

*Sale of Colonial Wines Regulation.***No. XVI.****SALE OF COLONIAL WINES REGULATION.****An Act to regulate the sale by retail of Wine Cider and Perry produced in the Colony. [20th December, 1862.]****Preamble.**

WHEREAS it is desirable to regulate the sale by retail of Wine Cider and Perry produced in the Colony Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

**Interpretation.**

1. The terms "Wine" "Cider" and "Perry" whenever herein used shall mean Wine Cider and Perry produced from fruit grown in the Colony.

**License fee.**

2. From and after the first day of July one thousand eight hundred and sixty-three any person requiring a license to sell by retail Wine Cider and Perry not to be consumed in the house shop or store or on the premises where sold shall pay annually to the Colonial Treasurer for the use of Her Majesty a license fee of one pound on payment whereof such license may be granted Provided that the house store or premises in respect of which the same is required be of the rent and value of ten pounds a year at the least but not otherwise.

Shop and storekeepers may take out licenses to retail wine.

3. Every person who shall have taken out a license as a dealer in Wine or who shall keep a shop or store for the sale of any goods or commodities other than foreign Wine may unless expressly disqualified by this Act without producing or having any other license or authority take out a license under this Act in manner following to sell by retail and in reputed quart or pint bottles only in his shop or store Wine Cider and Perry not to be consumed on the premises where sold anything in any former Act to the contrary notwithstanding.

**What shall be deemed selling by retail.**

4. Every sale of Wine Cider and Perry in any less quantity than two gallons or in less than one dozen reputed quart bottles at one time or two dozen reputed pint bottles or partly of one size and partly of the other shall be deemed to be a selling by retail.

Penalty for evasion of provisions disallowing consumption of Wine &c. on premises of person licensed to sell.

5. If any person licensed to sell Wine not to be consumed on the premises shall with intent to evade the provisions of this Act take or carry or authorize or employ or permit or suffer any person to take or carry any Wine Cider or Perry out of or from the house shop store or premises of such licensed person for the purpose of being sold on his account or for his benefit drunk or consumed in any other house or in any tent shed or other premises of any kind whatever belonging to such licensed person or hired used or occupied by him such Wine Cider or Perry shall be deemed and taken to have been drunk or consumed upon the premises and the person selling the same shall for every such offence forfeit a sum not exceeding five pounds.

Persons disqualified to hold wine licenses.

6. No Sheriff's officer or other officer executing any legal process shall hold any license under this Act And every license granted contrary to this enactment shall be absolutely void.

By whom licenses under this Act shall be granted.

7. Every license under this Act shall on payment of the fee aforesaid be granted by and under the hand of the Colonial Treasurer or such other person as the Governor with the advice of the Executive Council may authorize in that behalf And such license shall be in the form of the Schedule hereto subject only to any alteration which the Governor with the like advice may make to meet any alteration or amendment of the law for the time being.

Forms of licenses as in Schedule to this Act.

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8. Every such license whensoever granted shall have effect on <sup>Licenses date</sup> and from the day of the date thereof until the first day of July then <sup>expiration and renewal thereof.</sup> next and may be renewed as of that day in each year on payment of the fee aforesaid.

9. Upon the death or insolvency of any holder of a license <sup>Provision for death or insolvency of a licensed person.</sup> under this Act the Colonial Treasurer may without fee or further duty by indorsement on the license or otherwise in writing authorize the legal personal representatives of such holder or his Official Assignee occupying the house shop store or premises before used for such purpose to carry on the business under such license during the residue of the term for which the same has to run. And the person so authorized shall be deemed for all purposes to be the holder of such license under this Act.

10. Every Clerk of Petty Sessions shall keep a register of all <sup>Register of licenses to be kept by Clerks of Petty Sessions.</sup> licenses granted under this Act within his district specifying the name and place of abode of every holder thereof respectively and his name and the description of his house shop store or premises for which such license shall be granted. And such list or register shall at all reasonable times be open to the inspection and perusal of any person applying to see the same.

11. In case of complaint before any two Justices against any <sup>In case of complaint licensee to produce license on requisition.</sup> holder of a license under this Act for any offence against his license or this Act such two Justices may require such holder to produce his license for their examination and if he wilfully neglect or refuse to do so he shall be liable to a penalty not exceeding five pounds.

12. Every person who shall at any time sell any Wine Cider or <sup>Penalty for selling wine &c. without license.</sup> Perry by retail without having a license under this Act then in force shall be liable to a penalty not exceeding thirty pounds.

