

No. VIII.

An Act for licensing Public-houses and for LICENSED PUBLICANS.
regulating the Retail of Fermented and
Spirituos Liqueurs in New South Wales.
[13th June, 1833.]

WHEREAS by an Act of the Governor and Council of New South Preamble.
Wales passed in the eleventh year of the reign of His late
Majesty King George the Fourth intituled “*An Act to amend and*
“*consolidate the Laws now in force relative to the licensing and*
“*regulating of Public-houses and for the better regulating the granting*
“*of Licenses for the Sale of Ale Beer Wines Spirits and other Liqueurs*
“*in New South Wales*” it is enacted That the said recited Act shall
continue and be in force until the thirtieth day of June one thousand
eight hundred and thirty-three and no longer And whereas it is
expedient to provide for the licensing of Public-houses and promoting
good order therein and for regulating the retail of fermented and
spirituous liquors and preventing the illicit sale thereof in the
Colony of New South Wales Be it therefore enacted by His
Excellency the Governor of New South Wales with the advice
and consent of the Legislative Council thereof That if any person
shall from and after the thirtieth day of June aforesaid sell or
dispose of by retail in any quantity less than two gallons any
ale beer or other malt liquor or any wine cider ginger beer spruce
beer brandy rum or other fermented or spirituous liquor in any house
or place within the Colony of New South Wales or its Dependencies
or shall permit or suffer any such liquors as aforesaid to be sold or
disposed of by retail as aforesaid by any other person in his or her house
or other place within the said Colony or its Dependencies without
having first obtained a license in the manner and form hereinafter
directed 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

No person to retail
malt or fermented
liquors without a
license.

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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 to keep a public-house for the period of three years from the time of such conviction.

Not to extend to apothecaries or to persons supplying their servants not in towns with certain quantities.

2. Provided always and be it further enacted That nothing in this Act shall be deemed or taken to extend or apply to any person practising as an apothecary or druggist who may administer or sell any of the liquors before mentioned as medicines or for medicinal purposes nor to any person or persons supplying his her or their servant or servants laborer or laborers not being in either of the Towns of Sydney Parramatta Liverpool Windsor Newcastle or Maitland with any quantity of such liquors as aforesaid not exceeding in any one week the amount of one-third of the wages and earnings of such servant or servants laborer or laborers during the same period.

Licenses to be valid for one year.

3. And be it further enacted That every license granted for selling and retailing liquors as aforesaid under the provisions of this Act shall be valid for one year or until the next general licensing day after the date of such license and no longer.

Forms to be observed by persons applying for licenses.

4. And for the better preventing the granting licenses to unfit or improper persons be it further enacted That every person desirous of obtaining a license for keeping a public-house under the provisions of this Act or of obtaining the renewal of a license before granted shall on or before the *first Tuesday of the Month of June* in every year deliver to the Clerk of the Bench of Magistrates acting in and for the place or district in which such house may be situated a notice in writing of his or her intention to apply for such license and that in every such notice there shall be contained a full description of the house proposed to be licensed with a statement of the applicant's trade or calling and situation in life and whether married or unmarried together with the names residence and additions of his or her proposed sureties and that every person giving such notice shall in like manner deliver or cause to be delivered with such notice a certificate signed by three or more known and respectable housekeepers residing within such town or district as aforesaid in the form prescribed in the Schedule hereunto annexed marked A.

The General Annual Licensing Meeting for granting certificates.

5. And be it further enacted That a General Meeting of the Justices acting in and for each district in the said Colony which is to be advertised at least one month previously and to be called "*The General Annual Licensing Meeting*" shall be holden in their respective Court-houses or usual places of meeting in each and every district on the third Tuesday in the month of June in every year for the special purpose of taking into consideration all applications which shall be made to them for licenses for public-houses as aforesaid and it shall be lawful for the Justices assembled at such General Annual Licensing Meeting three at least being present to grant to such persons as shall be approved by the majority of such Justices after taking the required recognizances certificates in the form contained in the Schedule hereunto annexed marked B for authorizing the granting of such licenses and it shall be lawful for such Justices so assembled to adjourn the consideration of all or any of the applications before them from the day of such General 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 one week after the day appointed for the said General Annual Licensing Meeting.

May be adjourned.

Applicant to enter into recognizance before certificate shall be granted.

6. And be it further enacted That every person applying for a license shall before the Justices deliver to him or her a certificate as aforesaid to authorize the issue of such license enter into a recognizance in the form and with the conditions contained in the Schedule hereunto

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hereunto annexed marked C with two sureties in the sum of fifty pounds each and all such recognizances with their conditions shall be regularly recorded in the records of the respective Benches and shall within one month after the same are entered into be transmitted to the Clerk of the Peace and be by him or by the person acting as the Clerk of the Peace or his deputy filed in his office.

The same to be recorded and transmitted to the Clerk of the Peace.

