

No. VIII.

An Act to stay certain proceedings under an Act intituled "*An Act for licensing Public-houses and for regulating the Retail of Fermented and Spirituous Liquors in New South Wales*" and for making further provision for granting such Licenses. [9th September, 1837.]

LICENSED PUBLICANS.

WHEREAS by an Act of the Governor and Council of New South Wales passed in the third year of the reign of His 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*" it is enacted That if any person shall from and after the thirtieth day of June one thousand eight hundred and thirty-three 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 thereafter 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 before any two Justices of the Peace as thereafter 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 and whereas it is also by the said Act provided that every license granted for selling and retailing liquors under the provisions of the said recited Act shall be valid for one year or until the next general licensing day after the date of such license and no longer and whereas the Justices acting in and for each district in the said Colony are therein empowered to grant certificates in the form contained in the Schedule to the said Act annexed and whereas it is by the said Act 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 the said recited 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 thereafter be

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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 be appointed for that purpose is thereby authorized and required forthwith after the receipt of every such certificate to issue a license in the form contained in the Schedule to the said recited Act annexed and 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 and whereas licenses have been heretofore issued upon the certificate so granted by the Justices as aforesaid and upon receiving payment of the said sum of twenty-five pounds as aforesaid notwithstanding that such certificate and the sum required to be paid for such license have not been lodged in the proper office within fourteen days after the date of such certificate and such licenses have been and now are considered by the persons holding the same as good and valid licenses for the present year and until the next general licensing day and the several persons to whom such licenses have been issued as aforesaid upon certificates so declared by the said Act of Council to be null and void as aforesaid have under colour of such licenses so obtained as last aforesaid sold by retail fermented or spirituous liquors and thereby inadvertently incurred and become liable to the penalties and disabilities by the said Act imposed and inasmuch as such persons may have been misled by the granting of such licenses upon certificates not lodged within fourteen days after the date thereof as required by the said Act for remedy thereof Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That every such person who at any time before the passing of this Act shall have obtained from the said Colonial Treasurer such license for the selling and retailing liquors as aforesaid upon a certificate so declared null and void as aforesaid under and in pursuance of the provisions of the said recited Act and who at any time since the obtaining such license by selling or disposing of by retail in any quantity less than two gallons any ale beer or other malt liquor or any wine cider ginger beer or spruce beer brandy rum or other fermented or spirituous liquor in any house or place as aforesaid or who shall have permitted or suffered any such liquors as aforesaid to be sold or disposed of by retail as aforesaid and thereby shall have incurred the penalty and disability aforesaid shall from and immediately after the passing of this Act be altogether freed acquitted and discharged of and from every such penalty and disability and all proceedings now pending for the recovery thereof shall be null and void the said recited Act or any other Act to the contrary thereof notwithstanding.

Persons who have sold or disposed of by retail fermented or spirituous liquors under licenses issued upon certificates declared null and void under 3 Wm. IV. No. 8 discharged from the penalty and disability imposed by that Act.

Licenses issued by Colonial Treasurer upon such certificates to be valid until next general licensing day.

The Governor shall be authorized to appoint officers to issue licenses at distant places.

2. And be it enacted That all such licenses so issued by the said Colonial Treasurer as aforesaid upon certificates so declared null and void as aforesaid shall and the same are hereby declared to be as valid and effectual for the selling and retailing of liquors as aforesaid until the next general licensing day after the date of such license and no longer as if the same had been legally and regularly issued under and in pursuance of the provisions of the said recited Act.

3. And whereas it is expedient and necessary from the extension of the boundaries of the said Colony of New South Wales and its Dependencies that provision should be made for the issuing of licenses for the selling and retailing of liquors under the said recited Act at Port Phillip and other distant places within the said Colony and its Dependencies Be it therefore enacted That from and after the passing of this Act it shall and may be lawful for the Governor of the said Colony for the time-being to nominate and appoint any one or more officer or officers at any distant place or places within the said Colony and

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and its Dependencies to issue licenses for selling and retailing liquors under the provisions of the said recited Act and that such licenses so issued by such officer or officers shall be valid and effectual to all intents and purposes as if the same were issued and granted under the said recited Act Provided always that every person to whom such license shall be so granted as aforesaid shall in all respects whatsoever comply with and be subject and liable to the rules regulations provisions penalty and disability and shall do and perform all things whatsoever which persons licensed under the said recited Act are required to do or to which such persons are made subject.

Such licenses to be valid.

4. And whereas the Justices acting within the district of Port Phillip in the said Colony of New South Wales have granted certificates to certain individuals for the purpose of enabling them to apply for and obtain such license for the selling and retailing liquors under the provisions of the said recited Act and such persons have paid to the Police Magistrate of Port Phillip aforesaid the sums made payable for such licenses as aforesaid and have sold and disposed of liquors by retail as aforesaid under such certificates not having been able to procure such licenses in consequence of the want of communication between Port Phillip and Sydney in the Colony aforesaid where the Colonial Treasurer who is now legally authorized to issue the same resides and whereas it is expedient that such persons and any other persons to be approved by the Justices of Port Phillip be licensed to sell and retail liquors in the said district for the present year notwithstanding the time appointed for issuing the same by the said recited Act is now passed Be it therefore enacted That it shall and may be lawful for the officer to be appointed by His Excellency the Governor under the provisions of this Act to issue licenses for the selling and retailing liquors as aforesaid under the provisions of the said recited Act and of this Act without reference to the date of the certificate granted or to be granted by the said Justices or the time of granting the same until the next general licensing day to be held within and for the said district of Port Phillip after the date of such license and no longer and that such licenses when issued shall be and are hereby declared to be as valid and effectual in law as if the same had been legally and regularly issued under the said recited Act and that every such person who at any time before the passing of this Act by selling and retailing liquors as aforesaid without having obtained such license as aforesaid shall have incurred the penalty and disability aforesaid shall on taking out and obtaining such license as aforesaid be and he and every of them is hereby altogether freed acquitted and discharged of and from every such penalty and disability and all proceedings for the recovery thereof shall be null and void the said recited Act or any other Act or Acts to the contrary notwithstanding Provided always that upon the issue of any such license for Port Phillip as aforesaid it shall be lawful to demand and receive such proportion only of the sum required for a license by the said recited Act as shall be proportioned to the unexpired residue of the year during which such license shall remain in force.

Making valid licenses to be granted to individuals at Port Phillip and discharging them from the penalties.