

## No. VI.

LICENSED PUBLICANS. **An Act to amend the Licensed Public-house Act of 1849. [8th July, 1853.]**

13 Vic. No. 29.

The Governor may direct licenses to be issued in certain cases.

Music or dancing not to be permitted unless by permission in writing from a Magistrate.

Illicit sale of spirits &c. made punishable with imprisonment and hard labor.

In addition to pecuniary penalty.

Any Constable suing for a pecuniary penalty under certain sections to be entitled to half the penalty.

Sec. 86 of 13 Vic. No. 29 repealed. To whom drunkards' fines shall be paid.

**W**HEREAS the Licensed Public-house Act passed in the thirteenth year of Her present Majesty's reign numbered twenty-nine requires amendment in various particulars Be it therefore enacted by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof as follows:—

1. It shall be lawful for the Governor whenever he shall be satisfied that any person applying for a license under the said Act has from the non-attendance of qualified Justices at the proper time for granting the certificate required by the said Act or from any other cause without default or neglect on his part been unable to obtain the certificate aforesaid at the time and in manner in the said Act appointed to order and direct that a license may be issued to the person so applying upon his entering into the recognizances and paying the duty required by the said Act Provided that it shall be certified to the Governor by two Justices of the Peace resident in the Police District in which the applicant's house shall be situate that the licensing of such house would be a convenience to the public and that the applicant is in the opinion of such Justices a fit and proper person to hold a publican's license.

2. It shall not be lawful for any licensed publican to permit music or dancing in any part of his or her licensed house which is open to public resort unless by the permission in writing of one or more Police Magistrates of the district in which the house shall be situate and in districts where there may be no Police Magistrate unless with similar permission from the Justices in Petty Sessions assembled and every person offending against this enactment shall forfeit and pay any sum not exceeding twenty pounds.

3. It shall be lawful for the Justices of the Peace by or before whom any person shall be convicted under the second section of the said recited Act to award and direct if they shall so think fit that such offender shall for a first offence be imprisoned and kept to hard labor in any gaol or house of correction for any term not exceeding three calendar months and for a second or subsequent offence that he be so imprisoned and kept to hard labor for any term not exceeding six calendar months and every such award of imprisonment with hard labor shall be irrespective of and in addition to the pecuniary penalty forfeiture and disqualification imposed upon such offender by the said second section of the said recited Act.

4. Any Chief or other Constable who may inform or sue for any pecuniary penalty or forfeiture under the second section of the said recited Act or under the sixty-sixth sixty-seventh and sixty-eighth sections thereof shall be entitled to receive one-half of the penalty or forfeiture notwithstanding any Act or law to the contrary.

5. The eighty-sixth section of the said recited Act is hereby repealed and in lieu thereof be it enacted That all fines and penalties paid and recovered by virtue of the said recited Act from persons convicted of drunkenness shall be paid to the treasurer or other authorized officer of any benevolent asylum hospital infirmary dispensary or other charitable institution or society established or to be established nearest to the Court of Petty Sessions where the case shall be heard for

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*Equity Practice.*

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for the relief of such poor persons as through age sickness accident or other infirmity are unable to support themselves.

6. The enactments herein contained shall be read construed and Interpretation. acted upon as if this Act had been incorporated with and had formed part of the said recited Act.

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