7. And be it further enacted That in case any person desirous of obtaining such certificate for a license shall be hindered by sickness or infirmity or by 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 such recognizance each in the sum of fifty pounds for performance of the conditions of the said recognizance which said recognizance shall in like manner be entered into in the presence of the majority of the Justices then assembled and be signed by at least two of such Justices and if any Justice shall sign a certificate to authorize the issuing of a license before the recognizance required under this Act shall have been fully entered into and signed such Justice shall forfeit and pay a penalty or sum of one hundred pounds to be recovered by action of debt in the Supreme Court.

Proviso for persons prevented from appearing by illness.

Justices granting certificates without recognizances to be fined.

8. And be it further enacted That every certificate which shall be granted by the Justices to authorize the issuing of a license as aforesaid shall after the passing of this Act be null and void unless the same and the sum required to be paid for such license be lodged in the office of the Collector of Internal Revenue or in such other office as may hereafter be appointed by the said Governor for that purpose within fourteen days after the date of such certificate and the said Collector of Internal Revenue or other officer who may hereafter be appointed for that purpose shall and he is hereby authorized and required forthwith after the receipt of every such certificate to issue a license in the form contained in the Schedule hereunto annexed marked D and shall register the same in his office upon payment being made to the said Collector of Internal Revenue or other officer of the sum of twenty-five pounds sterling for every such license.

Certificate to be lodged with Collector of Internal Revenue who will grant a license.

9. And be it further enacted That it shall and may be lawful to and for the Governor of the said Colony to allow and authorize the Collector of Internal Revenue or other officer as aforesaid to issue a license or licenses to any person duly qualified who shall have obtained the certificate from the Justices of the Peace of his district as hereinbefore directed for any house on any line of road or in any place within the said Colony which shall not be nearer than twenty miles to any established town upon the payment of the sum of twelve pounds and ten shillings sterling for each such license.

The Governor may order licenses for houses on the road not nearer than twenty miles to any town on payment of £12 10s.

10. And be it further enacted That Special General Sessions of Justices of the Peace shall be holden on the first Tuesday in the month of January the first Tuesday in the month of April and on the first Tuesday in the month of October in every year in each town or district in which such General Annual Licensing Meeting shall be holden as hereinbefore directed for the purpose of receiving applications for transferring licenses and it shall be lawful for the Justices assembled at such Special General Sessions three or more being present to transfer the license of any house licensed as aforesaid to the appointee of the original holder of such license such appointee producing the like certificates and entering into the same recognizances as the original party obtaining the same is by this Act bound to produce and enter into.

Special and General Sessions to be held quarterly for the transferring licenses.

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Executors or trustees
may hold licenses
for a certain time.

11. And be it further enacted That the executor or administrator or trustees in case of insolvency of any person holding a license under this Act shall be entitled to carry on the business of the house so licensed as aforesaid without renewing the said license during six months if the license shall have so long to run or until the next licensing day following the decease or legally declared insolvency or the execution and registry of the trust deed of the person holding such license as aforesaid Provided always that the license of such house shall be subject to the same regulations as if it had continued to be holden by the person to whom the same was originally granted and that a new recognizance be entered into by such executor administrator or trustees according to the provisions of this Act.

Justices disqualified
to act under this
Act.

12. 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 or any malt or spirituous liquors or concerned in partnership with any brewer malster or distiller or dealer in wine or malt or spirituous liquors or being the owner or part owner of or trustee manager or agent for any 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 of any thing 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.

Persons desirous of
obtaining a license
in any district where-
in three qualified
Justices are not
resident to apply to
Justices and Clerk of
Sessions in any
adjoining district.

13. And be it further enacted That in case any person shall be desirous of obtaining a license in any district wherein three qualified Justices of the Peace shall not be resident such person shall within fourteen days previous to that fixed for the General Annual Licensing Meeting serve a written notice under his or her hand directed to and served upon not less than three Justices of the Peace of the nearest district in which three qualified Justices shall reside and act and upon the Clerk of Sessions for the said district which notice shall set forth his or her intention of applying for the certificate or certificates hereby required at the period hereinbefore appointed whereupon at least three of the said Justices may and shall and they are hereby required on the said third Tuesday in the month of June being the day in that behalf in each and every year appointed to hear and determine upon such application or applications as if the person resided within such district Provided however that the person so intending to apply to the Justices of the Peace of such adjoining district shall at the same time serve a copy of such notice of such intended application on three respectable householders and on the chief or principal constable of the district wherein such person shall reside and such chief or principal constable shall forward such notice to the said Justices of the Peace of such adjoining district and shall and he is hereby required under a penalty of five pounds to attend at the Court-house or usual place of meeting of such Justices on the day when such application shall be heard and determined to give such necessary information to the said Justices respecting the person making such application and of the service of the notices aforesaid as such Justices may require such penalty to be recovered in a summary way before one or more Justice or Justices of the Peace.

Notice to be served
on chief constable of
the district where
applicant resides.

