 miles and not exceeding 80 miles	0 0 8
Above 80 miles and not exceeding 120 miles	0 0 9
Above 120 miles and not exceeding 170 miles	0 0 10
Above 170 miles and not exceeding 230 miles	0 0 11
Above 230 miles and not exceeding 300 miles	0 1 0
And for every hundred miles, or part thereof above 300 miles, the further sum of	0 0 1
For every letter or packet forwarded by sea from one port of the Colony to another	0 0 4
And so in proportion for letters or packets of greater weight.	
For every Newspaper printed in the Colony, if not put into any Post Office in New South Wales, for delivery at another, within seven days from the date thereof, at the rate of a single letter.	
For every letter or packet not exceeding four ounces in weight, when put into the General Post Office in Sydney, for delivery within the prescribed limits, including Newspapers	0 0 2
For every letter or packet put into any Post Office for delivery at such Post Office	0 0 1
For every ship letter or packet at the Port of receipt or dispatch, in addition to the inland postage, if any :—	
If single	0 0 3
If double	0 0 6
If treble	0 0 9
If quadruple	0 1 0
And in the proportion of two-pence additional for every such ship letter or packet of greater weight, but not exceeding the sum of two shillings and six-pence for any one such ship letter or packet, in addition to the inland postage.	

ANNO SECUNDO
VICTORIÆ REGINÆ.
No. 18.

By His Excellency Sir George Gipps, Knight, Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, with the advice of the Legislative Council.

"An Act for consolidating and amending the Laws relating to the Licensing of Public-

"houses, and for further regulating the Sale
"and Consumption of Fermented and Spi-
"rituous Liquors in New South Wales."

WHEREAS it is expedient to reduce into one Act the Laws relating to the licensing and regulation of public-houses, and also to restrict the retail of fermented and spirituous liquors, to persons duly licensed thereunto; and further, to alter and amend the Laws relating to the sale and consumption of such liquors in New South Wales as hereinafter is provided: Be it therefore enacted, by His Excellency the Governor of New South Wales, with the Advice of the Legislative Council thereof, That if any person shall, after the commencement of this Act, sell or dispose of, in any house or place, within the Colony of New South Wales, any fermented or spirituous liquors, or any mixed liquors, part of which is fermented or spirituous, or shall permit or suffer any such liquors to be sold or disposed of by any other person in his or her house, or other place, within the said Colony or its Dependencies, without having first obtained, in manner and form hereinafter directed, a license, sufficiently authorising such sale and disposal as aforesaid, every such person shall forfeit for every such first offence the sum of thirty pounds, and for every subsequent offence the sum of fifty pounds, together with the costs of prosecution, in every case to be recovered before any two Justices of the Peace, as hereinafter provided: And every such person shall further, upon conviction of any such offence, be rendered incapable of holding any license whatsoever under this Act for the period of three years from the time of such conviction.

(Exceptions.)

11. Provided always, and be it enacted, That nothing in this Act contained shall be construed to apply to any person selling any distilled or spirituous perfume, *bond fide* as perfumery, and not for the purpose of drinking, nor to any person practising as an apothecary, chemist, or druggist, who may administer or sell any spirituous or fermented liquors as medicines, or for medicinal purposes, nor to any person who, within the towns of Sydney, Parramatta, Windsor, Maitland, and Melbourne, and such other towns within the said Colony or its Dependencies, as shall, by the Governor or Acting Governor for the time-being, by a Notice to be published in the *New South Wales Government Gazette*, be from time to time declared, to come under the operation of this clause, shall dispose of any quantity not less than two gallons of any fermented or spirituous liquors, or any mixed liquors, part of which is fermented or spirituous, nor to any person who, within the towns of Liverpool, Campbelltown, Wollongong, Berrima, Goulburn, Bathurst, Penrith, Richmond, Newcastle, Morpeth, Carrington, and Port Macquarie, and such other towns, within the said Colony or its Dependencies, as shall by the Governor or Acting Governor for the time-being, by a Notice to be published in the *New South Wales Government Gazette*, be from time to time declared to come under the operation of this clause, shall dispose of any quantity not less than two gallons, of any fermented liquors, no part of which is spirituous, nor to any grower, or maker of wines

from grapes the produce of the said Colony or its Dependencies, who shall dispose of the same in any quantity not less than ten gallons, nor to any person or persons, who may give wine or beer made from grapes or grain of his, her, or their own growth, in part payment of wages to labourers on lands owned or rented by him, her, or them, nor to any Military Canteen duly established under the regulations of Her Majesty's service.

(Licenses, how issued, and what kinds.)

III. And be it enacted, That the licenses to be granted by virtue of this Act shall be issued by the Colonial Treasurer, or by such other person or persons, and in such place or places, as the Governor of the Colony may from time to time appoint, and shall be of four kinds, namely, one to be granted to innkeepers and publicans for the sale of all the liquors as aforesaid, and which shall, for the purposes of this Act, be denominated a "Publican's General License," and shall be in the form in the schedule hereunto annexed, marked A; one other to be granted to publicans and others for the sale of wine, beer, and fermented liquors only, to be called a "Wine and Beer License," and which shall be in the form in the schedule hereunto annexed, marked B; one other to be granted to masters or commanders of steam or other vessels conveying passengers, as hereinafter mentioned, which, for the purposes of this Act, shall be denominated a "Packet License," and shall be in the form in the schedule hereunto annexed, marked C; and another to be granted to confectioners or pastry-cooks for the sale of ginger beer and spruce beer, and which, for the purposes of this Act, shall be called a "Confectioner's License," and shall be in the form in the schedule hereunto annexed, marked D; all which licenses shall commence from the First day of July next following their respective dates, and shall be in force for one year then next ensuing (unless it be sooner forfeited), and no longer.

(As to a Publican's General License.)

IV. And be it enacted, That every such Publican's general license as aforesaid, shall authorise the person thereby licensed, to sell and dispose of any fermented or spirituous liquors, or any mixed liquors part of which is fermented or spirituous, in any quantity, in the house, or on the premises, therein specified: Provided however, that no such license shall be held to authorise any such sale, in any place where a retail shop is kept, upon pretext of refreshment allowed to customers, or otherwise howsoever.

(As to a Wine and Beer License.)

V. And be it enacted, That every such Wine and Beer license as aforesaid, shall convey to the person thereby licensed, the like authority, with the like proviso, as hereinbefore enacted with regard to a Publican's general license, except only that the same shall not extend to authorise the sale of any spirituous liquor, or mixed liquor part whereof is spirituous.

(As to a Packet License.)

VI. And be it enacted, That every such Packet license as aforesaid, shall be held to authorise the master or commander for the time being of the steam-packet or other vessel therein mentioned, being a vessel by which passengers shall be conveyed from any place within the said Colony or its

Dependencies, to any other such place, and being at the time of exercising such license actually on her passage between any such places, to sell and dispose of the liquors aforesaid to any passenger on board of such vessel: Provided however, that nothing in this Act contained shall be construed as prohibiting or rendering penal, allowances of liquor to the crew of such packet or vessel as aforesaid, which shall not otherwise be contrary to the law in force for the time being.

(As to a Confectioner's License.)

VII. And be it enacted, That every such Confectioner's license as aforesaid, shall be held to authorise the person thereby licensed, to sell and dispose of ginger beer, and spruce beer, but of no other fermented liquors, nor of any spirituous liquors, or mixed liquors part of which is spirituous, in any shop or place for the sale of pastry or confectionery, which he or she may keep within the town, district, or place specified in his or her license.

(Licenses may be extended pro tem. to Fairs, &c., by authority of Petty Sessions.)

VIII. And be it enacted, That in case any person holding a Publican's general license, a Wine and Beer license, or a Confectioner's license, shall obtain from the Petty Sessions of his or her district, and also from the Petty Sessions of the district (if a different one) in which any lawful or accustomed fair or other public general amusement lawfully authorised shall take place, an authority, in the form hereunto annexed marked E, then and in every such case, the privileges of the license of any such person as aforesaid shall respectively be extended to the fair or other place of amusement to which such authority shall apply, and for the time to be therein stated: Provided however, that no such fair or place of amusement (if out of the district of any such licensed person) shall be more than Ten miles distant from the house in respect whereof he or she shall be licensed.

(Disqualifications.)

IX. And be it enacted, That no license shall be granted or transferred, as hereinafter mentioned, under this Act, to any person holding office or employment under the government, nor to any constable, nor his deputy or bailiff, nor any licensed auctioneer; nor any person, nor the wife of any person, serving under a sentence for any criminal offence, whether any such sentence be partially remitted or not, unless by a pardon granted on the usual condition of residence in New South Wales, and then only after the same shall have been allowed by Her Majesty, and all such acts performed as are or shall be required by law, for the final confirmation of such pardon; nor shall any Publican's license be granted for any premises of which a constable is the owner, landlord, or proprietor, or wherein such constable has any partnership or share: Provided also, and be it enacted, that none of the persons hereinbefore mentioned, nor any person holding a license under this Act, shall be received, or taken as surety in any recognizance to be entered into, as hereinafter provided.

(Justices disqualified to act.)

X. And be it further enacted, That no Justice of the Peace being a brewer, malster, or distiller, or an importer of, or dealer in wine of any malt or spirituous liquors, or concerned in any part-

nership with any brewer, malster, or distiller, or dealer in wine, or malt or spirituous liquors, or being the landlord, owner, or part owner, of any house licensed, or about to be licensed, or being directly or indirectly interested in any such house, shall sit at, or act in, any meeting of Justices during the consideration of any application for a certificate for a license, or the transfer thereof, under the provisions hereinafter contained, or during the consideration of anything relating thereto, or shall convict or join in any conviction, or in the consideration or determination of any appeal under this Act; and every Justice, who shall knowingly offend in the premises, shall for every such offence forfeit and pay a penalty or sum of one hundred pounds, to be recovered by action of debt in the Supreme Court.

(As to notice of application for licenses.)

XI. And for the preventing the granting of licenses to improper persons, be it enacted, That every person desirous of obtaining any license under this Act, shall, on or before the first Tuesday in the month of April in every year, deliver to the Clerk, or the person officiating as Clerk of the Petty Sessions for the place or district within which it is proposed to exercise such license, a notice in writing of his or her intention to apply for the same, which notice, if the application be for a Publican's General license, shall be in the form in the schedule to this Act annexed, marked A 1; if for a Wine and Beer license, in the form in the schedule to this Act annexed, marked B 1; if for a Packet license, in the form in the schedule to this Act annexed, marked C 1; and if for a Confectioner's license, in the form in the schedule to this Act annexed, marked D 1, or to the effect of the said forms respectively, and so as to comprise all the particulars purporting to be therein respectively contained; and if the application be for a Publican's General license, or for a Wine and Beer license, the applicant shall also deliver, or cause to be delivered, with such notice, a certificate, signed by at least five known and respectable housekeepers, residing within such town or district as aforesaid, in the form in the schedule to this Act annexed, marked A 2.

(As to Districts without a Petty Sessions.)

XII. Provided always, and be it enacted, That if there shall be no established Petty Sessions for the district, or reputed district, within which it is proposed to exercise any such license, then, and in every such case, such notice as aforesaid shall be delivered to the Clerk of the Petty Sessions of the nearest district or place wherein a Police Magistrate shall officiate; and if there be any one or more Justice or Justices of the Peace residing within the district, or reputed district, from which the application shall proceed, the certificate hereinbefore referred to, in the form in the schedule hereunto annexed, marked A 2, shall be signed by one such Justice at the least; and if there be no such resident Justices, then by one Justice of some other district at the least, together with five known and respectable housekeepers of the district from which the application shall proceed; and upon delivery of such notice and certificate, the Petty Sessions of the district to which such application shall be made under this provision, shall receive and determine upon the same, in like manner in all other respects as an application from the district for which such Petty Sessions shall be usually held.