13. All liquor sold or offered for sale by any person whether or not holding a license under this Act as being Wine Cider or Perry produced in the Colony or under any name by which such Wine Cider or Perry is usually designated or known shall as against such person so selling or offering for sale the same be deemed to be Wine Cider and Perry within the meaning of this Act. And any such Wine Cider or Perry containing a greater proportion than twenty per centum of proof spirit shall be deemed to come within the description of "spirituous liquors" for all purposes in the law. <sup>What shall be deemed wine &c. produced in the Colony. And what shall be deemed spirits.</sup>

14. No holder of a license under this Act shall sell or have his <sup>Limitation of hours for opening and closing houses licensed for the sale of wine &c.</sup> shop store or premises open for the sale of Wine Cider or Perry except between the hours of six in the morning and ten at night on the six business days of the week and not at any hour on Sunday Good Friday Christmas Day or any day appointed for a public fast or thanksgiving. And if any such holder shall sell any Wine Cider or Perry at any other time than as aforesaid or shall otherwise act contrary to this enactment he shall be liable to a penalty not exceeding forty shillings for every offence and every separate sale or opening for sale shall be deemed a separate offence.

15. If any holder of a license under this Act shall mix or <sup>Penalty for mixing spirits or drugs in wine &c. or adulterating wine &c.</sup> cause to be mixed any spirits or any drugs or other pernicious ingredients with any Wine Cider or Perry sold or offered for sale by him or shall fraudulently dilute or in any way adulterate any such Wine Cider or Perry or shall sell or offer for sale any Wine Cider or Perry which to his knowledge has been so mixed diluted or adulterated he shall for the first offence be liable to a penalty not exceeding twenty <sup>First offence.</sup> pounds nor less than ten pounds and shall for the second such offence <sup>Second offence.</sup> be disqualified from selling Wine Cider or Perry by retail for five years or be liable to a penalty not exceeding fifty pounds nor less than twenty pounds at the discretion of the Justices before whom he shall be

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Penalty on selling  
wine &c. after  
conviction of second  
offence.

Summary recovery  
of penalties.

Appeals to Quarter  
Sessions.

If appeal dismissed  
or conviction dis-  
missed appellant to  
pay costs.

Act not to affect  
25 Vict. No. 14.

Short title.

be adjudged guilty of such second offence. And if any offender convicted of such second offence shall during such five years sell any Wine Cider or Perry by retail either on the premises mentioned in his license or in any other place he shall be liable to a penalty not exceeding fifty pounds nor less than twenty-five pounds and shall be subject to a like penalty in respect of every place where he shall commit such offence.

16. All penalties under this Act may be recovered upon complaint before any two Justices in a summary manner. Provided that every such penalty be proceeded for within three calendar months next after the commission of the offence in respect of which the same shall be incurred.

17. Any person who shall think himself aggrieved by any penalty imposed upon him under this Act above five pounds or by any decision of any Justice under or concerning the provisions of this Act may appeal against such penalty or decision to the Court of Quarter Sessions according to the law in force for the time being for the general regulation of appeals of such or the like nature.

18. Whenever notice of any such appeal shall have been given and the same shall have been dismissed or the judgment appealed from affirmed or such appeal abandoned the Court to which such appeal shall have been made or intended to be made may and shall adjudge and order the actual or intended appellant to pay to the Justice whose decision is appealed from such costs as shall in the opinion of such Court be reasonable. And after refusal or neglect for fourteen days to pay such sum the said Court may adjudge and order the refusing or neglecting party to be committed to gaol there to remain until such sum be paid but not exceeding a period of three months.

19. Nothing in this Act shall in any way affect the Act twenty-fifth of Victoria number fourteen being the "Sale of Liquors Licensing Act of 1862."

20. This Act shall be styled and may be cited as the "Sale of Colonial Wines Regulation Act."

**SCHEDULE.**

I THE undersigned being the Colonial Treasurer of New South Wales do hereby authorize and empower now keeping a shop or store for the sale of goods and commodities at in the Police District of to sell therein Wine Cider and Perry produced in the Colony by retail and in reputed quart or pint bottles only and not to be consumed in the house shop or store or on the said premises where sold. And for this license he hath paid the sum of the house and premises being of the value of pounds a year. And this license is granted upon condition that the said do not mix or cause to be mixed any spirits or any drugs or other pernicious ingredients in any Wine Cider or Perry sold in his shop store or premises nor fraudulently dilute or in any way adulterate any such Wine Cider or Perry nor sell or offer for sale any Wine Cider or Perry which to his knowledge has been so mixed diluted or adulterated. And this license shall continue in force from the day of until the 1st day of July next ensuing and no longer.

Given under my hand this  
day of

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Colonial Treasurer.