Penalty on chief
constable for non-
attendance.

Qualified Justices of
adjoining town or
district may act if so
required.

14. And be it further enacted That whenever at any of the meetings to be holden for any town or district as aforesaid three Justices who are qualified to proceed under this Act shall not be present by twelve of the clock of that day at the Court-house or other place appointed for that meeting it shall thereupon be lawful for any one or two

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two Justice or Justices of such town or district being present to adjourn the said meeting for one week and to give notice of such adjournment not only to all the other Justices of the said town or district but also to two qualified Justices in any adjoining town or district and every such Justice to which such notice shall be given is hereby required under a penalty of twenty pounds to attend such adjourned meeting for the purpose of granting or transferring licenses under this Act Provided always that nothing herein contained shall be construed as imposing such penalty excepting in default of a sufficient number of Magistrates being present to perform the acts herein required nor shall any such penalty be imposed 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 Justices of the district by the affidavit of a medical attendant of the party or by the affidavit of the party himself.

15. And whereas persons who may be desirous of renewing their licenses and ready to comply with and fulfil the conditions of this Act may be unable to obtain the necessary certificates to entitle them to renewal of such licenses by reason of the necessary absence or non-attendance of a sufficient number of Justices of the Peace at the time herein appointed whereby great inconvenience and loss may be sustained by such persons Be it therefore enacted by the authority aforesaid That it shall and may be lawful for the Governor of the said Colony whenever he shall be satisfied that any person applying to have his or her said 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 certificates aforesaid to order and direct that a new license be issued to any person so applying upon his or her entering into the recognizance and paying the duty required by this Act.

Persons previously holding licenses being unable to obtain certificates on account of non-attendance of Magistrates Governor may direct their applications to be heard at any subsequent meeting.

16. And be it further enacted That in case any person having duly obtained a license as aforesaid shall either from necessity by accident to the house in such license stated or from any other cause be desirous to remove his business from the house expressed in such license to any other house within the district at any time after the issuing of his or her said license and before the next general licensing day then upon memorial from such person to the Justices of the district in which the certificate for the original license was granted it shall and may be lawful for such Justices or any three or more of them after such person shall have entered into a new recognizance to grant a certificate authorizing the Collector of Internal Revenue for the said Colony on payment of the sum of forty shillings to the said Collector and lodgment with him of the original license to grant a new license within forty-eight hours after application for the residue of the term for which the original license had been granted and for such house as shall be authorized and described in such new certificate Provided that in such new license the said original license shall be briefly recited and that the same had been as it is hereby required to be cancelled on the issuing of such new license and provided also that nothing herein contained shall be deemed or construed to admit or sanction the person to whom the said original license was granted to retail any of the liquors aforesaid elsewhere than in the house or place expressed in such new license.

Persons desirous of removing licenses to other premises to memorial the Justices.

17. And be it further enacted That the Justices by whom any certificate or certificates for licenses shall be granted under the provisions of this Act shall transmit to the Colonial Secretary for the time-being within ten days after the granting of such certificates as aforesaid a list signed by the said Justices of all the persons to whom they shall have so granted certificates specifying the situation and sign

Justices to transmit lists of the certificates granted by them to the Colonial Secretary.

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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.

Governor may grant licenses to steam packets.

18. And be it further enacted That it shall and may be lawful for the Governor of the said Colony for the time-being whenever he shall deem it expedient to order and direct that a license for twelve months from its date shall be granted at any period of the year by the Collector of Internal Revenue to the master or commander of any steam vessel or other vessel by which passengers to and from the harbour of Port Jackson shall or may be conveyed from or to any other port or harbour within the said Colony or its Dependencies for the sale of ale beer and other malt liquors and wine cider ginger beer spruce beer brandy rum gin whisky and other fermented or spirituous liquors on board of such steam vessel or other vessel to any such passenger Provided always that no such license shall be granted until payment be made to the Collector of Internal Revenue or other officer as aforesaid of the sum of one pound.

Persons disqualified to hold licenses or to be sureties under this Act.

19. And be it further enacted That no person holding office or employment under the Government nor any constable nor his deputy or bailiff nor any licensed auctioneer nor any person serving under a sentence for any criminal offence whether any such sentence be partially remitted or not excepting by a conditional pardon shall hold any license under the provisions of this Act nor shall any such person nor any publican be received or taken as surety in any recognizance to be entered into as aforesaid.

Publicans to have their names &c. painted on their premises

20. And be it further enacted That every person who shall be licensed to keep a public-house 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 Wines and Spirituous Liquors*" constantly and permanently remaining and plainly to be seen and read on some conspicuous part of his or her house or appurtenances and to 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 during the time of his or her holding such license and any such licensed person who shall fail or neglect to have his or her name so painted and to have a lamp so affixed lighted and kept burning shall for every such offence forfeit and pay a 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.

and to keep a lamp burning over their doors during the night.

Unlicensed persons keeping up a sign &c. to be fined.