(Applications for Packet licenses where to be made.)

XIII. And whereas doubts may arise as to the Justices to whom applications shall be made within the meaning of this Act, for Packet licenses, by masters and commanders of vessels carrying passengers as aforesaid: Be it enacted, That in every case in which the vessel in respect whereof application shall be made, shall ply to or from the harbour of Port Jackson, such application shall be made to the Justices of the district of Sydney; and in every other case, application shall be made to the Justices of either of the towns or places of usual departure or arrival: Provided, that if such license be refused by the Justices at one of such places, no such license shall be afterwards granted by any other Justices, until the year next following such refusal.

(Annual Licensing Meeting.)

XIV. And be it enacted, That a general meeting (to be called the "Annual Licensing Meeting"), of the Justices of Petty Sessions acting in and for each district in the Colony, in which Petty Sessions shall be held, shall be holden in their respective Court Houses or usual places of meeting on the third Tuesday in the month of April in every year, for the special purpose of taking into consideration applications for such licenses as aforesaid: And it shall be lawful for the Justices assembled at such meeting to grant to such persons as shall be approved of by the majority of such Justices, after taking the required recognizances, certificates authorising such licenses, in the form in the schedule hereunto annexed marked E: And it shall be lawful for the Justices to adjourn the consideration of all, or any, of the applications before them from the day of such annual meeting, to such other day or days as the said Justices shall from time to time agree upon: Provided always, that such adjournments do not in the whole exceed three weeks from the day appointed for the said General Annual Licensing Meeting.

(Clerk of Petty Sessions to cause previous notice thereof.)

XV. And be it enacted, That the Clerk of Petty Sessions acting for each such licensing district, shall cause a notice of each "Annual Licensing Meeting," to be inserted at least one calendar month before the holding thereof, in the *Government Gazette* of the Colony, and also to be affixed to the door of the Court-house in which the same is appointed to be holden; And in case such notice or either of them be omitted through his default or neglect, he shall forfeit for each such omission a penalty of five pounds, upon conviction of such default or neglect before any one or more Justice or Justices of the Peace, but no omission or irregularity in any such notice shall affect the authority vested in any "Annual Licensing Meeting" held conformably in other respects to the provisions of this Act.

(Applicants to enter into recognizances.)

XVI. And be it enacted, That before the Justices shall deliver to any applicant for a license any certificate to authorise the issue thereof, every applicant shall enter into a recognizance with two sureties in the sum of fifty pounds each, if applying for a Publican's general license, in the form and with the conditions in the schedule hereunto annexed marked A 3; if for a Wine and Beer

license, in the form and with the conditions in the schedule hereunto annexed marked B 3 ; if for a Packet license, in the form and with the conditions in the schedule hereunto annexed marked C 2 ; and if for a Confectioner's license, in the form and with the conditions in the schedule hereunto annexed marked D.2; Provided always, that if it shall in any case appear expedient to the Justices to impose any special conditions upon any applicant for a license, in addition to those imposed by this Act, or contained in the said respective forms, whether as to the extent of accommodation required for travellers or guests in any licensed house, or otherwise as to the regulation thereof, and not contrary to any provision in this Act, it shall be lawful for the said Justices to insert the same in the recognizance in addition to the usual conditions thereof.

(As to Applicants absence through illness.)

XVII. And be it enacted, That in case any person desirous of obtaining a certificate for a license, shall be hindered by sickness or infirmity, or any other reasonable cause, from attending in person at any such general or adjourned meeting of Justices (such cause of absence being proved to their satisfaction) it shall be lawful for such Justices to certify in favour of such person upon three sufficient sureties to be approved as aforesaid, entering into the required recognizances in the sum of Fifty pounds each.

(Mode of taking recognizances.)

XVIII. And be it enacted, That all such recognizances as aforesaid, shall be entered into in the presence of the majority of the Justices assembled as aforesaid, and be signed by two, at least, of such Justices, except in case where one Justice is authorised to act alone as hereinafter provided: And if any such Justices shall sign a certificate to authorise the issue of a license before the required recognizance shall have been fully entered into, and signed, such Justice or Justices shall severally forfeit a sum of One hundred pounds, recoverable by action of debt in the Supreme Court.

(Recording of recognizances, and filing with the Clerk of the Peace.)

XIX. And be it enacted, That the said recognizances with their conditions shall be regularly recorded in the records of each Petty Sessions district, and shall also within one calendar month after the same are entered into, be transmitted to the Clerk of the Peace acting for the Quarter Sessions held for the County or district of Territory including such district, to be filed in his office.

(List of certificates to be sent to the Colonial Treasurer.)

XX. And be it enacted, That the Justices by whom any such certificates, as aforesaid, shall be granted by virtue of this Act, shall transmit to the Colonial Treasurer for the time-being, or to such other person or persons as may be appointed by the said Governor for the purpose of issuing licenses under this Act, within fourteen days after the granting thereof, a list signed by two at least of the said Justices (unless one only shall have acted under the authority hereinafter contained), specifying the names and residences of all the persons to whom any such certificates shall have been

so granted, and of their respective sureties, and the nature of the license authorised by each certificate, and specifying further with regard to all Publican's general licenses, and Wine and Beer licenses, the situation and sign or name of each house, and if not in a town, its distance from the nearest licensed house in each line of road, the name of the owner or proprietor, whether before licensed or not, and also the names and residences of the sureties.

(Certificates to be void unless lodged, and money paid thereon as herein provided.)

XXI. And be it enacted, That every certificate which shall be granted by the Justices to authorise the issue of any such license as aforesaid, shall be null and void, unless the same, and the sum required to be paid for such license, be lodged in the office of the Colonial Treasurer, or of such other person or persons aforesaid, as may be appointed by the said Governor in that behalf, on or before the thirtieth day of June next ensuing each Annual Licensing Meeting, and the said Colonial Treasurer, or other person as aforesaid, shall, and he is hereby authorised and required, forthwith after the receipt of every such certificate, to issue, and register in his office, a license, in one or other of the forms hereinbefore prescribed, according to the tenor of each such certificate respectively, upon payment being made to the said Colonial Treasurer, or other person as aforesaid, of the sum of Thirty pounds sterling for every Publican's general license, of the sum of Ten pounds for every Wine and Beer license, of the sum of Two pounds for every Packet license, and of the sum of One pound for every Confectioner's license.

(The Governor may authorise a License for a Defaulter upon an additional payment.)

XXII. Provided however, and be it enacted, That notwithstanding default in lodging any such certificate, or in payment of the sum required as aforesaid, whereby such certificate shall become void, it shall nevertheless be lawful for the Governor of the Colony, if he shall see fit, upon representation to him made of the circumstances occasioning such default, to direct the issue of the license for which such certificate shall have been granted, on payment of not less than Five pounds, nor more than Twenty-five pounds, in addition to the sum payable as hereinbefore mentioned.

(One Justice may act if no others attend after adjournment.)

XXIII. And be it enacted, That whenever, at any annual licensing meeting to be holden for any town or district as aforesaid, or any adjourned meeting thereof, two Justices, qualified to form a Petty Sessions for proceeding under this Act, shall not be present by one o'clock of that day, at the Court-house or other place appointed for the meeting, it shall be lawful for any one Justice of such town or district, being present, to adjourn or further adjourn the said meeting for one week (any limitation hereinbefore prescribed to the contrary notwithstanding), and to give notice of such adjournment to all the other Justices of the said town or district, and every such Justice to whom such notice shall be given is hereby required, under a penalty of Twenty pounds, recoverable by action of debt in the Supreme Court, to attend such adjourned meeting for the purpose of granting certificates for licenses under this Act; and if at

such adjourned meeting there shall not be present two qualified Justices, it shall be lawful for any one qualified Justice, being present, to grant any certificate for a license or licenses under this Act: Provided always, that nothing herein contained shall be construed as imposing the above penalty, except in default of the presence of two Justices qualified to perform the acts hereby required, nor shall such penalty be enforced, if such default of attendance be occasioned by the illness of a Justice summoned to attend as aforesaid, such prevention by illness being certified to the Justice present at the said adjourned meeting, by the certificate of a medical attendant of the party, or by the affidavit of the party himself.

(Colonial Treasurer may issue Packet Licenses in special emergencies.)

XXIV. And whereas public inconvenience might occasionally be sustained by delaying the issue of a Packet license to the master or commander of a vessel conveying passengers in manner aforesaid, until the next meeting of Justices qualified to grant a certificate for the issue thereof: Be it therefore enacted, That it shall be lawful for the Colonial Treasurer of the said Colony, for the time being, upon a certificate in the proper form signed by two or more Justices, together with the sum required to be paid for such license, being lodged in the office of the said Colonial Treasurer, or of such other person appointed to issue licenses as aforesaid, and the master or commander having entered into the necessary recognizance, to authorise the issue of any such Packet license, at any period of the year, to take effect and remain in force until the first day of July next ensuing the date thereof: Provided that the applicant for such license shall not have been refused a certificate for a license by any meeting of Justices to which he may have applied for the same.

(Governor may direct renewal of License without certificate in certain cases.)

XXV. And whereas persons desirous of renewing their licenses, and ready to fulfil the conditions of this Act, may be unable to obtain the necessary certificate to entitle them to a renewal of such licenses, by reason of the non-attendance of any qualified Justice at the Annual Licensing Meeting, or on the day of such adjournment thereof as aforesaid, whereby great inconvenience and loss may be sustained by such persons: Be it therefore enacted, That it shall be lawful for the Governor of the said Colony, whenever he shall be satisfied that any person applying to have his or her license renewed, has, from the causes aforesaid, or from any other cause without any default or neglect on his or her part, been unable to obtain the certificate aforesaid, at the time and in manner hereinbefore appointed, to order and direct that a new license be issued to any person so applying, upon his or her entering into the recognizances and paying the duty required by this Act.

(Majority of resident Justices may specially recommend licenses at any time.)

XXVI. And be it enacted, That whenever it shall appear to a majority of the entire number of qualified Justices residing within any district for which an Annual Licensing Meeting is usually held, that any injustice or material injury, of a public nature, will be occasioned by delay in the granting of any license under this Act, until the

next Annual Licensing Meeting, it shall be lawful for the Justices forming such majority, if they shall in their discretion think fit, to recommend the granting of such license, at any period of the year, and upon such recommendation, together with the certificate required under this Act, being laid before the Governor, signed by all the Justices forming such majority as aforesaid, and upon the recognizances required by this Act being duly entered into, it shall be lawful for the said Governor, if he shall in his discretion think fit, to authorise the issue of the license applied for, to continue in force until the first day of July thence next ensuing, upon payment of such sum as shall be determined by the said Governor.

(Special Petty Sessions for transferring licenses.)

XXVII. And be it enacted, That Special Petty Sessions of Justices of the Peace shall be holden on the first Tuesday in each of the months of September, December, and March, in every year, in each town or district in which such Annual Licensing Meeting shall be holden as hereinbefore directed, for the purpose of receiving applications for transferring licenses, which meetings shall respectively have the like powers of adjournment, and the like power shall devolve upon any one Justice after adjournment by him for one week, in default of the attendance of any other Justice or Justices, to whom notice shall be given as aforesaid, and who shall be subject to the like penalty for non-attendance as hereinbefore is enacted with respect to an Annual Licensing Meeting.

(Such Sessions may transfer Licenses.)

XXVIII. And be it enacted, That it shall be lawful for the Justices assembled at such Special Petty Sessions, to transfer the license of any person licensed as aforesaid, to the appointee of the original holder of such license, by an endorsement upon the original license, in the form in the schedule to this Act annexed marked I, or to the effect thereof, such appointee entering into the same recognizances, and producing also the same certificates as the original party obtaining the same is by this Act bound to enter into or produce.

(Devolution of License on Executors or Trustees.)

XXIX. And be it further enacted, That in case of the decease or insolvency of any person holding a license under this Act, his or her executors or administrators or trustees, as the case may be, shall be entitled to carry on the business of the person so licensed as aforesaid, and to act under the authority of the said license, without any renewal or formal transfer thereof, during six months, if the license have so long to run, or until the next licensing day following the date of his or her decease, or of the legal vesting of his or her property in such trustees, as the case may be; Provided that such license shall be subject to the same regulations as if it had continued to be holden by the person to whom the same was granted, and that new recognizances be entered into by such executors, administrators, or trustees respectively, before the Justices assembled at the next Special Petty Sessions for the district, ensuing the date of such decease or legal vesting as aforesaid, or before any Justice or Justices of the district who shall previously require the same to be entered into.

(Majority of Resident Justices may transfer Licenses at any time for special reasons.)

XXX. And be it enacted, That whenever it shall appear to a majority of the entire number of qualified Justices residing within any district, that any injustice or material injury, of a public or private nature, will be occasioned by a delay in the transfer of any license under this Act until the next Special Petty Sessions, it shall be lawful for the Justices forming such majority, if they shall in their discretion think fit, to transfer such license at any period of the year: Provided all conditions required by this Act,* shall be first duly fulfilled. *(Licensed persons desirous of removing to another house to memorialise Justices.)*

XXXI. And be it further enacted, That in case of any person having duly obtained a "Publican's General License," or a "Wine and Beer License," shall be desirous to remove his business from the house expressed in such license to any other house within the same district, at any time after the issuing of his or her said license, and before the next General Licensing Meeting, then upon memorial from such person to the Justices of the district in which the original license was granted, it shall be lawful for the said Justices, or any two or more of them, after such person shall have entered into a new recognizance, with such sureties as aforesaid, to grant a certificate authorising the Colonial Treasurer, or other person duly appointed to issue licenses as aforesaid, to affix his signature to a memorandum, to be endorsed upon or affixed to the original license, in the form in the schedule hereunto annexed marked K, or to the effect thereof, by virtue whereof the said license shall be thenceforth transferred during the remainder of the time the same has to run, to the house or premises mentioned in such certificate, and shall cease to apply, except so far as regards acts or liabilities already performed or incurred, to the house and premises for which such license was originally granted.

(Clerk of Petty Sessions to report transfers to the Colonial Treasurer.)

XXXII. And be it enacted, That every transfer of a license authorised by any Justices under this Act, whether as regards the person or the house to which the licence shall apply, shall within fourteen days after such transfer be reported to the Colonial Treasurer, or such other person appointed to issue licenses as aforesaid, by the Clerk of the Petty Sessions, by which such transfer shall be authorised, under a penalty for every neglect or omission of Five pounds, to be recovered before any one or more Justice or Justices of the Peace. *(Penalties and disabilities for licensed persons offending.)*

XXXIII. And be it enacted, That if any person holding a license under this Act, except a packet license, shall have or keep, in, or, about his house, premises or appurtenances, or at any place connected with the same in any way whatever, any skittle ground or ball court, or any dice, cards, bowls, billiards, quoits, or other implements used in gaming, or shall suffer any person resorting thither to use or exercise any kind of said games, or any other unlawful game or sport within his said house, premises, or appurtenances, or if any such licensed person shall offend against the tenor of his or her license, or shall in any respect

commit a breach of any condition of the recognizance by him or her entered into, he or she shall upon being lawfully convicted before two or more Justices of the Peace, forfeit and pay for every such offence a sum of not less than Forty shillings nor more than Twenty pounds, with costs: Provided however, that the Police Magistrate of the Town of Sydney, or any Bench of Magistrates, of whom the Police Magistrate, if there be such, shall be one, may at their discretion grant a written permission to any licensed person within their respective Districts to allow the game of billiards to be played in his or her licensed house, on any day, Sunday, Good Friday, and Christmas Day excepted, on payment of the sum of Ten pounds, in addition to the sum to be paid in like manner, as hereinbefore is mentioned for his or her license, and also of the sum of Ten pounds hereinafter required to be paid for dispensing with the restrictions, or part thereof, in respect to the hour of closing houses licensed under this Act: And provided further, that for any second or subsequent offence it shall be lawful for the said Justices in their discretion either to proceed to such conviction as hereby authorised, or before the hearing of the complaint, or at any time before conviction, to issue a summons requiring the person so complained of, or informed against, to appear at the next Court of Quarter Sessions to be holden for the county or division of territory including the district or place wherein such licensed person resides, then and there to answer to the matter of such complaint or information, and any other person or persons to appear at such Sessions, and give evidence against such licensed person; and the Justices of the Peace at such Sessions shall enquire into the offence charged in the said complaint or information, and if they find that such licensed person hath committed the offence against the tenor of his or her license or recognizance, in the said complaint or information specified, and that such licensed person hath been once or oftener previously convicted of offences against the tenor of his or her license or recognizance, it shall be lawful for the said Justices of such Sessions to adjudge such licensed person guilty of such second or subsequent offence, which adjudication shall be final, and thereupon the said Justices shall have authority to punish the party so convicted by a fine or penalty of not less than Ten pounds, nor more than One hundred pounds, or at the discretion of the said Justices, by declaring his or her recognizance to be forfeited, and also at their discretion his or her license to be void; and such recognizance shall be forfeited, and such license from thenceforth be void accordingly; and the said person whose license shall be declared void, shall from thenceforth be incapable of receiving or holding any license under this Act, for the space of three years, to be computed from the day of such adjudication: Provided always, that no recognizance shall be declared forfeited unless upon such adjudication by the said Court of Quarter Sessions or Justices, as aforesaid, upon such second or subsequent conviction.

(Majority of Justices to exercise all the powers by this Act vested in the Court of Quarter Sessions as far as regards declaring forfeiture of recognizance, &c.)

XXXIV. Provided always, and be it further enacted, That it shall be lawful for the majority of

the Justices, to be at any time assembled at Petty Sessions in any district (such majority consisting of not less than three Justices) to exercise all the powers lastly hereinbefore given to the next Court of Quarter Sessions, so far as regards the declaring the recognizance of any person holding a Wine and Beer license within the district of such Petty Sessions respectively, to be forfeited, and also at their discretion his or her license to be void; and the decision of such majority consisting of three or more Justices shall be final; and the like incapacity shall follow from a cancellation of a license by their authority as hereinbefore provided in the case of the same being cancelled by a Court of Quarter Sessions.

(Publicans to have their names, &c., painted on their premises.)

XXXV. And be it enacted, That every person who shall hold a "Publican's general license" shall and is hereby required to have his or her name, at length, painted in legible letters at least three inches long, with the words "Licensed to retail fermented and spirituous liquors;" and every person holding a Wine and Beer license, shall have his or her name painted as aforesaid with the words "Licensed to retail Wine, Beer and fermented liquors;" constantly and permanently remaining, and plainly to be seen and read, on a conspicuous part of his or her house or appurtenances; and every holder of a Publican's general license, or Wine and Beer license, shall also keep a lamp with at least two burners affixed over the door of his or her house, lighted, and to be kept burning, the whole of each and every night from sun-set to sun-rise, during the time of his or her holding such license; and any such licensed person who shall fail or neglect to comply with the regulations hereby imposed or either of them, shall for every offence forfeit and pay any sum not less than One pound nor more than Five pounds, upon conviction thereof, before any one or more Justice or Justices of the Peace in manner hereinafter directed.

(Unlicensed persons keeping up signs, &c., to be fined.)

XXXVI. And be it further enacted, That if any person not actually holding a license shall keep up any sign, writing, painting, or other mark, on or near to his or her house or premises, which may imply or give reasonable cause to believe that such house or premises is or are licensed for the sale or barter of any such liquors as aforesaid, or that such liquors are sold or served therein, he or she shall for every such offence forfeit and pay the sum of Twenty pounds.

(Every licensed house to possess certain accommodation for travellers and guests.)

XXXVII. And be it further enacted, That every house for which a Publican's general license shall be granted, and every house for which a Wine and Beer license shall be granted, as to which the Justices shall declare, in the certificate authorising the license, that the same is to be liable to the conditions applicable to an inn, or place of resort for travellers, shall, at the time of granting such license, contain at least two sitting-rooms, and two sleeping-rooms actually ready and fit for public accommodation, independent of the apartments occupied by the family of the publican, and shall also be provided with a place of accommoda-

tion, on or near the premises, for the use of the customers thereof, in order to prevent nuisances or offences against decency; and shall also be provided with stabling sufficient for the accommodation of six horses at the least, and with a sufficient supply of hay, corn, or other wholesome and usual provender for the horses of travellers: And in case any such licensed house as aforesaid, shall cease to be so provided as hereinbefore required, or as required by the conditions of any such recognizance as aforesaid, where the same shall be inserted therein, it shall be lawful for any two or more Justices of the Peace, upon proof thereof to their satisfaction, to declare the license of such house to be forfeited, and the same shall thereupon and thenceforth become null and void: But, in case, on the granting of a certificate for any license by any Justices as aforesaid, it shall appear to them expedient to grant such certificate upon any other conditions with reference to the extent of accommodation to be afforded to the public in the aforesaid or any other respects, it shall be lawful for the said Justices to insert such conditions in the recognizance of the person to whom such certificate for such license shall be so granted, and in every such case the conditions so to be inserted shall, so far as regards such person, be taken to be the conditions imposed and binding upon him or her, under the present section of this Act:

(Penalty for refusing Entertainment.)

XXXVIII. And be it enacted, That if any holder of a Publican's general license, upon any line of road in the Colony, shall, without reasonable cause, refuse to receive a traveller as a guest into his or her house, or to find any such traveller victuals or lodging, or to receive the horse or horses of a traveller, and to provide such horse or horses with sufficient provender, whether the owner lodge in his or her house or not, every such licensed person shall for every such offence forfeit and pay a sum not less than Five pounds, nor more than Twenty pounds, upon conviction in a summary way before any one or more Justices of the Peace.

(Immunity from Distress for Rent, &c., of Stranger's Property.)

XXXIX. And be it further declared and enacted, That every house for which a Publican's general license shall be granted, shall be considered as a common Inn, and no goods or chattels whatsoever, *bonâ fide* the property of any stranger or strangers, and being in such licensed house, or the appurtenances thereof, or any place used and occupied therewith in the ordinary course of resort at such licensed house, shall be subject to be distrained or seized for or in respect of any claim of rent for such licensed house or appurtenances, or in respect of any other claim soever against the said house or appurtenances, or the owner thereof; and if any such goods or chattels shall be distrained or seized for rent, or in any other manner contrary to the provisions of this Act, it shall be lawful for any two Justices of the Peace to enquire into any complaint made in respect of such distress or seizure, in a summary manner, and to order such goods and chattels to be restored to the owner or proprietor thereof; and further to award such reasonable costs as shall be incurred by such summary proceeding, and such costs to be levied by distress and sale of the goods or effects of the person or per-

sons distraining or seizing such goods or chattels as aforesaid.

(No Licensed house in Sydney or elsewhere after notice as herein provided to have any ingress or egress except in the streets named in the License.)