21. 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 house which may imply or give reasonable cause to believe that such house or premises is or are licensed for the retail or barter of such liquors as aforesaid or that such liquors are sold served or retailed therein he or she shall for every such offence forfeit and pay the sum of ten pounds.

Penalties and disabilities for licensed persons offending.

22. And be it further enacted That if any 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 or become liable to the several penalties or disabilities hereinafter mentioned that is to say—for the first offence a sum of not less than twenty shillings nor more than ten pounds with costs and for the second offence a sum of not less than two pounds nor more than twenty pounds with costs and for the third or any subsequent offence it shall be lawful for any one Justice upon complaint or information of such third or subsequent offence

to

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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 district nearest to the place where 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 twice or oftener previously convicted of offences against the tenor of his or her license or recognizance it shall be lawful for the said Justices at such Sessions to adjudge such licensed person guilty of such third 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 date of such adjudication.

23. Provided always and be it further enacted That no recognizance shall be declared forfeited unless upon such adjudication by the said Court of Quarter Sessions upon such third or subsequent conviction and in every proceeding under this Act against a person as a licensed publican the production of his or her recognizance shall be evidence of his or her being such licensed publican and if such licensed person so complained of or informed against for such third or subsequent offence shall not appear at such next Quarter Sessions pursuant to the summons it shall be lawful for the Justices in such Sessions assembled on proof of the service of such summons to enquire into and determine the matter of the said complaint or information and in all respects to proceed against any person so summoned and not appearing in the same manner as if he or she had appeared.

Recognizances not to be forfeited until the third conviction and to be evidence of being licensed.

Publicans informed against not appearing.

24. And be it further enacted That no licensed person shall maintain any action for or recover any debt or demand on account of spirituous liquors unless such debt shall *bonâ fide* have been contracted at one time to the amount of twenty shillings or upwards nor shall any item in any account for spirituous liquors be allowed where the liquors *bonâ fide* delivered at one time shall not amount to the full sum of twenty shillings nor any amount of debt whatsoever incurred by any convict Provided always that nothing herein contained shall extend to prevent innkeepers from keeping an account with lodgers and travellers in which any charge for spirits may be included and recovering the amount thereof in a Court of Justice.

Debts for spirits not recoverable unless contracted for twenty shillings at one time.

Not to prevent innkeepers having accounts with lodgers.

25. And be it further enacted That if the keeper or occupier of any public-house licensed as aforesaid shall take or receive from any person whomsoever in payment or in pledge for liquor 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 of such offence forfeit and pay any sum not less than five nor more than twenty pounds sterling independently of such fine or punishment as may attach to so doing under

Publicans shall sell liquors for money only.

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under any other Act or Regulation now or hereafter to be in force within the said Colony.

Liquors in quantities above half a pint to be sold according to the standard measure.

26. And be it further enacted That every keeper of a licensed house shall sell or otherwise dispose of all liquors by retail (except in quantities less than a half-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.

What accommodation public-houses shall have.

27. And be it further enacted That every house which shall be licensed under this Act 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 that if any innkeeper or keeper of a licensed house 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 of a traveller and to provide such horse with food whether the owner lodge in his or her house or not every such innkeeper or keeper of such licensed house as aforesaid shall for every such offence forfeit and pay a sum of not less than five pounds nor more than twenty pounds upon conviction in a summary way before any one or more Justice or Justices of the Peace.

Publicans on any line of road shall receive travellers or their horses.

Strangers' goods in licensed houses not liable for rent or any other claim against such houses.

28. And be it further declared and enacted That every house licensed as herein provided 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 levy by distress and sale of the goods or effects of the person or persons distraining or seizing such goods or chattels as aforesaid.

Regulations as to the entertainment of convicts.

29. And be it further enacted That any keeper of a licensed house as aforesaid who shall wilfully or knowingly admit or receive any convict into his or her house or any other place held or occupied therewith or shall deliver any liquors as aforesaid to any convict except with the written permission or in the presence of the master mistress or overseer of such convict shall for the first offence forfeit and pay the sum of five pounds for the second offence the sum of ten pounds and for the third and every other offence the sum of twenty pounds to be recovered before any one or more Justice or Justices of the Peace in manner hereinafter directed Provided always that nothing herein contained shall be construed to extend or apply to any convict assigned to the said licensed keeper or to any convict holding a ticket of leave or other partial or temporary remission of sentence.

Proviso as to assigned servants of publicans and convicts holding tickets of leave &c.

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30. And be it further enacted That it shall be lawful for any Justice of the Peace or any Constable generally authorized by a Justice of the Peace in that behalf to demand entrance into any licensed public-house or the appurtenances thereof at any time by day or night and if admittance be delayed for such a time as shall make it appear to any such Justice or Justices that wilful delay was intended it shall be lawful for such Justice 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 such public-house with his assistants to serve process or for any other lawful purpose.

Justices or Constables authorized may enter public-houses at all times.

31. 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 publicans abandoning the occupation or management of their houses

32. And be it further 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 whatever out of the licensed house of such licensed person or if any licensed person shall sell barter or lend to any unlicensed person any such liquors as aforesaid with the knowledge or upon the understanding that such liquors are to be sold retailed 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 Provided always that nothing herein contained shall extend or be construed to extend to prohibit any licensed person from selling and retailing any ale beer or other liquors as aforesaid in booths or otherwise between the hours of sunrise and sunset at the time and place of holding any lawful or accustomed fair or at any place of public general amusement sanctioned by the public authorities of the said Colony.

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

Proviso as to fairs.

33. And be it further enacted That no ale beer wine cider ginger beer spruce beer brandy rum or any other fermented or spirituous liquors shall be sold or disposed of by retail in any quantity less than two gallons in any house or place in or on which a retail shop is kept and if any person shall sell or dispose of by retail any such liquors as aforesaid in such house or shop or shall supply or deliver any such liquors to any person coming to such house or shop under the pretence of such last-mentioned person being a customer or under any other pretence whatsoever every such person so offending shall upon conviction before two or more Justices be subject to the same penalty as if he or she had been convicted of selling any such liquors as aforesaid by retail without a license contrary to the provisions of this Act.

No liquors to be retailed where a retail shop is kept.

34. And be it further enacted That if any unlicensed person shall sell or deliver any such liquors in a quantity exceeding two gallons with

Persons selling two gallons of liquors

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with an understanding that part shall be returned.

Penalty.

Liquors hawked about to be seized and condemned.

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.

Penalty for licensed persons leaving their houses in charge of convicts.

with an understanding that part thereof shall be returned so that after such part shall have been returned the quantity actually sold or delivered shall be under two gallons then and in each of such cases such retail shopkeeper dealer or person shall upon being convicted of any such offence before two or more Justices be subject to the same penalty as if he or she had been convicted of selling any such liquors as aforesaid by retail without a license contrary to the provisions of this Act.

35. And be it further enacted That it shall and may 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 spirituous or other liquors as aforesaid as shall be hawked about or exposed to sale in any street road footpath or any other place whatever or in any booth tent stall or shed or in any boat or vessel by any person not licensed to sell the same in such place and the vessels containing the same and all 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 spirits 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 the King and the other moiety to the person or persons who may in any such case first seize inform or prosecute.

36. 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 in any particular unlicensed house or other unlicensed place and such constable or other person shall in such information set forth and shew 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 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 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 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 His 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.

37. And be it further enacted That it shall not be lawful for any person who shall be licensed to keep a public-house to leave retain or employ or to permit or suffer to be retained or employed any

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any person under sentence whether Colonial or otherwise for a criminal offence whether any such sentence shall be partially remitted or not excepting by a conditional pardon in the care charge conducting or management of such public-house or the business thereof or the sale of any spirituous or other liquors therein or thereout during the absence of such licensed person from such public-house either on the grounds of illness or from any other cause soever under a fine or penalty of fifty pounds for every such offence to be recovered before two or more Justice or Justices of the Peace in manner as hereinafter is directed and in case of a conviction for such offence the Justices before whom such licensed person shall be so convicted may if he or they think proper withdraw and 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 as aforesaid unless as hereinbefore excepted 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 Colony for any term not exceeding two years nor less than one year and if a female to be confined and kept to hard labor for a like period in any gaol or factory appointed by the Governor for the custody of female offenders.

Penalty for convicts selling liquors.

38. And in order to remove any doubts which may arise as to what may be a selling or disposing by retail of liquors contrary to the true intent and meaning of this Act be it further enacted That the delivery of any such spirituous or other liquors as aforesaid in any quantity less than two gallons 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 for retailing liquors contrary to the said Act unless proof shall be made to the contrary to the satisfaction of the Justice or Justices hearing the case.

What deemed evidence of retailing without license.

39. And be it further enacted That in all proceedings whatsoever against any person for retailing or permitting or suffering to be retailed any such liquors without a 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 Justices or shall then and there produce other satisfactory proof of his or her being a licensed person And every licensed person as aforesaid shall on demand at his or her licensed house produce his or her license to any Justice of the Peace or any Constable authorized by any Justice by any writing under his hand in that behalf and if any such licensed person shall refuse or neglect so 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 in manner hereinafter directed.

In proceedings the proof of being licensed to lie with the party charged.

Publicans to produce their licenses to Justices on demand.

40. And be it further enacted That if any person be convicted of keeping a disorderly house or of unlawfully retailing any such liquors as aforesaid the house and premises of such person and the house lodging shop or warehouse where such offence shall have been committed and any court or yard connected therewith shall be liable to be searched at any time of the day or night by any Constable or Constables or other Peace Officer or Officers with or without a warrant for six months next after such conviction Provided that the same or any part thereof shall be occupied by the party or parties so convicted and all such liquors as aforesaid as at any time within the said six

Disorderly houses may be searched for six months after conviction.