XL. And be it enacted, That no house for which either a Publican's General License, or a Wine and Beer License shall be granted within the towns of Sydney, Parramatta, Windsor, Maitland and Bathurst, shall have any ingress or egress, except in the street or streets named in the license for such house; and every such license shall become void, in case any other passage or entrance than the entrance named in such license shall be used, permitted, or allowed to such house: And if the Governor of the said Colony for the time being shall cause a Proclamation to be published in the *Government Gazette*, declaring the present section of this Act to be applicable to any other town or towns in New South Wales, or if the Police Magistrate of any town in the said Colony shall cause a notice under his hand to be delivered to the person licensed, in respect of any house licensed as aforesaid, situated within the limits of any such town, that the present section of this Act shall be applicable to the said house, then, and in such cases respectively, the town or towns to be from time to time mentioned in any such proclamation, or the licensed house or houses to be from time to time particularised in any such notice, shall from the expiration of one month from the date of such Proclamation or notice respectively, be subject to the prohibition and penalty herein made applicable to houses licensed as aforesaid within the said towns of Sydney, Parramatta, Windsor, Maitland, and Bathurst, as fully as if the same had been also expressly included in this section.

(No action to be maintained on account of liquors illegally supplied.)

XLI. And be it enacted, That no person shall maintain any action for, or recover either in the Supreme Court or the Court of Requests, or otherwise howsoever, any debt or demand on account of any liquors sold or disposed of in contravention of this Act, whether the same shall be sold without a license, or by exceeding the authority, or violating the conditions annexed to any license in the express terms thereof, or in the provisions of this Act; and further, that no person howsoever licensed shall maintain any action for, or recover as aforesaid, any debt on account of any spirituous liquors which shall be sold or delivered in any quantity less than two gallons, and delivered and taken away all at one time; Provided however, that nothing herein contained shall extend to prevent Innkeepers from keeping an account with *bona fide* lodgers and travellers, in which any charge for spirits may be included, and lawfully recovered, as part of the amount thereof.

(Licensed persons to receive payment in money only.)

XLII. And be it enacted, That if the holder of any license under this Act shall take or receive from any person whomsoever, in payment or in pledge for liquors, or for any entertainment whatsoever, supplied in or out of his or her house or premises, any article of clothing or slops, or any tool, or other article or thing, excepting metallic

or paper money, such occupier or possessor of a public-house, so offending shall, upon conviction before two Justices of the Peace, for such offence, forfeit and pay any sum not less than Five pounds, nor more than Twenty pounds sterling, independently of such fine or punishment as may attach to so doing under any other Act or regulation now, or hereafter to be, in force in said Colony.

(Liquors to be sold according to the imperial measure.)

XLIII. And be it further enacted, That every licensed person shall sell or otherwise dispose of all liquors (except in quantities less than half a pint) by the gallon, quart, pint, or half-pint, of full imperial measure, according to the standard which is by law established in this Colony; and shall also, if required by any guest or customer purchasing such liquor, retail the same in a vessel sized according to such standard; and in default thereof, he shall for every such offence forfeit the illegal measure, and pay a sum not exceeding forty shillings, together with the costs of the conviction, to be recovered within thirty days next after that on which such offence was committed, in a summary way, before any one or more Justice or Justices of the Peace.

(No Publican in Sydney or elsewhere as herein provided to retail Spirits in the Tap.)

XLIV. And be it enacted, That it shall not be lawful within the town of Sydney, to dispose of any spirituous liquors in that part of a public-house, or adjoining to a public-house, called a Tap, and any person who shall sell or dispose of spirituous liquors in such Tap, shall be subject and liable to all the fines and penalties imposed by this Act upon persons so selling or disposing thereof without a license: And if the Governor of the said Colony for the time being, shall cause a Proclamation to be published in the *Government Gazette*, declaring the present section of this Act to be applicable to any other town or towns in New South Wales, or if the Police Magistrate of any town in the said Colony shall cause a notice, under his hand, to be delivered to the person licensed in respect of any public-house situate within the limits of any such town respectively, that the present section of this Act shall be applicable to the said public-house, then and in such cases respectively, the town or towns to be from time to time mentioned in any such Proclamation, or the public-house or houses to be from time to time particularised in any such notice, shall from the expiration of one calendar month from the date of such Proclamation or notice respectively, be subject to the restriction and penalty herein made applicable to public-houses within the town of Sydney, as fully as if the same had been also expressly included in the present section of this Act.

(No licensed person to employ convicts in management of the house.)

XLV. And be it enacted, That it shall not be lawful for any person holding any license under this Act, to have, retain, or employ, or to permit or suffer to be retained or employed, any person suffering under a sentence, whether Colonial or otherwise, for a criminal offence, whether any such sentence shall be partially remitted or not, excepting by a conditional pardon granted and confirmed in such manner as to qualify the holder to apply himself for a license, within the meaning of

this Act,* in the care, charge, conducting, or management of the public house, or place in which such license shall be exercised, or in the business thereof, or the sale of any of the said liquors therein or thereout, during the absence of such licensed person, either on the ground of illness or from any other cause soever, under a fine or penalty of Fifty pounds for every such offence, to be summarily recovered before two or more Justices of the Peace, and in case of a conviction for such offence, the Justices before whom such licensed person shall be so convicted, may, if they think proper, withdraw or cancel the license so granted to such person, in addition to the payment of the said fine as aforesaid: And if any person under sentence, and not holding such pardon as aforesaid shall be convicted of selling or retailing, either for himself or herself or for any licensed or unlicensed person, any ale, beer, wine, or other fermented or spirituous liquors, contrary to the provisions in this Act contained, it shall be lawful for the said Justices before whom such felon or offender shall be so convicted, to sentence such offender, if a male, to be worked in irons on the roads or public works of the said Colony for any term not exceeding two years nor less than three months, and if a female, to be confined and kept to hard labour for the like period in any gaol or factory appointed by the Governor for the custody of female offenders: Provided, however, that nothing hereinbefore contained shall be held to apply to the lawful wife of any licensed person, although under sentence as aforesaid.

(Restriction on receiving convicts into licensed houses.)

XLVI. And be it enacted, That any holder of a "Publican's General License," or of a "Wine and Beer License," who shall knowingly and willfully admit or receive any convict into his or her house, or any other place held or occupied therewith, except in the presence or by the written direction of the master, mistress, or overseer of such convict, shall forfeit and pay the sum of Five pounds, to be recovered before any one or more Justice or Justices of the Peace: Provided that nothing herein contained shall be construed to extend or apply to any convict holding a ticket-of-leave or other partial or temporary remission of sentence.

(Penalty on licensed persons selling liquors to convicts without permission of master, &c.)

XLVII. And be it enacted, That any person holding a Publican's general license or a Wine and Beer license, who shall sell or dispose of any liquors as aforesaid, to any convict, or who shall deliver any such liquors to any convict except with the permission or in the presence of the master, mistress, or overseer of such convict, and then not exceeding the quantity which such master, mistress, or overseer is authorised to supply as hereinafter mentioned, shall for the first offence forfeit and pay the sum of Five pounds; for the second offence the sum of Ten pounds; for the third and every subsequent offence the sum of Twenty pounds, to be recovered before any one or more Justice or Justices of the Peace: And every licensed person shall be held responsible for all precautions necessary to prevent the inadvertent sale, or disposal of such liquors to any convict in ignorance of his or her being such: Provided

however, that if it shall be made to appear to the satisfaction of such Justice or Justices that notwithstanding ordinary precaution in this behalf, the licensed person has been imposed upon by falsehood or fraud, and has thereby unknowingly and unwillingly offended against the present provision, it shall be lawful for the said Justice or Justices to mitigate the said penalty to the sum of One pound; and no conviction in such mitigated sum shall be accounted as a first or second conviction, so as to augment the penalty, upon any future conviction under this Act: Provided always, that nothing herein contained shall be construed to extend or apply to any convict holding a ticket-of-leave or other partial or temporary remission of sentence.

(No spirits to be sold or given to convicts, except as herein mentioned.)

XLVIII. And whereas, the unregulated supplying or giving of spirituous liquors to convicts under sentence by their masters or others, has been the cause of frequent crimes: Be it therefore enacted, that it shall not be lawful for any person whomsoever whether licensed or unlicensed under this Act, either to sell or to supply, or to give (save as hereinafter excepted) any spirituous liquor or mixed liquor, part whereof is spirituous, in any quantity whatsoever, to any convict under sentence, for the purpose of the same being drunk by such convict, or by any other convict; and if any person shall sell, supply, or give any spirituous liquor to any such convict contrary to this enactment, he or she shall for every such offence forfeit and pay (over and above any penalty which may be incurred for the sale of such liquors without a license) a penalty of Five pounds, to be recovered before any one or more Justice or Justices of the Peace: Provided however, that such penalty shall not be recoverable in case it shall be satisfactorily proved that the spirituous liquor supplied as aforesaid was administered medicinally, nor in case it shall appear that the same was supplied to any convict by, or, in the presence of, or by the written permission of his or her master, mistress, or overseer, in a quantity not exceeding half a gill of spirits, (as measured before being diluted) within six hours; and not exceeding one gill within twenty-four hours; nor in case it shall appear that the same was issued by a master, mistress, or overseer, in a moderate and reasonable quantity, and without occasioning drunkenness, to convicts actually engaged in sheep washing: And provided, that nothing herein contained shall be construed to extend, or apply to, any convict holding a ticket-of-leave or other partial or temporary remission of sentence; and provided, that if it shall appear to the satisfaction of such Justice or Justices, that the person supplying the spirits in manner aforesaid, to any convict, had reasonable ground for believing him or her to be a free person, it shall be lawful for such Justice or Justices to mitigate the said penalty to the sum of One pound.

(As to supplying liquors to Aboriginal natives.)

XLIX. And whereas, the introduction of intoxicating liquors among the Aboriginal natives of New South Wales and New Holland is productive of serious evil to the said Aboriginal natives and others: Be it enacted, that if any person whatsoever whether licensed or unlicensed

under this Act, shall sell, or supply or give any spirituous liquor, or mixed liquor part whereof is spirituous, in any quantity whatever, or any fermented liquor, or mixed liquor, part whereof is fermented, in any quantity which shall produce intoxication to any Aboriginal native of New South Wales or New Holland, he or she shall for every such offence forfeit and pay (over and above any penalty which may be incurred for the sale of such liquor without a license) a penalty of Five Pounds, to be recovered before any one or more Justice or Justices of the Peace.

(Justices and authorised constables to have free ingress into licensed houses.)

L. And be it enacted, That it shall be lawful for any Justice of the Peace, or any constable, with a general authority in writing signed by two Justices of the Peace, together with his assistants to demand entrance from time to time into any licensed houses, or for any constable specially authorised in any particular instance whether verbally or in writing by any such Justice to demand entrance into any licensed public house, or other place where any license shall be exercised for the sale of any liquors under this Act, or the appurtenances thereof, at any time by day or night, and if admittance be delayed for such time as shall make it appear to any such Justice or Justices that wilful delay was intended, it shall be lawful for such Justices or Justices to summon the person so offending before the next Court of Quarter Sessions for the district; and upon conviction before such Court of Quarter Sessions, the license of the party so offending shall be forfeited, any thing hereinbefore contained to the contrary notwithstanding; and no license shall again be granted for the space of three years from the date of such conviction to any person who shall be so convicted of refusing or wilfully delaying admittance: Provided always, that if such admittance be refused or wilfully delayed, it shall be lawful for such Justice or constable to break into or employ force to enter such public house or other place as aforesaid, with his assistants, to serve process or for any other lawful purpose.

(Public houses not to be open before or after certain hours.)