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months shall be found in any such house lodging shop court yard or premises shall and may be seized and forthwith removed and disposed of in the manner hereinbefore directed for the disposal of such liquors seized in an unlicensed house.

Persons drinking in unlicensed houses to be apprehended.

41. 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 house shop store-house or other building or any booth shed 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 twenty shillings 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.

Payment of wages where liquors are sold.

42. 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 one or more Justice or Justices of the Peace in manner hereinafter directed.

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

43. And be it further enacted That if any person shall be summoned as a witness to give evidence before any such 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.

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

44. And be it further 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 publican) 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 be the first second third or other subsequent conviction of the offence.

Penalty for Constables neglecting duty.

45. And be it further 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 Superintendent of Police or other Justice of the Peace after he shall have received information or shall

have

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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.

46. And be it further 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 and upon information exhibited or complaint made to him or them such Justice or Justices or Court respectively shall summon the party accused either personally or by leaving a summons in writing at his or her usual place of abode and shall also summon the witnesses on either side and upon appearance or in default of appearing upon due proof of summons shall proceed to hear the matter and examine the witnesses upon oath and give judgment therein and upon proof of the offence either by confession or by the oath or oaths of one or more credible witness or witnesses may convict the party accused and if he or she being then present shall not at the time or if absent within three days after notice either personally served upon him or her or left for him or her at the place where the offence was committed pay the fines and penalties which shall have been imposed under the authority of this Act together with the costs and expenses which are to be ascertained by such Justice or Justices or Court respectively the same shall be levied by distress and sale of the goods and chattels of such offender wherever they may be found Provided always that one moiety of all fines and penalties so levied shall go to the use of His Majesty and the other moiety thereof shall go to the party or parties informing and suing for the same.

Offences to be determined summarily.

Offenders and witnesses to be summoned.

How penalties shall be levied and applied.

47. And be it further enacted That if it should appear to the Justices who shall have so convicted any offender or offenders as aforesaid that the goods and chattels of such offender or offenders are not sufficient whereon to levy the distress awarded together with the costs of such distress and sale it shall be lawful for such Justices or any two or more of them to issue their warrant for the apprehension of such offender or offenders and to commit him her or them to gaol for any term not exceeding six months nor less than four months unless hereinbefore otherwise directed Provided nevertheless that if any such offender shall pay or cause to be paid into the hands of the Sheriff or Justices the amount of the forfeiture or penalty imposed and the costs together with all the costs of the apprehension of him or her and of his or her conveyance to gaol at any time previous to the expiration of the time for which such offender shall have been so committed such offender shall be forthwith discharged.

If offender's goods be insufficient for the distress he may be imprisoned.

Proviso.

48. And be it further enacted That it shall be lawful for the Justices to dismiss with costs any charge brought against a master or employer for retailing any such liquors as aforesaid to his or her own assigned or free servants or laborers not being in either of the towns aforesaid Provided the price of the liquor retailed be proved not to have exceeded in amount one-third of the wages or earnings of such servants or laborers as hereinbefore limited.

Charges for selling liquors to servants may be dismissed with costs.

49. And be it further enacted That no conviction shall be had under this Act on any case happening more than three months before the time of laying the charge.

Limitation of convictions.

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Appeal may be made to the next Court of Quarter Sessions.

50. And be it further 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 may appeal against such act to the next Court of Quarter Sessions to be holden in and for the district nearest to the place where the cause of such complaint shall have arisen unless such Sessions shall be holden within twelve days next after such act shall have been done and in that case to the next subsequent Court of Quarter Sessions to be holden as aforesaid but not afterwards provided that such person shall give to such Justice or Justices notice in writing of his or her intention to appeal and of the matter or act to be appealed against within five days next after such act shall have been done and seven days at the least before such Court of Quarter Sessions shall be holden and shall within such five days enter into a recognizance with two sufficient sureties before a Justice of the said district conditioned to appear at the said Court and to try such appeal and to abide the judgment of the Court thereupon and to pay such costs as shall be by the Court awarded and upon such notice being given and such recognizance being entered into the Justice before whom the same shall be entered into shall liberate such person if in custody for any offence in reference to which the act intended to be appealed against shall have been done and the Court of Quarter Sessions shall hear and determine in a summary way the matter of such appeal and shall make such order thereon with or without costs as to the said Court shall seem meet and in case the act appealed against shall be the refusal to grant or to transfer any license and the judgment under which such act was done shall be reversed it shall be lawful for the said Court to grant or transfer such license in the same manner as if such license had been granted at the General Annual Licensing Meeting or had been transferred at a Special Sessions and the judgment of the said Court of Quarter Sessions shall be final and conclusive to all intents and purposes and in case of the dismissal of such appeal or the affirmance of the judgment on which such act appealed against was done the said Court shall adjudge and order the said judgment to be carried into execution and the costs awarded to be paid and shall if necessary issue process for enforcing such order Provided always that the costs to be awarded on any one appeal shall not exceed in the whole the sum of five pounds and provided also that no Justice shall act in the hearing or determination of any appeal from any act done by him in or concerning the execution of this Act.

If judgment be reversed the Court may grant or transfer licenses.

Limitation of costs.

Justices appealed against not to act.

Witnesses to be summoned to give evidence in appeal.

51. And be it further enacted That where any person shall have given notice of his or her intention to appeal as aforesaid and shall have entered into a recognizance as hereinbefore directed it shall be lawful for the Justice before whom such recognizance shall be entered into to summon any person whose evidence shall appear to him to be material and to require such person to be bound in a recognizance to appear at the said Court of Quarter Sessions and to give evidence in such appeal and in case any such person as aforesaid shall neglect or refuse to obey such summons or shall refuse to enter into such recognizance it shall be lawful for such Justice as aforesaid to issue his warrant to apprehend such person so neglecting or refusing and to bring him before such Justice and if such person shall refuse to enter into such recognizance to commit him to gaol there to remain until he shall enter into such recognizance or shall be otherwise discharged by due course of law.

Appellant to give security for costs.

52. And be it further 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

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such appeal shall have been dismissed or the judgment so appealed against shall have affirmed or such appeal shall have been abandoned it shall be lawful for the Court to whom 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 authorized 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.

If judgment be reversed the Court may order the Justices to be indemnified.

53. And be it further enacted That all informations and convictions under this Act shall be according to the forms contained in the Schedule hereunto annexed marked E and F 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.

Form of information and conviction.

Judgments not void for informality nor removable by *certiorari* into the Supreme Court.

54. 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 suspected 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.

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

55. And be it further enacted That all sums of money collected levied or received under and by virtue of this Act after deducting such part of the forfeitures fines and penalties as are ordered to be paid to the persons informing and suing for the same shall be paid into the hands of the Colonial Treasurer and be appropriated to the use of His Majesty His Heirs and Successors for the public uses of the said Colony and the support of the Government thereof.

Application of sums received under this Act.

56. 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 said recited 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 provisoes 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

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

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this present Act And further that all and every proceeding which shall be actually commenced in respect of any offence committed or penalty incurred under the said recited 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.

7 Geo. IV. No. 2

and 8 Geo. IV. No. 1
repealed.

57. And be it further enacted That this Act shall commence and take effect on the first day of July one thousand eight hundred and thirty-three and that from and after the said day the Act of the Governor and Council of New South Wales passed in the seventh year of the reign of His late Majesty King George the Fourth intituled "*An Act for repealing the Laws now in force relative to the licensing and regulating of Public-houses and for the better regulating the granting of Licenses for the sale of Ale Beer Wine Spirits and other Liquors in New South Wales in future*" and also an Act of the said Governor and Council passed in the eighth year of the reign of His said Majesty intituled "*An Act to amend an Act of the Governor and Council intituled 'An Act for repealing the Laws now in force relative to the licensing and regulating of Public-houses and for the better regulating the granting of Licenses for the sale of Ale Beer Wine Spirits and other Liquors in New South Wales in future'*" shall be and the same are hereby repealed except in so far as any other Act of the said Governor and Council is thereby respectively repealed.

SCHEDULES TO WHICH THIS ACT REFERS.

A.

Form of Application for a License to keep an Inn or Public-house with Certificate of Character.

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 General Annual Licensing Meeting to be holden for this district for a license to sell and retail ale beer and other malt liquors or wine cider ginger beer spruce beer brandy rum or any other fermented or 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 of 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 a free man 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.)

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 183 .

We the undersigned householders residing within the town of (or district) 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.

Witness our hands this day of 183 .

1.
2.
3.

B.

Form of Certificate by Justices to authorize the granting of a License.

New South Wales.

At the General Annual Licensing Meeting (or an adjournment of the General Annual Licensing Meeting or a Special General Sessions) of His Majesty's Justices of the Peace acting in and for the district of holden at on the day of in the year one thousand eight hundred and thirty- for the purpose of considering applications made to us for licenses

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licenses to keep public-houses in pursuance of an Act of the Governor and Council intituled "*An Act for licensing Public-houses and regulating the retail of fermented and spirituous Liquors in New South Wales*" we being of His Majesty's said Justices and being the majority of those assembled at the said Sessions do in virtue of the power vested in us hereby authorize the Collector of Internal Revenue to issue a license to A. B. of to keep an inn or public-house at the sign of situated in for the year commencing on the first day of July next And we do hereby certify that we are satisfied the said A. B. is a person of good fame and reputation and is fit and proper to keep an inn or public-house And also that we have taken from the said A. B. and his sureties C. D. of and E. F. of a recognizance in the sum of fifty pounds each according to the form prescribed by the said Act of the Governor and Council.

*Given under our hands and seals on the day of
and at the place first above written.*

C.