LI. And be it enacted, That no person holding a "Publican's General license," or a "Wine and Beer license," under this Act, shall have or keep his house open for the sale of any liquor, nor shall sell or retail any liquor or suffer the same to be drunk or consumed in or at such house at any time before the hour of four o'clock in the morning, nor after nine o'clock in the evening, from the first day of October to the thirty-first day of March, and six o'clock in the morning, and the same hour of nine in the evening, from the first of April to the thirtieth of September, both inclusive, upon any day in the week, nor at any hour on a Sunday, Good Friday, or Christmas Day, except as herein-after provided: And if any licensed person shall offend against this provision he or she shall for every such offence forfeit the sum of Two pounds, to be recovered before any one or more Justice or Justices of the Peace; and every separate sale shall be deemed a separate offence: Provided however, that nothing herein contained shall be construed to prohibit the sale or delivery of such liquor

at any time to persons being *bona fide* lodgers, or inmates, or to travellers seeking refreshment on a journey: And provided also, that it shall be lawful for the Police Magistrates of the town of Sydney, and the Justices of any other district in Petty Sessions assembled, by a special authority in writing to be sanctioned by the majority of such Justices, and to be signed by two at least of such Justices, one of whom shall be the Police Magistrate, if there be one for such district, upon the payment of Ten pounds (in addition to the sum hereinbefore required to be paid for his or her license, and the sum of Ten pounds hereinbefore required to be paid for permission to keep a billiard table) to dispense with the whole or any part of the restrictions and prohibitions of this present provision so far as may regard any licensed house within such district respectively, and either for a time to be specified in such written authority, or for the whole year; but which said authority it shall be lawful for the said Justices to revoke whenever they shall see fit by causing a notice to that effect signed by such Justices, to be served upon the person to whom the said authority shall have been given: And provided also, that it shall not be construed to prevent the sale of wine or other fermented liquors, on Sundays, Good Fridays, or Christmas Days, between the hours of one and three o'clock, if the same shall not be sold for the purpose of consumption in or upon the premises, or be allowed to be drunk or consumed in or upon the same.

(Penalty for publicans abandoning the occupation or management of their houses.)

LII. And be it further enacted, That if any licensed person shall abandon the occupation of his or her licensed house, as his or her usual place of residence, and permit any person whatsoever to manage, superintend, or conduct the business of such house, or shall, whether residing in such house or not, permit any unlicensed person to become virtually or in effect the keeper thereof, then, or in either of the said cases, upon proof of the fact to the satisfaction of any two or more Justices of the Peace, the license of such house for the current year shall become and be absolutely void, any thing hereinbefore contained to the contrary notwithstanding.

(Penalty for employing unlicensed persons to retail liquors out of their houses, or disposing of them for that purpose.)

LIII. And be it enacted, That if any licensed person shall employ any unlicensed person to sell or dispose of by retail as aforesaid, any such liquors as aforesaid, in any house, or in any cart, dray, or other carriage, or in any vessel or boat, or in any place whatsoever out of the house or place in which such licensed person is authorised to sell or dispose of the same by virtue of his or her license, and notwithstanding in such house or place, if otherwise than as the servant or agent under the immediate superintendence and control of such licensed person; or if any licensed person shall sell, barter, or lend, to any unlicensed person any such liquors with the knowledge, or upon the understanding, that such liquors are to be sold or bartered by such unlicensed person, contrary to the true intent and meaning of this Act, every such licensed person shall, upon conviction before any two or more Justices of the Peace, forfeit

and pay for every such offence the sum of Fifty pounds.

(If it be suspected that liquors are retailed in any unlicensed house, they may be seized; and if after examination it shall so appear, they shall be forfeited.)

LIV. And be it further enacted, That upon information on oath being made before any Justice of the Peace by any constable or credible person, that he or she doth verily suspect and believe that any such liquor or liquors as aforesaid is or are, or have been, sold or retailed by any person not holding a license authorising such sale, in any particular unlicensed house, or other unlicensed place, and such constable or other person shall in such information set forth and show reasonable grounds for such belief and suspicion; then, and in such case, it shall be lawful for such Justice in his discretion to grant his warrant to any constable to enter and search any such house or other place by day; and such constable may break open the doors, if not opened within a reasonable time after demand, and seize all such fermented or spirituous or mixed liquors as aforesaid, as he shall then and there find, and the vessel or vessels in which such liquors shall be contained, and shall and may detain the same until the owner thereof shall appear before two or more Justices to claim such liquors, and shall satisfy the said Justices how and for what purpose he became possessed of the same; or after being summoned shall fail to appear; and if it shall appear to the said Justices, after due enquiry and examination, that such liquors were in the said house or other place for the purpose of being illegally sold or disposed of by retail, then such Justices shall adjudge the said liquors and vessel or vessels to be condemned and forfeited, and the same shall and may be sold; and the proceeds thereof, after the payment of such costs as may be assessed and awarded by such Justices, shall be applied and distributed in equal moieties to the use of Her Majesty, and to or amongst the party or parties so informing; but if otherwise, then such liquors and vessel or vessels shall be forthwith restored to the proper owner.

(Liquors hawked about to be seized and condemned.)

LV. And be it enacted, That it shall be lawful for any Justice of the Peace, constable, or other peace officer, to seize and take away, or to destroy, or cause to be seized, taken away, or destroyed, all such fermented or spirituous or mixed liquors as aforesaid, as shall be hawked about or exposed to sale in any street, road, footpath, or in any booth, tent, stall, or shed, or in any boat or vessel, or any other place whatever, by any person not licensed to sell the same in such place; and the vessels containing the same, and all the vessels and utensils used for drinking or measuring the same, and any cart, dray, or other carriage, and any horse or horses, or other animal or animals employed in drawing or carrying the same, as well as any boat or vessel used in the conveyance of such liquors as aforesaid; and it shall be lawful for any one or more Justice or Justices of the Peace, on his or their own view; or on confession of the party, or by proof of such offence by the oath of one or more credible witness or witnesses, to convict any person so offending of selling such liquors without a license, and to adjudge him, her, or them, liable to all the penalties imposed by this Act for such

offence, and to cause such liquors, vessels, and utensils containing the same, and any cart, dray, or other carriage, horse, or horses, or other animal or animals, and any boat or vessel used in conveying the same, to be sold; and the proceeds thereof, after deducting the expenses of sale, shall be paid, one moiety to the use of Her Majesty the Queen, and the other moiety to the person or persons who may in any such case first seize, inform, or prosecute.

(Spirituous liquors found in possession of a holder of a "Wine and Beer license" to be seized and forfeited.)

LVI. And be it enacted, That in case the holder of any "Wine and Beer License" under this act, shall possess or have any spirituous liquor whatsoever, or mixed liquor part of which is spirituous, in or about his or her house or premises, or in any other house or premises in which the same shall be proved, to the satisfaction of any one or more Justice or Justices of the Peace, to have been placed for the purpose of being sold or disposed of by or on behalf of the holder of such license aforesaid, or for the purpose of evading the provisions of this Act in any manner, then, and in every such case, all such spirituous liquors, or mixed liquors as aforesaid, shall be absolutely forfeited, and the same, with the vessels and utensils used for the same, shall be dealt with and disposed of as herein provided in cases of liquors hawked about or exposed to sale; for which purpose, the same, if in or about the house or premises for which a "Wine and Beer License" shall be granted, shall be seized by any constable authorised as required by this Act, without any warrant, wheresoever the same shall be found; and if the same shall be in or about any other house or premises, a search-warrant shall be issued as hereinbefore directed in other cases of suspected unlicensed houses.

(All liquors belonging to persons convicted of illegally selling spirits to be liable to forfeiture.)

LVII. And be it further enacted, That in case any person whatsoever shall be convicted of keeping a disorderly house, or of illegally selling or retailing any spirituous liquors, contrary to this Act, such person shall, for the term of two years then next ensuing, be liable to the forfeiture of all spirituous liquors whatsoever found in his or her possession, or being his or her property (if exceeding the quantity of half a gallon), and upon information on oath being made before any Justice of the Peace, by any constable or credible person, that he or she doth verily suspect and believe that such liquors, either the property or in the possession of any such person as aforesaid, are concealed in any house or place whatsoever, and shall show reasonable cause for such belief and suspicion, it shall be lawful for such Justice to grant such search-warrant, as in the case of a suspicion of the unlicensed retailing of spirits is hereinbefore directed, and the same seizure, condemnation, and forfeiture, sale, and distribution of proceeds, shall thereupon be authorised as in the case last mentioned, save only that the Justices shall not be bound to enquire as to the purpose for which the said liquors were intended, but solely as to the property or possession aforesaid.

(Persons selling or offering for sale adulterated liquors to be fined.)

LVIII. And be it enacted, That if any person

shall sell, or dispose of, or offer for sale any fermented or spirituous liquor, or any mixed liquor, part of which is fermented or spirituous, which shall be adulterated, or mixed with any deleterious ingredient whatever, he or she, shall, on conviction before any two or more Justices of the Peace, forfeit and pay any sum not less than Ten, nor more than Fifty Pounds.

(Persons not producing license to be deemed unlicensed.)

LIX. And be it enacted, That in all proceedings whatever against any person for selling, or permitting to be sold, any fermented or spirituous liquors, without a license or sufficient license, such person shall, for all purposes connected with those proceedings, be deemed and taken to be unlicensed, unless he or she shall, at the hearing of the case, produce his or her license before, and exhibit the same to, the sitting Justice or Justices, or shall then and there produce other proof which shall be satisfactory to such Justice or Justices, and which he or they shall in his or their discretion choose to receive, of his or her being a licensed person, and of the description of the license held by him or her.

(Mode of proving license.)

LX. And be it enacted, That in any proceeding before any Justice or Justices, against any person alleged to be a licensed person, and liable as such to any such proceeding, the production of his or her recognizance, as entered into and recorded in manner hereinbefore directed, shall be conclusive evidence, not only of such recognizance, but also of his or her being licensed in manner therein recited: Provided nevertheless, that it shall be lawful for any such Justice or Justices (not being assembled as a Court of Quarter Sessions) If he or they shall in his or their discretion see fit, to admit any other proof which shall be satisfactory to him or them, of any such recognizance or the contents thereof, or as to the fact of any person being licensed in manner and form alleged in any such proceeding as aforesaid; but in case any question shall arise relating to any such license or recognizance, upon appeal or otherwise, before any Court of Quarter Sessions, under this Act, then such question shall be decided only by production of such recognizance as aforesaid.

(Licenses to be produced on demand of Justice or authorised constable.)

LXI. And be it enacted, That every person holding any license under this Act, shall, on demand at his or her licensed house or place wherein or whereat such license shall be exercised, produce his or her license to any Justice of the Peace, or any constable authorised by any Justice by any writing under his hand in that behalf; and if any such licensed person shall refuse or neglect to produce his or her license, he or she shall forfeit and pay for every such refusal or neglect the sum of Five Pounds, to be recovered before any one or more Justice or Justices of the Peace.

(Persons drinking in unlicensed houses to be apprehended.)

LXII. And be it further enacted, that whenever any Justice of the Peace, or any chief or other constable, shall find any person drinking in any reputed disorderly house, or in any house, shop, storehouse, or other building, or any booth, shed,

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or hut, tent, stall, or place, in which or where any ale, beer, wine, cider, ginger beer, spruce beer, brandy, rum, or other fermented or spirituous liquors shall be sold or disposed of by retail, and the license for such sale shall not on demand be produced to such justice or constable, it shall and may be lawful for such Justice of the Peace or constable to apprehend all such persons so found drinking there; and every such person so found drinking, shall, upon the view of such Justice, or upon conviction before any Justice of the Peace, forfeit and pay for every such offence, a sum not exceeding Five Pounds, nor less than Five Shillings, to be recovered in manner hereinafter directed; unless such person shall inform against such unlicensed person, or voluntarily become a witness against him or her, in respect of such act of selling and retailing.

(Evidence sufficient to convict the owners and persons found drinking in disorderly houses.)

LXIII. And whereas difficulties frequently arise as to the conviction of persons charged with unlawfully selling any such liquors as aforesaid, in disorderly houses: Be it enacted, That in any proceedings before any one or more Justice or Justices of the Peace, under this Act, against any person or persons charged with unlawfully selling any such liquors as aforesaid, in a reputed disorderly house, the proof of the reputation of such house, and of any person or persons (not being the owners thereof), being found drinking therein, shall be deemed full and sufficient evidence to warrant such Justice or Justices in convicting the person or persons so found drinking in such house, and the proprietor or proprietors thereof.

(Delivery of liquors to be prima facie evidence of sale.)

LXIV. And in order to remove any doubts which may arise as to what may be a selling or disposing of liquors contrary to the true intent and meaning of this Act: Be it enacted, That the delivery of any such spirituous or other liquors as aforesaid, shall be deemed and taken to be good and sufficient *prima facie* evidence of money or other consideration being given for the same, so as to support a conviction, unless proof shall be made to the contrary, to the satisfaction of the Justice or Justices hearing the case.

(Payment of wages where liquors are sold.)

LXV. And be it further enacted, That any master, or other person, employing journeymen, workmen, servants, or laborers, who shall pay or cause any payment to be made to any such journeyman, workman, or laborer, in or at any house, in which any of the liquors as aforesaid shall be sold by retail, shall forfeit and pay for every such offence the sum of Five Pounds, to be recovered before any one or more Justice or Justices of the Peace.

(The law of England against drunkenness to be applied.)

LXVI. And whereas it is expedient to quiet all doubts as to the applicability to this Colony of the law of England imposing fine and punishment for drunkenness: Be it therefore enacted and declared, That the same law is applicable, and shall be applied accordingly, and that all fines thereby imposed, howsoever disposable by the law of England, shall be distributed within the Colony, in like

manner as other fines and penalties recoverable under this Act.

(Drunken persons may be apprehended and brought before a Justice.)

LXVII. And be it enacted, That it shall be lawful for any constable or peace-officer, in any part of the Colony of New South Wales, to apprehend any person whom he shall find drunk, in any highway, street, road, or public place, and such person to convey before a Justice of the Peace to be dealt with according to law.

(Augmentation of fine on conviction for drunkenness.)

LXVIII. And be it enacted, That whensoever, under the law of England so applicable or applied as aforesaid, any person or persons shall become liable to a fine or penalty of five shillings, or to be placed in the stocks upon conviction of drunkenness before any Justice or Justices of the Peace, it shall be lawful for such Justice or Justices to award any penalty or sum not more than one pound nor less than the said sum of five shillings; and if the sum so awarded be not forthwith paid, it shall be lawful for such Justice or Justices to sentence the offender to solitary confinement upon bread and water, for any time not exceeding twenty-four hours, or to be worked on the treadmill for any time not exceeding twelve hours; and if such offender shall have been previously convicted of drunkenness, it shall be lawful for such Justice or Justices, in his or their discretion, upon proof of such former conviction or convictions, to augment the penalty or punishment by adding thereto, upon each successive conviction, a further amount of penalty or period of confinement, or working on the treadmill, not exceeding in the whole the amount or period aforesaid multiplied by the number of convictions inclusive of the conviction whereupon sentence shall be passed: Provided always, that nothing herein contained shall be construed to prevent such Justice or Justices from acting in any such case as aforesaid, upon any law, which is or may be in force, independently of this present enactment, if he or they shall, in his or their discretion, think fit.

(Justices may prohibit supply of spirits to drunkards.)

LXIX. And be it enacted, That when any person shall, by excessive drinking of spirituous liquors, so misspend, waste, or lessen his or her estate, as thereby to expose himself or herself, or his or her family to want or indigent circumstances, or greatly to injure his or her health, or endanger the loss thereof, the Justices of the town or district in which such drunkard shall reside, in Petty Sessions assembled, shall, in writing, under the hands of any two such Justices, forbid all persons licensed under this Act, to sell to him or her any spirituous liquors for the space of one year; and such Justices, or any other two Justices of the Petty Sessions of such district, may at the same or any other time, in like manner, forbid the selling of any such liquors to the said drunkard by the said licensed persons of any other town or district to which the drunkard shall or may be likely to resort for the same.

(Such prohibition renewable.)

LXX. And be it enacted, that the said Justices of Petty Sessions, or any two of them shall in like

manner from year to year, renew such prohibition as aforesaid as to all such persons as have not in their opinion reformed within the year, and if any licensed person, shall during any such prohibition, after service of a copy thereof upon him or her, or with a knowledge thereof in any other manner acquired, sell to any such prohibited person any spirituous liquor, he or she shall forfeit for every such offence a sum of Five pounds, to be recovered before any one or more Justice or Justices of the Peace.

(Penalty on others procuring liquor for prohibited persons.)

LXXI. And be it enacted, that whenever the Justices of Petty Sessions in any district, shall in execution of the foregoing provisions have prohibited the sale of spirituous liquors to any such drunkard, if any person shall with a knowledge of such prohibition, give, sell, purchase, or procure, for, or on behalf of such prohibited person, or for his or her use, any such spirituous liquors, he or she shall forfeit for every such offence the sum of Five pounds, to be recovered before any one or more Justice or Justices of the Peace.

(Convictions returnable to the Quarter Sessions, and to be registered by the Clerk of the Peace.)

LXXII. And be it enacted, that every conviction shall, by the Justices before whom the same shall have been had, be returnable to the next Court of Quarter Sessions to be holden nearest to the place in which such conviction shall take place; and the record of such conviction shall, unless the same be afterwards quashed by appeal, be received as evidence of such conviction against the party thereby convicted in any prosecution to be instituted against him or her for any offence under this Act; and the Clerk or Acting Clerk of the Peace, or his Deputy, to whom such conviction shall be returned, shall on such return (if the same relate to a licensed person) cause to be made a memorandum of such conviction in a register, which he is hereby directed to keep, of the names and places of abode of the several persons licensed, and shall in every such memorandum state whether such conviction to be the first, second, third, or other subsequent conviction for the offence: Provided however that production of the record of such former conviction or convictions shall not be necessary to support a conviction in such augmented penalty as may be consequent thereon before any Justice or Justices acting singly or in Petty Sessions: Provided such Justice or Justices shall be fully satisfied by other evidence, as to the fact of such former conviction or convictions, but in case such fact shall be questioned upon appeal or otherwise before any Court of Quarter Sessions having jurisdiction therein under this Act, then the same shall be lawfully established only by production of such record thereof as aforesaid.

(Penalty for constables neglecting duty.)

LXXIII. And be it enacted, that if any constable or other peace-officer shall refuse or knowingly neglect to execute any part of the duty imposed upon constables or peace-officers by this Act, or to make an immediate report to the Police Magistrate or other Justice of the Peace, or other superior officer to whom he may in the usual course of his duty be required to make such report, after

he shall have received information, or shall have otherwise obtained a knowledge of any proceedings in violation of any of the provisions herein contained, such constable or other peace-officer, upon conviction before one or more Justice or Justices of the Peace of any such refusal or neglect, shall be subject and liable to a fine not exceeding ten pounds, nor less than one pound, or to be imprisoned for any term not exceeding three months for every such offence.

(Offences to be determined summarily.)

LXXIV. And be it enacted, that all proceedings in respect to offences committed against the provisions of this Act, which are hereby directed to be had before any one or more Justice or Justices of the Peace, or any Court of Quarter Sessions, shall be heard and determined in a summary way, according to the law in force for the time being, regulating summary proceedings before Justices of the Peace; except only where some other special course of proceeding may be directed by this Act: Provided however that in case of the non-payment of any penalty under this Act above the amount of five pounds, and no sufficient distress can be found, it shall and may be lawful for the convicting Justice or Justices by his or their warrant or warrants, to commit any person convicted in any such penalty to any of Her Majesty's gaols for any time not less than two nor more than six calendar months, to be reckoned from the day on which such person shall be actually arrested, and not from the date of such warrant, and for the purpose of ascertaining the same, the constable or other person who shall make the arrest, is hereby required to endorse on the back of such warrant, the date of such arrest, under a penalty of five pounds, which shall and may be recovered in a summary manner before any one or more Justice or Justice of the Peace: Provided also that in case of any such neglect to endorse the said warrant as aforesaid, the same shall not vitiate any such arrest, but in such case the time of imprisonment shall run from the date of the warrant.

(Penalty for witnesses not attending when summoned, or refusing to give evidence.)

LXXV. And be it further enacted, that if any person shall be summoned as a witness to give evidence before any Justice or Justices of the Peace, touching any of the matters aforesaid, either on the part of the prosecution, or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such neglect or refusal to be allowed of by such Justice or Justices of the Peace, or appearing, shall refuse to be examined on oath and give evidence before the Justice or Justices before whom such prosecution shall be depending, then every such person shall forfeit for every such offence a sum not less than two pounds, nor more than thirty pounds, to be recovered in a summary way before any two Justices of the Peace.

(Persons aggrieved may appeal to Court of Quarter Sessions.)

LXXVI. And be it enacted, That any person who shall think himself or herself aggrieved, by any fine or penalty above the sum of five pounds imposed, or by any act done by any Justice or Justices under or concerning the execution of this law or ordinance, (unless such act shall relate to

the refusal of a certificate for the granting, renewal or transfer of a license, or the cancellation of a wine and beer license as hereinbefore mentioned), may appeal against such act to the Court of Quarter Sessions, according to the provisions of the law which shall be in force for the time-being, for the general regulation of appeals of such or the like nature.

(If appeal dismissed, or conviction confirmed, appellant to pay costs forthwith.)

LXXVII. And be it enacted, That in every case where notice of appeal against the judgment of any Justice or Justices in or concerning the execution of this Act shall have been given, and such appeal shall have been dismissed, or the judgment so appealed against shall have been affirmed, or such appeal shall have been abandoned, it shall be lawful for the Court to which such appeal shall have been made or intended to be made, and such Court is hereby required to adjudge and order that the party so having appealed, or giving notice of his intention to appeal, shall pay to the Justice or Justices to whom such notice shall have been given, such sum by way of costs, as shall, in the opinion of such Court, be reasonable; and if such party shall refuse or neglect forthwith to pay such sum, it shall be lawful for the said Court to adjudge and order that the party so refusing or neglecting shall be committed to gaol, there to remain until such sum be paid; and that in every case in which the judgment so appealed against shall be reversed, it shall be lawful for such Court, if they should see fit, to order that the Justice or Justices, whose judgment shall have been so reversed, shall be indemnified from all costs and charges to which he or they shall have been put by such appeal, and to recommend to the said Governor or Acting Governor, who is hereby authorised upon such recommendation, to cause a sufficient sum for this purpose to be paid out of the funds which shall arise from the licenses required to be taken out under this Act.

(Form of information and conviction.)

LXXVIII. And be it further enacted, that all informations and convictions under this Act, shall be either according to the forms contained in the schedule hereunto annexed, marked F. and G., or according to any other form or forms, which is, or may be prescribed by any Act now, or which shall be for the time-being in force, for the general regulation of convictions in summary cases, and that no conviction under this Act, nor any adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by writ of *certiorari* or otherwise, into the Supreme Court; and no warrant of commitment shall be held void by reason of any defect therein; provided it be therein alleged that there be a good and valid conviction to sustain the same.

(No action to lie against any Justice or constable without proof of malice, and unless it be commenced in three months.)

LXXIX. And be it further enacted, That no action at law shall lie against any Justice of the Peace, constable, or other peace officer, for or on account of any matter or thing whatsoever, done, or to be done, or commanded by him in the execution of his duty, or office, under this Act, against any party or parties offending, or sus-

pected to be offending against the provisions of this Act; unless there be direct proof of corruption or malice, and unless such action be commenced within three calendar months after the cause of action or complaint shall have arisen; and if any person shall be sued for any matter or thing which he has so done, or shall have done in the execution of this Act, he may plead the general issue, and give the special matter in evidence.