FORM OF A RECOGNIZANCE.

NEW SOUTH WALES }
TO WIT. }

BE it remembered that on the day of 183 A. B. of C. D. of and E. F. of came personally before us G. H. J. K. and L. M. Esquires Justices of the Peace acting in and for the district of in the said Colony and acknowledged themselves to owe to our Lord the King 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 Lord the King His 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 to keep a common inn ale-house or victualling-house and to sell ale beer and other malt liquors and wine cider ginger beer spruce beer brandy rum and other fermented or spirituous liquors in the house wherein he (or she) now dwells (or is about to dwell) being the sign of situate at in the district of (or township) 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 ale beer and other such liquors as aforesaid in his (or her) said house or appurtenances thereunto belonging and do not permit any person to become drunk or play at cards dice or any other game of chance in his (or her) said house or premises or to commit any disorder therein or to remain in or upon the same tipping or drinking after the hour of nine at night or on Sunday at any hour always excepting moderate refreshment to persons who may be *bonâ fide* travelling or who may be inmates of the house nor suffer any disorder to be committed in his (or her) house or premises nor refuse to admit any 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 other place held or occupied therewith nor deliver any liquors as aforesaid to any convict except with the written permission or in the presence of the master mistress or overseer of such convict and do maintain good order and rule therein 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. (L. S.)
J. K. (L. S.)
L. M. (L. S.)

D.

FORM OF 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 General Annual Licensing Meeting holden at on the day of in the year of our Lord one thousand eight hundred and authorizing a license to be issued to the said A. B. to keep an inn or public-house at the sign of situated at and stating that the said Justices have taken from the said A. B. and two sureties a recognizance in the sum of fifty pounds each as required by law and whereas the said A. B. hath paid into my office the sum of twenty-five pounds sterling as the duty on such license Now I the Collector of Internal Revenue of the Colony of New South Wales in virtue of the powers vested in me by an Act of the Governor and Council passed in the third year of His Majesty's reign intituled "*An Act for licensing Public-houses and regulating the retail of fermented and spirituous Liquors in New South Wales*" do hereby license authorize and empower the said

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said A. B. to keep a common inn ale-house or victualling-house and to sell and retail in the house in which he (or she) now dwelleth (or is about to dwell) being the sign of situated at and in the appurtenances thereunto belonging but not elsewhere ale beer and other malt liquors or wine cider ginger beer spruce beer brandy rum or other fermented or spirituous liquors and this license shall continue in force from the first day of July next until the thirtieth day of June then next ensuing both days inclusive and no longer and also provided it be not forfeited in the meantime according to the provisions of the aforesaid Act of the Governor and Council.

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

N. O. (L. S.)

Collector of Internal Revenue.

Registered P. Q.

E.

FORM OF INFORMATION.

NEW SOUTH WALES }
TO WIT.

BE it remembered That on the day of in the year of our Lord
183 at in the County of in the Colony of New South Wales
of aforesaid came
before us and Esquires
two of His Majesty's Justices of the Peace for the said Colony duly authorized in that
behalf and gave us the said Justices to understand and be informed that after the
day of in the year of our Lord one thousand eight
hundred and and within three months next before the day of exhibiting
this information to wit on the day of 183 one
did sell and retail in less quantity than two gallons to wit
to and in the house of the said
situate standing and being in a certain street or place called
in aforesaid without being licensed thereto according to law
whereby and by force of the Act of Council in such case made and provided the said
has forfeited for said offence the sum of
sterling and also the costs and expenses attending the convicting the said
of the said offence the said penalty or sum of
to be appropriated and applied in the manner directed in the Act of the Governor and
Council in such case made and provided And the said
prayeth that the said may be convicted of the said
offence and that the said penalty or sum of may be appropriated
in the manner directed by the said Act of the Governor and Council and that the said
may be summoned to answer the said information
and make defence thereto and that material
witnesses to be examined concerning the premises be also summoned to testify therein.

Before us this day of 183 .

F.

FORM OF JUDGMENT OR CONVICTION.

NEW SOUTH WALES }
TO WIT.

BE it remembered That on the day of in the year one
thousand eight hundred and A. B. of was duly convicted before
us and (two of His Majesty's Justices of the Peace for the said
Colony) upon an information in that behalf exhibited before us on
the day of now last past for that on the (state the fact or
day of one thousand eight hundred and
offence in respect of which the judgment or conviction is had) and we do in pursuance of
the Act of the Governor and Council passed in the third year of His Majesty's reign
intituled "*An Act for licensing Public-houses and regulating the retail of fermented and
spirituous liquors in New South Wales*" award order and adjudge that the said
do for such offence forfeit and pay the sum of pounds to go and be distributed
as in and by the said Act is provided besides the costs and charges of and attending this
conviction which said costs and charges we the said Justices do hereby ascertain and assess
at the sum of

GIVEN under our hands and seals the day and year first above-written.