(Application of sums received under this Act.)

LXXX. And be it enacted, That one moiety of all fines and penalties paid and received by virtue of this Act, shall go to the use of the party or parties informing and suing for the same, and after payment and deduction thereof, all other the sum or sums of money collected, levied, or received, under and by virtue of this Act, shall be paid into the hands of the Colonial Treasurer, and be appropriated to the use of Her Majesty, Her Heirs and Successors, for the public uses of the said Colony, and the support of the Government thereof.

(As to licenses not completed, or issued before commencement of this Act.)

LXXXI. And be it further enacted, That every act and thing, required to be done for completing and issuing any license for selling or retailing liquors under the law in force before the commencement of this Act, shall be done and completed, and every license issued under the same shall be deemed and taken to have issued, and shall have the same force and effect as any such license issued under this Act; and all and every person, place, matter, or thing, shall in respect of, or in relation to, every such license be subject and liable to such and the like laws, rules, regulations, provisions, conditions, powers, jurisdictions, fines, forfeitures, penalties, and proceedings as hereinbefore provided with respect to licenses issued, and all other things directed, in respect thereof, under and by virtue of this present Act, save and except the provisions with respect to the accommodation of stabling and providing provender for horses as aforesaid; and further that all and every proceeding which shall be actually commenced, in respect of any offence committed or penalty incurred under the law in force, before the commencement of this Act, shall and may be prosecuted and completed under this present Act, in like manner as if such proceeding had been commenced under the provisions hereof.

(Commencement of this Act.)

LXXXII. And be it enacted, That this Act shall commence and take effect on the first day of January, in the year One thousand eight hundred and thirty-nine, and thenceforth and after the said day, the Act of the Governor and Council of New South Wales, passed in the third year of the reign of His late Majesty King William the Fourth, intituled, "An Act for licensing Public-houses, and for regulating the retail of fermented and spirituous liquors in New South Wales," and also another Act passed in the sixth year of the reign of His said late Majesty, intituled, "An Act to alter and amend an Act of the Governor with the advice of the Legislative Council, passed in the third year of the reign of His present Majesty, intituled, 'An Act for licensing Public-houses and for regulating the retail of fermented and spirituous liquors in

New South Wales," shall be and the same are hereby repealed, except as hereinbefore excepted, and except so far as any other Act of the said Governor and Council is thereby respectively repealed.

"GEORGE GIPPS."

Passed the Legislative Council,
this twenty-sixth day of Sep-
tember, One thousand eight hun-
dred and thirty-eight.

W.M. MACPHERSON,

Clerk of Councils.

SCHEDULES TO WHICH THIS ACT REFERS.

A.

Form of a Publican's General License.

NEW SOUTH WALES, TO WIT:

Whereas, A. B., of _____ hath deposited in this Office a Certificate from the major part of the Justices of the Peace assembled at the Annual Licensing Meeting (or at a Special Sessions) held at _____ on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____, authorising the issue to the said A. B., under and by virtue of the Act of the Governor and Council, passed in the second year of the Reign of Her present Majesty, intituled, "An Act for consolidating and amending the Laws relating to the Licensing of Public Houses, and for further regulating the sale and consumption of Fermented and Spirituous Liquors in New South Wales," of the License in the said Act called a Publican's General License, for the house known (or to be known) by the sign of _____ situated at _____ in the said Colony of New South Wales; and stating that the said Justices have taken from the said A. B. and two sureties, the Recognizance required by the said Act; And whereas, the said A. B. hath paid into my Office the sum of Thirty pounds sterling as the duty on such License—Now, I, the Colonial Treasurer of the said Colony, (or other person appointed by the said Governor for the purpose of issuing Licenses under the said Act, as the case may be), in virtue of the powers vested in me by the said Act, do hereby License the said A. B. to keep a Common Inn, Alehouse, or Victualling House, and to sell Fermented and Spirituous Liquors in any quantity, in the house in which he (or she) now dwelleth (or is about to dwell), being the sign of _____ situated at _____ aforesaid, and in the appurtenances thereto belonging, but not elsewhere; and this License shall commence upon the first day of July next, and continue in force until the thirtieth day of June then next ensuing, both days inclusive, provided it be not forfeited in the mean time according to the provisions of the said Act.

Given under my hand and seal, at Sydney; this _____ day of _____ one thousand eight hundred and _____

N. O. [L. S.]

Colonial Treasurer.

(Or other Person as the case may be.)

Registered,
P. Q.

A 1.

Form of a Notice of Application for a Publican's General License for an Inn or Public-house.

To the Worshipful the Justices of the Peace, acting in and for the District of _____ in New South Wales.

I, A. B. (state the trade or occupation), now residing at _____, (in the parish, town, or district) of _____, do hereby give Notice, that it is my intention to apply at the next Annual Licensing Meeting, to be holden for this district, for a Publican's General License, for the sale of Fermented and Spirituous Liquors, in the House and Appurtenances thereunto belonging, situated at _____, (here describe the House proposed to be licensed, specifying the situation of it; the number of sitting-rooms and bed-rooms contained in it, exclusive of those required for the family; the person to whom rented; the present occupier; whether now licensed; and if so, under what sign;) and which I intend to keep as an Inn or Public-house.

I am free, and am married, having a wife who is free, or a prisoner, or holding a ticket-of-leave, and children (or unmarried, as the case may be), and I have had a License (if before licensed, state how many years, and what kind of License.)

I further give Notice that I proposed C. D., of _____, and E. F., of _____, as my Sureties, to enter with me, into the required Recognizance.

Given under my hand, this _____ day of _____ one thousand eight hundred and _____

A. B.

A 2.

Form of Householder's Certificate to be appended to the ab. ve.

We, the undersigned, Householdors, residing within the Town (or District) of _____, do hereby certify, that the above A. B., of _____, is a person of good fame and reputation, and fit and proper to be licensed to keep an Inn or Public House, for the sale of Fermented and Spirituous Liquors therein.

Witness our hands, this _____ day of _____ one thousand eight hundred and _____

One
Two
Three
Four
Five

A 3.

Form of Recognizance to be entered into by an Applicant for a Publican's General License.

NEW SOUTH WALES, To Wit:

Be it remembered, That on the _____ day of _____ one thousand eight hundred and _____ A. B., of _____ C. D., of _____ and E. F., of _____ came personally before us, G. H. and I. K., Esquires, Justices of the Peace, acting in and for the District of _____ in the said Colony, and acknowledged themselves to owe to Our Lady the Queen, to wit—the said A. B. the sum of Fifty Pounds, the said C. D. the sum of _____

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of Fifty Pounds, and the said E. F. the sum of Fifty Pounds, of lawful money of Great Britain, to be respectively levied of their several goods and chattels, lands, and tenelements, to the use of our said Lady the Queen, Her Heirs and Successors, in case default shall be made in the performance of any of the Conditions hereunder written.

The Conditions of this Recognizance are such, That whereas the said A. B. is to be licensed pursuant to the Act of the Governor and Council, passed in the second year of the reign of Her present Majesty Queen Victoria, intituled "An Act for consolidating and amending the Laws relating to the Licensing of Public Houses, and for further regulating the sale and consumption of Fermented and Spirituous Liquors, in New South Wales," to keep a Common Inn, Ale-house, or Victualling House, and to sell Fermented or Spirituous Liquors, in the house wherein he (or she) now dwells (or is about to dwell), being the Sign of _____ situated at _____ in the District (or Township) of _____ for twelve months, commencing on the first day of July, one thousand eight hundred and _____; if the said A. B. do keep the Law in selling such Liquors as aforesaid in his (or her) said house and its appurtenances; and do not permit any person to become drunk, or supply or permit any such Liquor as aforesaid to be supplied or given to any person in a state of intoxication, or permit such person (not being an inmate thereof) to remain in his (or her) house or premises, or to commit any disorder therein; nor refuse to admit a Magistrate or Constable into any part of the said house or premises at any hour; nor admit or receive any convict, other than his (or her) assigned servant or servants, into his (or her) house, or any place held or occupied therewith; or deliver any Liquors as aforesaid to any convict, except with the written order of in the presence of the master, mistress, or overseer of such convict; and do maintain good order and rule in the said house and premises; (and the following is to be inserted at the discretion of the Justices granting the Licenses) and do also maintain and keep on foot such accommodation for travellers and guests, and their horses and servants, as is required in and by the said Act of the Governor and Council, (and also the additional rooms, and accommodation following, which the said A. B. hath specially undertaken to provide, on condition of his obtaining the said License) that is to say, (here insert any special conditions which the Justices may see fit to impose upon any Innkeeper in these respects), then the said Recognizance to be void, otherwise to remain in full force.

Taken and acknowledged the day and year above written, before us.

G. H., J. P. [L. S.]
I. K., J. P. [L. S.]

B.

Form of a Wine and Beer License,

NEW SOUTH WALES, To Wit:

Whereas, A. B., of _____, hath deposited in this Office a Certificate from the major part of the Justices of the Peace, assembled at the Annual Licensing Meeting, (or at a Special Sessions), held at _____ on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____

authorising (pursuant to the Act of the Governor and Council, passed in the second year of the reign of Her present Majesty Queen Victoria, intituled "An Act for consolidating and amending the Laws relating to the Licensing of Public Houses, and for further regulating the sale and consumption of Fermented and Spirituous Liquors, in New South Wales,") the issue to the said A. B. of a License for the sale of Wine and Beer and other Fermented Liquors, in the house of the said A. B., situated at _____, in the said Colony of New South Wales; and stating that the said Justices have taken from the said A. B. and two Sureties, the Recognizance required by the said Act; And whereas, the said A. B. hath paid into my Office the sum of Ten Pounds sterling as the duty upon such License—Now, I, the Colonial Treasurer of the said Colony, (or other person appointed by the said Governor for the purpose of issuing Licenses under the said Act, as the case may be), do hereby License the said A. B. to sell Wine, Beer, and other Fermented Liquors, in any quantity, in the house in which he (or she) now dwelleth (or is about to dwell), situated at _____, aforesaid, and in the appurtenances thereto belonging, but not elsewhere; and this License shall commence upon the first day of July next; and continue in force until the thirtieth day of June then next ensuing, both days inclusive, provided it be not forfeited in the mean time, according to the provisions of the said Act of the Governor and Council: And provided that the said A. B. shall not sell or dispose of, or permit to be sold or disposed of, any Spirituous Liquor, or mixed Liquor part whereof is spirituous, in the said house or its appurtenances, in which case this License shall thereby and thenceforth become and remain absolutely void.

Given under my hand and seal, at Sydney, this _____ day of _____, one thousand eight hundred and _____.

N. O. [L. s.]

Colonial Treasurer.

(Or other Person as the case may be.)

Registered,
P. Q. }

B 1.

Form of Notice of Application for a Wine and Beer License.

To the Worshipful the Justices of the Peace, acting in and for the District of _____ in New South Wales.

I, A. B., (state the trade or occupation), now residing at _____, (in the parish, town, or district), of _____, do hereby give Notice, that it is my intention to apply, at the next Annual Licensing Meeting to be holden for this district, for a License for the sale of Wine, Beer, and other Fermented Liquors, in the house and appurtenances thereto belonging, situated at _____, (if the applicant proposes to keep the house as an Inn, for entertainment of travellers and lodgers, describe the particulars as required in Form A 1., if not, merely state the person of whom rented, and present occupier.)

I am free, and am married, having a wife who is free, or a prisoner, or holding a ticket-of-leave, and children, (or unmarried, as the case may be),

and I have held a License, (if before licensed, state how many years, and what kind of License).

I further give Notice, that I propose C. D., of _____, and E. F., of _____, as my Sureties, to enter with me into the required Recognizance.

Given under my hand, this _____ day of _____, one thousand eight hundred and _____.

A. B.

B 2.

Form of Householders' Certificate, to be appended to the above.

We, the undersigned, Householders, residing within the Town (or District) of _____, do hereby certify that the above A. B., of _____, is a person of good fame and reputation, and fit and proper to be Licensed to sell Wine, Beer, and other Fermented Liquors (or to keep an Inn or Public House for the sale of Wine, Beer, and other Fermented Liquors, as the case may be).

Witness our hands this _____ day of _____, one thousand eight hundred and _____.

One
Two
Three
Four
Five

B 3.

Form of Recognizance of an applicant for a Wine and Beer License.

NEW SOUTH WALES, To Wit:

Be it remembered, That on the _____ day of _____, one thousand eight hundred and _____,

A. B., of _____, C. D., of _____, and E. F., came personally before us, G. H., and J. K., Esquires, Justices of the Peace, acting in and for the district of _____ in the said Colony, and acknowledged themselves to owe to Our Lady the Queen, to wit—the said A. B. the sum of Fifty Pounds, the said C. D. the sum of Fifty Pounds, and the said E. F. the sum of Fifty Pounds, of lawful money of Great Britain, to be respectively levied of their several goods and chattels, lands and tenements, to the use of our said Lady the Queen, her Heirs and Successors, in case default shall be made in the performance of any of the conditions hereunder written.

The conditions of this Recognizance are such, That whereas the said A. B. is to be licensed pursuant to the Act of the Governor in Council, passed in the second year of the reign of Her present Majesty Queen Victoria, intituled "An Act for consolidating and amending the Laws relating to the Licensing of Public Houses, and for further regulating the sale and consumption of Fermented and Spirituous Liquors in New South Wales," and to sell Wine, Beer, and other Fermented Liquors, in the house wherein he (or she) now dwells, (or is about to dwell) situated at _____, in the District (or Township) of _____, for twelve months, commencing on the first day of July, one thousand eight hundred and _____; if the said A. B. do not sell or dispose of, or permit to be sold or disposed of, any Spirituous Liquor, or mixed Liquor part

whereof is Spirituous; and do keep the Law in selling Wine, Beer, and Fermented Liquors in his (or her) said house or appurtenances; and do not permit any person to become drunk, or supply, or permit any such Liquor as aforesaid to be supplied or given to any person in a state of intoxication; or permit such person (not being an inmate thereof) to remain in his (or her) house or premises; or to commit any disorder therein; nor refuse to admit a Magistrate or Constable, into any part of the said house or premises, at any hour; nor admit or receive any convict other than his (or her) assigned servant or servants, into his (or her) house, or any place held or occupied therewith, or deliver any liquors as aforesaid to any convict except with the written order, or in the presence of the master, mistress, or overseer of such convict; and do maintain good order and rule in the said house and premises; (and the following is to be inserted at the discretion of the Justices granting the licenses) and do also maintain and keep on foot such accommodation for travellers and guests, and their horses and servants, as is required in and by the said Act of the Governor and Council (and also the additional rooms and accommodation following, which the said A. B. hath specially undertaken to provide on condition of his obtaining the said license,) that is to say (here insert any special conditions which the Justices may see fit to impose upon any inn-keeper, in these respects) then the said recognizance to be void, otherwise to remain in full force.

Taken and acknowledged the day and year above written before us.

G. H. J. P. [L. s.]
J. K. J. P. [L. s.]

C.

Form of Packet License.

NEW SOUTH WALES, To Wit:

Whereas, A. B. of , being the Master, (or Commander or Owner or Owners) of the Steam-packet (or if any other kind of Vessel describe it) conveying passengers between (name the place,) and (name the place), being places within the Colony of New South Wales, (and its dependencies,) hath deposited in this Office, a Certificate from the major part of the Justices of the Peace, assembled at the Annual Licensing Meeting (or at a Special Sessions) held at on the day of in the year of Our Lord one thousand eight hundred and , authorising the issue to the said A. B., under and by virtue of the Act of the Governor and Council, passed in the second year of the reign of Her present Majesty, intituled "An Act for consolidating and amending the Laws relating to the Licensing of Public Houses, and for further regulating the sale and consumption of Fermented and Spirituous Liquors, in New South Wales," of the License in the said Act called a Packet License; and stating that the said Justices have taken from the said A. B., and two sureties, the Recognizances required by the said Act; and whereas the said A. B. hath paid into my office the sum of Two Pounds sterling, as the duty on such License—Now, I, the Colonial Treasurer of the said Colony, (or other person appointed by the said Governor for the purpose of issuing licenses under

the said Act, as the case may be), in virtue of the powers vested in me by the said Act, do hereby License the said A. B., to retail Fermented and Spirituous Liquors to any passenger on board of such vessel, during the actual passage of such vessel between one such place and another; and this License shall commence upon the first day of July next, and continue in force until the thirtieth day of June then next ensuing, both days inclusive, provided it be not forfeited in the mean time according to the provisions of the said Act.

Given under my hand and seal, at Sydney, this day of one thousand eight hundred and

N. O. [L. s.]

Colonial Treasurer.

(Or other Person, as the case may be.)

Registered,
P. Q. }

C. 1.

Form of Notice of Application for a Packet License.

To the Worshipful the Justices of the Peace, acting in and for the District of in New South Wales.

I, A. B. being Master (or Commander, or Owner, or Owners), of the Steam Packet (or other Vessel as the case may be) conveying passengers between (name the place) and (name the place) being places within the Colony of New South Wales (and its Dependencies), do hereby give Notice that it is my intention to apply at the next Annual Licensing Meeting to be holden for the said District, for a License for the sale of Fermented and Spirituous Liquors, to the passengers on board such vessel, pursuant to the Act of Council in that case made and provided.

I further give notice, that I propose C. D. of and E. F. of as my Sureties to enter with me into the required Recognizance, Given under my hand this day of one thousand eight hundred and

A. B.

C. 2.

Form of Recognizance to be entered into by the Applicant for a Packet License.

NEW SOUTH WALES (or as the case may be), To Wit:

Be it remembered, that on the day of one thousand eight hundred and of A. B. of C. D. of and E. F. of came personally before us G. H. and I. K. Esquires, Justices of the Peace, acting in and for the District of in the said Colony (or any of its Dependencies as the case may be), and acknowledged themselves to owe to our Lady the Queen, to wit: the said A. B. the sum of Fifty Pounds, the said C. D. the sum of Fifty Pounds, and the said E. F. the sum of Fifty Pounds, of lawful money of Great Britain, to be respectively levied of their several goods and chattels, lands and tenements, to the use of our said Lady the Queen, her Heirs and Successors, in case default shall be made in the performance of any of the conditions hereunder written:

The conditions of this recognizance are such, that whereas the said A. B. is to be licensed, pur-

quant to the Act of the Governor and Council, passed in the second year of the Reign of Her present Majesty Queen Victoria, intituled "An Act for consolidating and amending the Laws relating to the Licensing of Public Houses, and for further regulating the sale and consumption of fermented and spirituous liquors in New South Wales;" to retail fermented and spirituous liquors on board the steam-packet, (or other vessel, as the case may be) carrying passengers between (name the place) and (name the place) being places within the Colony of New South Wales, (and its dependencies), whereof the said A. B. is Master (or Commander, or Owner or Owners), during the actual passage of the said vessel, between one such place, and another; if the said A. B. do not sell or dispose of any such liquors as aforesaid, or permit the same to be sold or disposed of, while the said vessel is lying in any port, or harbor, or otherwise contrary to law or the conditions of his license; and do not permit any person to become drunk, or supply or permit any liquor to be supplied, to any person in a state of intoxication, or commit, or suffer to be committed, any disorder on board the said vessel, then the said recognizance to be void; otherwise to remain in full force.

Taken and acknowledged the day and year above written before us.

G. H. J. P. [L. S.]
I. K. J. P. [L. S.]

D.

Form of Confectioner's License.

Whereas, A. B. of hath deposited in this office, a certificate from the major part of the Justices of the Peace assembled at the Annual Licensing Meeting (or at a Special Sessions) held at on the day of, in the year of Our Lord one thousand eight hundred and , authorising the issue to the said A. B., under and by virtue of the Act of the Governor and Council, passed in the second year of the Reign of Her present Majesty, intituled "An Act for consolidating and amending the laws relating to the Licensing of Public Houses, and for further regulating the sale and consumption of fermented and spirituous liquors in New South Wales;" of the license in the said Act called a Confectioner's license, for the shop (or rooms) of the said A. B. in the town (or district) of limited to the liquors hereinafter mentioned; and stating that the said Justices had taken from the said A. B. and two sureties, the recognizances required by the said Act: And whereas, the said A. B. hath paid into my office the sum of one pound sterling, as the duty on such license; Now I, the Colonial Treasurer of the said Colony (or other person appointed by the said Governor for the purpose of issuing licenses under the said Act, as the case may be) in virtue of the powers vested in me, by the said Act, do hereby license the said A. B. to sell Ginger Beer, and Spruce Beer, but no other fermented liquors nor any spirituous liquors, or mixed liquors, part whereof is spirituous, in the shop (or rooms) of the said A. B. situated in aforesaid; and this license shall commence upon the first day of July next, and continue in force until the thirtieth day of June then next ensuing, both days inclu-

sive, provided it be not forfeited in the mean time according to the provisions of the said Act.

Given under my hand and seal at Sydney, this day of one thousand eight hundred and

N. O. [L. S.]
Colonial Treasurer.

(Or other person, as the case may be.)

Registered
P. Q.

D. 1.

Form of Notice of Application for a Confectioner's License.

To the Worshipful the Justices of the Peace, acting in and for the district of in the Colony of New South Wales.

I, A. B., (state the trade, or occupation), now residing at, in the parish town, or district of do hereby give notice pursuant to the Act of the Governor and Council, passed in the second year of the Reign of Her present Majesty, intituled "An Act for consolidating and amending the laws relating to the Licensing of Public Houses, and for further regulating the sale and consumption of fermented and spirituous liquors in New South Wales;" that it is my intention to apply at the next Annual Licensing Meeting to be holden for this district, for the license in the said Act called a Confectioner's License, for the sale of Ginger Beer and Spruce Beer, in the shop (or rooms), which I now occupy (or intend to occupy), situated at (here describe the house proposed to be licensed, specifying the situation of it; the number and description of rooms which the license is applied for; the person of whom the house is rented; the present occupier; and whether now licensed;)

I am free, and am married, having a wife who is free, or a prisoner, or holding a ticket-of-leave, and children, (or unmarried as the case may be) and I have held a license (if before licensed, state how many years, for what kind of license, and what district.)

I further give notice that I propose C. D. of and E. F. of as my sureties, to enter with me into the required recognizance.

Given under my hand this day of one thousand eight hundred and A. B.

D. 2.

Form of Recognizance to be entered into by the Applicant for a Confectioner's License.

NEW SOUTH WALES, To Wit:

Be it remembered, That on the day of One thousand eight hundred and of A. B., of C. D. of and E. F., of came personally before us, G. H. and J. K., Esquires, Justices of the Peace, acting in and for the District of in the said Colony, and acknowledged themselves to owe to our Lady the Queen, to wit: the said A. B. the sum of Fifty Pounds, the said C. D. the sum of Fifty Pounds, and the said E. F. the sum of Fifty Pounds, of lawful money of Great Britain, to be respectively levied of their several goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs and