

No. XVIII.

LICENSED PUBLICANS. **An Act for consolidating and amending the Laws relating to the licensing of Public-houses and for further regulating the Sale and Consumption of Fermented and Spirituous Liquors in New South Wales. [26th September, 1838.]**

Preamble. **W**HEREAS it is expedient to reduce into one Act the Laws relating to the licensing and regulation of public-houses and also to restrict the retail of fermented and spirituous liquors to persons duly licensed thereunto and further to alter and amend the Laws relating to the sale and consumption of such liquors in New South Wales as hereinafter is provided Be it therefore enacted by His Excellency

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Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That if any person shall after the commencement of this Act sell or dispose of in any house or place within the Colony of New South Wales any fermented or spirituous liquors or any mixed liquors part of which is fermented or spirituous or shall permit or suffer any such liquors to be sold or disposed of by any other person in his or her house or other place within the said Colony or its Dependencies without having first obtained in manner and form hereinafter directed a license sufficiently authorizing such sale and disposal as aforesaid every such person shall forfeit for every such first offence the sum of thirty pounds and for every subsequent offence the sum of fifty pounds together with the costs of prosecution in every case to be recovered before any two Justices of the Peace as hereinafter provided and every such person shall further upon conviction of any such offence be rendered incapable of holding any license whatsoever under this Act for the period of three years from the time of such conviction.

Penalty on persons selling spirituous liquors &c. without license prescribed by this Act.

2. Provided always and be it enacted That nothing in this Act contained shall be construed to apply to any person selling any distilled or spirituous perfume *bonâ fide* as perfumery and not for the purpose of drinking nor to any person practising as an apothecary chemist or druggist who may administer or sell any spirituous or fermented liquors as medicines or for medicinal purposes nor to any person who within the towns of Sydney Parramatta Windsor Maitland and Melbourne and such other towns within the said Colony or its Dependencies as shall by the Governor or Acting Governor for the time being by a notice to be published in the New South Wales *Government Gazette* be from time to time declared to come under the operation of this clause shall dispose of any quantity not less than two gallons of any fermented or spirituous liquors or any mixed liquors part of which is fermented or spirituous nor to any person who within the towns of Liverpool Campbelltown Wollongong Berrima Goulburn Bathurst Penrith Richmond Newcastle Morpeth Carrington and Port Macquarie and such other towns within the said Colony or its Dependencies as shall by the Governor or Acting Governor for the time being by a notice to be published in the New South Wales *Government Gazette* be from time to time declared to come under the operation of this clause shall dispose of any quantity not less than two gallons of any fermented liquors no part of which is spirituous nor to any grower or maker of wines from grapes the produce of the said Colony or its Dependencies who shall dispose of the same in any quantity not less than ten gallons nor to any person or persons who may give wine or beer made from grapes or grain of his her or their own growth in part payment of wages to laborers on lands owned or rented by him her or them nor to any military canteen duly established under the regulations of Her Majesty's Service.

Exceptions.

3. And be it enacted That the licenses to be granted by virtue of this Act shall be issued by the Colonial Treasurer or by such other person or persons and in such place or places as the Governor of the Colony may from time to time appoint and shall be of four kinds namely one to be granted to innkeepers and publicans for the sale of all the liquors as aforesaid and which shall for the purposes of this Act be denominated a "Publican's General License" and shall be in the form in the Schedule hereunto annexed marked A one other to be granted to publicans and others for the sale of wine beer and fermented liquors only to be called a "Wine and Beer License" and which shall be in the form in the Schedule hereunto annexed marked B one other to be granted to masters or commanders of steam or other vessels conveying passengers as hereinafter mentioned

Licenses how issued and what kinds.

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mentioned which for the purposes of this Act shall be denominated a "Packet License" and shall be in the form in the Schedule hereunto annexed marked C and another to be granted to confectioners or pastry-cooks for the sale of ginger beer and spruce beer and which for the purposes of this Act shall be called a "Confectioner's License" and shall be in the form in the Schedule hereunto annexed marked D all which licenses shall commence from the first day of July next following their respective dates and shall be in force for one year then next ensuing (unless it be sooner forfeited) and no longer.

To be in force for one year from 1st July.

As to a Publican's General License.

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

As to a Wine and Beer License.

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

As to a Packet License.

6. And be it enacted That every such Packet License as aforesaid shall be held to authorize the master or commander for the time being of the steam-packet or other vessel therein mentioned being a vessel by which passengers shall be conveyed from any place within the said Colony or its Dependencies to any other such place and being at the time of exercising such license actually on her passage between any such places to sell and dispose of the liquors aforesaid to any passenger on board of such vessel Provided however that nothing in this Act contained shall be construed as prohibiting or rendering penal allowances of liquor to the crew of such packet or vessel as aforesaid which shall not otherwise be contrary to the law in force for the time being.

As to Confectioner's License.

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

Licenses may be extended *pro tem.* to fairs &c. by authority of Petty Sessions.

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

Disqualifications.

9. And be it enacted That no license shall be granted or transferred as hereinafter mentioned under this Act to any person holding office or employment under the Government nor to any constable nor his

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his deputy or bailiff nor any licensed auctioneer nor any person nor the wife of any person serving under a sentence for any criminal offence whether any such sentence be partially remitted or not unless by a pardon granted on the usual condition of residence in New South Wales and then only after the same shall have been allowed by Her Majesty and all such acts performed as are or shall be required by law for the final confirmation of such pardon nor shall any Publican's License be granted for any premises of which a constable is the owner landlord or proprietor or wherein such constable has any partnership or share Provided also and be it enacted That none of the persons hereinbefore mentioned nor any person holding a license under this Act shall be received or taken as surety in any recognizance to be entered into as hereinafter provided.

10. And be it further enacted That no Justice of the Peace Justices disqualified to act. being a brewer malster or distiller or an importer of or dealer in wine or any malt or spirituous liquors or concerned in any partnership with with any brewer malster or distiller or dealer in wine or malt or spirituous liquors or being the landlord owner or part owner of any house licensed or about to be licensed or being directly or indirectly interested in any such house shall sit at or act in any meeting of Justices during the consideration of any application for a certificate for a license or the transfer thereof under the provisions hereinafter contained or during the consideration of 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.

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

12. Provided always and be it enacted That if there shall be no established Petty Sessions for the district or reputed district within which it is proposed to exercise any such license then and in every such case such notice as aforesaid shall be delivered to the Clerk of the Petty Sessions of the nearest district or place wherein a Police Magistrate shall officiate and if there be any one or more Justice or Justices of the Peace residing within the district or reputed district from which the application shall proceed the certificate hereinbefore referred to in the form in the Schedule hereunto annexed marked A 2 shall be signed by one such Justice at the least and if there be no such resident Justices then by one Justice of some other district at the

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the least together with five known and respectable housekeepers of the district from which the application shall proceed and upon delivery of such notice and certificate the Petty Sessions of the district to which such application shall be made under this provision shall receive and determine upon the same in like manner in all other respects as an application from the district for which such Petty Sessions shall be usually held.

Applications for
Packet Licenses
where to be made.

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

Annual Licensing
Meeting.

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

Clerk of Petty
Sessions to cause
previous notice
thereof.

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

Applicants to enter
into recognizances.

16. And be it enacted That before the Justices shall deliver to any applicant for a license any certificate to authorize the issue thereof every applicant shall enter into a recognizance with two sureties in the sum of fifty pounds each if applying for a Publican's General License in the form and with the conditions in the Schedule hereunto annexed marked A 3 if for a Wine and Beer License in the form and with the conditions in the Schedule hereunto annexed marked B 3 if for a Packet License in the form and with the conditions in the Schedule hereunto annexed marked C 2 and if for a Confectioner's License in the form and with the conditions in the Schedule hereunto annexed marked D 2 Provided always that if it shall in any case
appear

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appear expedient to the Justices to impose any special conditions upon any applicant for a license in addition to those imposed by this Act or contained in the said respective forms whether as to the extent of accommodation required for travellers or guests in any licensed house or otherwise as to the regulation thereof and not contrary to any provision in this Act it shall be lawful for the said Justices to insert the same in the recognizance in addition to the usual conditions thereof.

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

As to applicants absent through illness.

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

Mode of taking recognizances.

Penalty on Justices certifying without a previous recognizance.

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

Recording of recognizances and filing with the Clerk of the Peace.

20. And be it enacted That the Justices by whom any such certificates as aforesaid shall be granted by virtue of this Act shall transmit to the Colonial Treasurer for the time being or to such other person or persons as may be appointed by the said Governor for the purpose of issuing licenses under this Act within fourteen days after the granting thereof a list signed by two at least of the said Justices (unless one only shall have acted under the authority hereinafter contained) specifying the names and residences of all the persons to whom any such certificates shall have been so granted and of their respective sureties and the nature of the license authorized by each certificate and specifying further with regard to all Publican's General Licenses and Wine and Beer Licenses the situation and sign or name of each house and if not in a town its distance from the nearest licensed house in each line of road the name of the owner or proprietor whether before licensed or not and also the names and residences of the sureties.

Lists of certificates to be sent to the Colonial Treasurer.

21. And be it enacted That every certificate which shall be granted by the Justices to authorize the issue of any such license as aforesaid shall be null and void unless the same and the sum required to be paid for such license be lodged in the office of the Colonial Treasurer or of such other person or persons aforesaid as may be appointed by the said Governor in that behalf on or before the thirtieth day of June next ensuing each Annual Licensing Meeting and the said Colonial Treasurer or other person as aforesaid shall and he is hereby authorized and required forthwith after the receipt of every such certificate to issue and register in his office a license in one or other of the forms hereinbefore prescribed according to the tenor of each such certificate respectively upon payment being made to the said

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

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said Colonial Treasurer or other person as aforesaid of the sum of thirty pounds sterling for every Publican's General License of the sum of ten pounds for every Wine and Beer License of the sum of two pounds for every Packet License and of the sum of one pound for every Confectioner's License.

The Governor may authorize a license for a defaulter upon an additional payment.

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

One Justice may act if no others attend after adjournment.

23. And be it enacted That whenever at any Annual Licensing Meeting to be holden for any town or district as aforesaid or any adjourned meeting thereof two Justices qualified to form a Petty Sessions for proceeding under this Act shall not be present by one o'clock of that day at the Court-house or other place appointed for the meeting it shall be lawful for any one Justice of such town or district being present to adjourn or further adjourn the said meeting for one week (any limitation hereinbefore prescribed to the contrary notwithstanding) and to give notice of such adjournment to all the other Justices of the said town or district and every such Justice to whom such notice shall be given is hereby required under a penalty of twenty pounds recoverable by action of debt in the Supreme Court to attend such adjourned meeting for the purpose of granting certificates for licenses under this Act and if at such adjourned meeting there shall not be present two qualified Justices it shall be lawful for any one qualified Justice being present to grant any certificate for a license or licenses under this Act Provided always that nothing herein contained shall be construed as imposing the above penalty except in default of the presence of two Justices qualified to perform the acts hereby required nor shall such penalty be enforced if such default of attendance be occasioned by the illness of a Justice summoned to attend as aforesaid such prevention by illness being certified to the Justice present at the said adjourned meeting by the certificate of a medical attendant of the party or by the affidavit of the party himself.

Penalty for non-attendance.

Colonial Treasurer may issue Packet Licenses in special emergencies.

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

Governor may direct renewal of license without certificate in certain cases.

25. And whereas persons desirous of renewing their licenses and ready to fulfil the conditions of this Act may be unable to obtain the necessary certificate to entitle them to a renewal of such licenses by reason of the non-attendance of any qualified Justice at the Annual

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Annual Licensing Meeting or on the day of such adjournment thereof as aforesaid whereby great inconvenience and loss may be sustained by such persons Be it therefore enacted That it shall be lawful for the Governor of the said Colony whenever he shall be satisfied that any person applying to have his or her license renewed has from the causes aforesaid or from any other cause without any default or neglect on his or her part been unable to obtain the certificate aforesaid at the time and in manner hereinbefore appointed to order and direct that a new license be issued to any person so applying upon his or her entering into the recognizances and paying the duty required by this Act.

26. And be it enacted That whenever it shall appear to a majority of the entire number of qualified Justices residing within any district for which an Annual Licensing Meeting is usually held that any injustice or material injury of a public nature will be occasioned by delay in the granting of any license under this Act until the next Annual Licensing Meeting it shall be lawful for the Justices forming such majority if they shall in their discretion think fit to recommend the granting of such license at any period of the year and upon such recommendation together with the certificate required under this Act being laid before the Governor signed by all the Justices forming such majority as aforesaid and upon the recognizances required by this Act being duly entered into it shall be lawful for the said Governor if he shall in his discretion think fit to authorize the issue of the license applied for to continue in force until the first day of July thence next ensuing upon payment of such sum as shall be determined by the said Governor.

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

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

Special Petty Sessions for transferring licenses.

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

Such Sessions may transfer licenses.

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

Devolution of license on executors or trustees.

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before the Justices assembled at the next Special Petty Sessions for the district ensuing the date of such decease or legal vesting as aforesaid or before any Justice or Justices of the district who shall previously require the same to be entered into.

Majority of resident Justices may transfer licenses at any time for special reasons.

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

Sec. 28.

Licensed persons desirous of removing to another house to memorialize Justices.

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

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

32. And be it enacted That every transfer of a license authorized by any Justices under this Act whether as regards the person or the house to which the license shall apply shall within fourteen days after such transfer be reported to the Colonial Treasurer or such other person appointed to issue licenses as aforesaid by the Clerk of the Petty Sessions by which such transfer shall be authorized under a penalty for every neglect or omission of five pounds to be recovered before any one or more Justice or Justices of the Peace.

Penalties and disabilities for licensed persons offending.

33. And be it enacted That if any person holding a license under this Act except a Packet License shall have or keep in or about his house premises or appurtenances or at any place connected with the same in any way whatever any skittle ground or ball court or any dice cards bowls billiards quoits or other implements used in gaming or shall suffer any person resorting thither to use or exercise any kind of said games or any other unlawful game or sport within his said house premises or appurtenances or if any such licensed person shall offend against the tenor of his or her license or shall in any respect commit a breach of any condition of the recognizance by him or her entered into he or she shall upon being lawfully convicted before two or more Justices of the Peace forfeit and pay for every such offence a sum of not less than forty shillings nor more than twenty pounds with costs Provided however that the Police Magistrate of the town of Sydney or any Bench of Magistrates of whom the Police Magistrate if there be such shall be one may at their discretion grant a written permission to any licensed person within their respective districts to allow the game of billiards to be played in his or her licensed house on any day Sunday Good Friday and Christmas Day excepted on payment of the sum of ten pounds in addition

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addition to the sum to be paid in like manner as hereinbefore is mentioned for his or her license and also of the sum of ten pounds hereinafter required to be paid for dispensing with the restrictions or part thereof in respect to the hour of closing houses licensed under this Act And provided further that for any second or subsequent offence it shall be lawful for the said Justices in their discretion either to proceed to such conviction as hereby authorized or before the hearing of the complaint or at any time before conviction to issue a summons requiring the person so complained of or informed against to appear at the next Court of Quarter Sessions to be holden for the county or division of territory including the district or place wherein such licensed person resides then and there to answer to the matter of such complaint or information and any other person or persons to appear at such Sessions and give evidence against such licensed person and the Justices of the Peace at such Sessions shall enquire into the offence charged in the said complaint or information and if they find that such licensed person hath committed the offence against the tenor of his or her license or recognizance in the said complaint or information specified and that such licensed person hath been once or oftener previously convicted of offences against the tenor of his or her license or recognizance it shall be lawful for the said Justices of such Sessions to adjudge such licensed person guilty of such second or subsequent offence which adjudication shall be final and thereupon the said Justices shall have authority to punish the party so convicted by a fine or penalty of not less than ten pounds nor more than one hundred pounds or at the discretion of the said Justices by declaring his or her recognizance to be forfeited and also at their discretion his or her license to be void and such recognizance shall be forfeited and such license from thenceforth be void accordingly and the said person whose license shall be declared void shall from thenceforth be incapable of receiving or holding any license under this Act for the space of three years to be computed from the day of such adjudication Provided always that no recognizance shall be declared forfeited unless upon such adjudication by the said Court of Quarter Sessions or Justices as aforesaid upon such second or subsequent conviction.

Recognizances not to be forfeited unless upon adjudication of Quarter Sessions.

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

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

35. And be it enacted That every person who shall hold a "Publican's General License" shall and is hereby required to have his or her name at length painted in legible letters at least three inches long with the words "Licensed to retail Fermented and Spirituous Liquors" and every person holding a Wine and Beer License shall have his or her name painted as aforesaid with the words "Licensed to retail Wine Beer and Fermented Liquors" constantly and permanently remaining and plainly to be seen and read on a conspicuous part of his or her house or appurtenances and every holder of a Publican's General License or Wine and Beer License shall also keep a lamp with at least two burners affixed over the door of his or her house lighted and to be kept burning the whole of each and every night from sun-set

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

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

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to sun-rise during the time of his or her holding such license and any such licensed person who shall fail or neglect to comply with the regulations hereby imposed or either of them shall for every offence forfeit and pay any sum not less than one pound nor more than five pounds upon conviction thereof before any one or more Justice or Justices of the Peace in manner hereinafter directed.

Unlicensed persons
keeping up signs &c.
to be fined.

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

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

37. And be it further enacted That every house for which a Publican's General License shall be granted and every house for which a Wine and Beer License shall be granted as to which the Justices shall declare in the certificate authorizing the license that the same is to be liable to the conditions applicable to an inn or place of resort for travellers shall at the time of granting such license contain at least two sitting-rooms and two sleeping-rooms actually ready and fit for public accommodation independent of the apartments occupied by the family of the publican and shall also be provided with a place of accommodation on or near the premises for the use of the customers thereof in order to prevent nuisances or offences against decency and shall also be provided with stabling sufficient for the accommodation of six horses at the least and with a sufficient supply of hay corn or other wholesome and usual provender for the horses of travellers and in case any such licensed house as aforesaid shall cease to be so provided as hereinbefore required or as required by the conditions of any such recognizance as aforesaid where the same shall be inserted therein it shall be lawful for any two or more Justices of the Peace upon proof thereof to their satisfaction to declare the license of such house to be forfeited and the same shall thereupon and thenceforth become null and void but in case on the granting of a certificate for a license by any Justices as aforesaid it shall appear to them expedient to grant such certificate upon any other conditions with reference to the extent of accommodation to be afforded to the public in the aforesaid or any other respects it shall be lawful for the said Justices to insert such conditions in the recognizance of the person to whom such certificate for such license shall be so granted and in every such case the conditions so to be inserted shall so far as regards such person be taken to be the conditions imposed and binding upon him or her under the present section of this Act.

Penalty for refusing
entertainment.

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

Immunity from dis-
tress for rent &c. of
stranger's property.

39. And be it further declared and enacted That every house for which a Publican's General License shall be granted shall be considered as a common inn and no goods or chattels whatsoever *bond 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

Licensed Publicans.

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.

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

No licensed house in Sydney or elsewhere after notice as herein provided to have any ingress or egress except in the streets named in the license.

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

No action to be maintained on account of liquors illegally supplied

nor in any case for spirits sold by retail

except in part of innkeeper's general bill.

42. And be it enacted That if the holder of any license under this Act shall take or receive from any person whomsoever in payment or in pledge for liquors or for any entertainment whatsoever supplied in or out of his or her house or premises any article of clothing or slops or any tool or other article or thing excepting metallic or paper money such occupier or possessor of a public-house so offending shall upon conviction before two Justices of the Peace for such offence forfeit and pay any sum not less than five pounds nor more than twenty pounds sterling independently of such fine or punishment as may attach to so doing under any other Act or regulation now or hereafter to be in force in said Colony.

Licensed persons to receive payment in money only.

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Liquors to be sold according to the Imperial measure.

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

No publican in Sydney or elsewhere as herein provided to retail spirits in the tap.

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

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

45. And be it enacted That it shall not be lawful for any person holding any license under this Act to have retain or employ or to permit or suffer to be retained or employed any person suffering under a sentence whether Colonial or otherwise for a criminal offence whether any such sentence shall be partially remitted or not excepting by a conditional pardon granted and confirmed in such manner as to qualify the holder to apply himself for a license within the meaning of this Act in the care charge conducting or management of the public-house or place in which such license shall be exercised or in the business thereof or the sale of any of the said liquors therein or thereout during the absence of such licensed person either on the ground of illness or from any other cause soever under a fine or penalty of fifty pounds for every such offence to be summarily recovered before two or more Justices of the Peace and in case of a conviction for such offence the Justices before whom such licensed person shall be so convicted may if they think proper withdraw or cancel the license so granted to such person in addition to the payment of the said fine as aforesaid and if any person under sentence and not holding such pardon as aforesaid shall be convicted of selling or retailing either for himself or herself or for any licensed or unlicensed person any ale beer wine or other fermented or spirituous liquors contrary to the provisions in this Act contained it shall be lawful for the said Justices before whom such felon or offender shall be so convicted to sentence such offender if a male to be worked in irons on the roads or public works of the said Colony for any term not exceeding two years nor less than three months and if a female to be confined and kept to hard labor for the like period in any gaol or factory

Sec. 9.

Punishment for convicts selling liquors.

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factory appointed by the Governor for the custody of female offenders Provided however that nothing hereinbefore contained shall be held to apply to the lawful wife of any licensed person although under sentence as aforesaid.

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

Restriction on
receiving convicts
into licensed houses.

47. And be it enacted That any person holding a Publican's General License or a Wine and Beer License who shall sell or dispose of any liquors as aforesaid to any convict or who shall deliver any such liquors to any convict except with the permission or in the presence of the master mistress or overseer of such convict and then not exceeding the quantity which such master mistress or overseer is authorized to supply as hereinafter mentioned shall for the first offence forfeit and pay the sum of five pounds for the second offence the sum of ten pounds and for the third and every subsequent offence the sum of twenty pounds to be recovered before any one or more Justice or Justices of the Peace And every licensed person shall be held responsible for all precautions necessary to prevent the inadvertent sale or disposal of such liquors to any convict in ignorance of his or her being such Provided however that if it shall be made to appear to the satisfaction of such Justice or Justices that notwithstanding ordinary precaution in this behalf the licensed person has been imposed upon by falsehood or fraud and has thereby unknowingly and unwillingly offended against the present provision it shall be lawful for the said Justice or Justices to mitigate the said penalty to the sum of one pound and no conviction in such mitigated sum shall be accounted as a first or second conviction so as to augment the penalty upon any future conviction under this Act Provided always that nothing herein contained shall be construed to extend or apply to any convict holding a ticket-of-leave or other partial or temporary remission of sentence.

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

48. And whereas the unregulated supplying or giving of spirituous liquors to convicts under sentence by their masters or others has been the cause of frequent crimes Be it therefore enacted that it shall not be lawful for any person whomsoever whether licensed or unlicensed under this Act either to sell or to supply or to give (save as hereinafter excepted) any spirituous liquor or mixed liquor part whereof is spirituous in any quantity whatsoever to any convict under sentence for the purpose of the same being drunk by such convict or by any other convict and if any person shall sell supply or give any spirituous liquor to any such convict contrary to this enactment he or she shall for every such offence forfeit and pay (over and above any penalty which may be incurred for the sale of such liquors without a license) a penalty of five pounds to be recovered before any one or more Justice or Justices of the Peace Provided however that such penalty shall not be recoverable in case it shall be satisfactorily proved that the spirituous liquor supplied as aforesaid was administered medicinally nor in case it shall appear that the same was supplied to any convict by or in the presence of or by the written permission of his or her master mistress or overseer in a quantity not exceeding half a gill of spirits (as measured before being diluted) within six hours and not exceeding one gill within twenty-four hours nor in case it shall appear that the same was issued by a master mistress or overseer in a moderate

No spirits to be sold
or given to convicts
by their masters or
others except as
herein mentioned.

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moderate and reasonable quantity and without occasioning drunkenness to convicts actually engaged in sheep washing And provided that nothing herein contained shall be construed to extend or apply to any convict holding a ticket-of-leave or other partial or temporary remission of sentence and provided that if it shall appear to the satisfaction of such Justice or Justices that the person supplying the spirits in manner aforesaid to any convict had reasonable ground for believing him or her to be a free person it shall be lawful for such Justice or Justices to mitigate the said penalty to the sum of one pound.

As to supplying
liquors to aboriginal
natives.

49. And whereas the introduction of intoxicating liquors among the aboriginal natives of New South Wales and New Holland is productive of serious evil to the said aboriginal natives and others Be it enacted That if any person whosoever whether licensed or unlicensed under this Act shall sell or supply or give any spirituous liquor or mixed liquor part whereof is spirituous in any quantity whatever or any fermented liquor or mixed liquor part whereof is fermented in any quantity which shall produce intoxication to any aboriginal native of New South Wales or New Holland he or she shall for every such offence forfeit and pay (over and above any penalty which may be incurred for the sale of such liquor without a license) a penalty of five pounds to be recovered before any one or more Justice or Justices of the Peace.

Justices and autho-
rized constables to
have free ingress
into licensed houses.

50. And be it enacted That it shall be lawful for any Justice of the Peace or any constable with a general authority in writing signed by two Justices of the Peace together with his assistants to demand entrance from time to time into any licensed houses or for any constable specially authorized in any particular instance whether verbally or in writing by any such Justice to demand entrance into any licensed public-house or other place where any license shall be exercised for the sale of any liquors under this Act or the appurtenances thereof at any time by day or night and if admittance be delayed for such time as shall make it appear to any such Justice or Justices that wilful delay was intended it shall be lawful for such 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 or employ force to enter such public-house or other place as aforesaid with his assistants to serve process or for any other lawful purpose.

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

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

to

Licensed Publicans.

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

52. 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.

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

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

54. And be it further enacted That upon information on oath being made before any Justice of the Peace by any constable or credible person that he or she doth verily suspect and believe that any such liquor or liquors as aforesaid is or are or have been sold or retailed by any person not holding a license authorizing such sale 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

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.

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fermented or spirituous or mixed liquors as aforesaid as he shall then and there find and the vessel or vessels in which such liquors shall be contained and shall and may detain the same until the owner thereof shall appear before two or more Justices to claim such liquors and shall satisfy the said Justices how and for what purpose he became possessed of the same or after being summoned shall fail to appear and if it shall appear to the said Justices after due enquiry and examination that such liquors were in the said house or other place for the purpose of being illegally sold or disposed of by retail then such Justices shall adjudge the said liquors and vessel or vessels to be condemned and forfeited and the same shall and may be sold and the proceeds thereof after payment of such costs as may be assessed and awarded by such Justices shall be applied and distributed in equal moieties to the use of Her Majesty and to or amongst the party or parties so informing but if otherwise then such liquors and vessel or vessels shall be forthwith restored to the proper owner.

Liquors hawked
about to be seized
and condemned.

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

Spirituous liquors
found in possession
of holder of a "Wine
and Beer License" to
be seized and for-
feited.

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

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

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

58. And be it enacted That if any person shall sell or dispose of or offer for sale any fermented or spirituous liquor or any mixed liquor part of which is fermented or spirituous which shall be adulterated or mixed with any deleterious ingredient whatever he or she shall on conviction before any two or more Justices of the Peace forfeit and pay any sum not less than ten nor more than fifty pounds.

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

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

Persons not producing license to be deemed unlicensed.

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

Mode of proving license.

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

Licenses to be produced on demand of Justice or authorized constable.

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of five pounds to be recovered before any one or more Justice or Justices of the Peace.

Persons drinking in
unlicensed houses to
be apprehended.

62. And be it further enacted That whenever any Justice of the Peace or any chief or other constable shall find any person drinking in any reputed disorderly house or in any house shop storehouse or other building or any booth shed or hut tent stall or place in which or where any ale beer wine cider ginger beer spruce beer brandy rum or other fermented or spirituous liquors shall be sold or disposed of by retail and the license for such sale shall not on demand be produced to such Justice or constable it shall and may be lawful for such Justice of the Peace or constable to apprehend all such persons so found drinking there and every such person so found drinking shall upon the view of such Justice or upon conviction before any Justice of the Peace forfeit and pay for every such offence a sum not exceeding five pounds nor less than five shillings to be recovered in manner hereinafter directed unless such person shall inform against such unlicensed person or voluntarily become a witness against him or her in respect of such act of selling and retailing.

Evidence sufficient
to convict the owners
and persons found
drinking in dis-
orderly houses.

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

Delivery of liquors
to be *prima facie*
evidence of sale.

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

Payment of wages
where liquors are
sold.

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

The law of England
against drunkenness
to be applied.

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

Drunken persons
may be apprehended
and brought before a
Justice.

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

Augmentation of fine
on conviction for
drunkenness.

68. And be it enacted That whensoever under the law of England so applicable or applied as aforesaid any person or persons shall become liable to a fine or penalty of five shillings or to be placed
in

Licensed Publicans.

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

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

Justices may prohibit supply of spirits to drunkards.

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

Such prohibition renewable.

Penalty for disobedience by licensed persons.

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

Penalty on others procuring liquor for prohibited persons.

72. And be it enacted That every conviction shall by the Justices before whom the same shall have been had be returnable to the next Court of Quarter Sessions to be holden nearest to the place in which such conviction shall take place and the record of such conviction shall unless the same be afterwards quashed by appeal be received as evidence of such conviction against the party thereby convicted in any prosecution to be instituted against him or her for any offence under this Act and the Clerk or Acting Clerk of the Peace or his deputy to whom such conviction shall be returned shall

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

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shall on such return (if the same relate to a licensed person) cause to be made a memorandum of such conviction in a register which he is hereby directed to keep of the names and places of abode of the several persons licensed and shall in every such memorandum state whether such conviction be the first second third or other subsequent conviction for the offence Provided however that production of the record of such former conviction or convictions shall not be necessary to support a conviction in such augmented penalty as may be consequent thereon before any Justice or Justices acting singly or in Petty Sessions Provided such Justice or Justices shall be fully satisfied by other evidence as to the fact of such former conviction or convictions but in case such fact shall be questioned upon appeal or otherwise before any Court of Quarter Sessions having jurisdiction therein under this Act then the same shall be lawfully established only by production of such record thereof as aforesaid.

Record not to be essential as evidence of former conviction at Petty Sessions.

Penalty for constables neglecting duty.

73. And be it enacted That if any constable or other peace officer shall refuse or knowingly neglect to execute any part of the duty imposed upon constables or peace officers by this Act or to make an immediate report to the Police Magistrate or other Justice of the Peace or other superior officer to whom he may in the usual course of his duty be required to make such report after he shall have received information or shall have otherwise obtained a knowledge of any proceedings in violation of any of the provisions herein contained such constable or other peace officer upon conviction before one or more Justice or Justices of the Peace of any such refusal or neglect shall be subject and liable to a fine not exceeding ten pounds nor less than one pound or to be imprisoned for any term not exceeding three months for every such offence.

Offences to be determined summarily.

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

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

75. And be it further enacted That if any person shall be summoned as a witness to give evidence before any Justice or Justices of the Peace touching any of the matters aforesaid either on the part of the prosecution or of the person or persons accused and shall neglect or refuse to appear at the time and place to be for that purpose appointed without a reasonable excuse for such neglect or refusal to be allowed of by such Justice or Justices of the Peace or appearing shall refuse to be examined on oath and give evidence before the Justice

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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.

76. And be it enacted That any person who shall think himself or herself aggrieved by any fine or penalty above the sum of five pounds imposed or by any act done by any Justice or Justices under or concerning the execution of this Law or Ordinance (unless such act shall relate to the refusal of a certificate for the granting renewal or transfer of a license or the cancellation of a Wine and Beer License as hereinbefore mentioned) may appeal against such act to the Court of Quarter Sessions according to the provisions of the law which shall be in force for the time being for the general regulation of appeals of such or the like nature.

Persons aggrieved may appeal to Court of Quarter Sessions.

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

If judgment reversed Court may order Justices to be indemnified.

78. And be it further enacted That all informations and convictions under this Act shall be either according to the forms contained in the Schedule hereunto annexed marked F and G or according to any other form or forms which is or may be prescribed by any Act now or which shall be for the time being in force for the general regulation of convictions in summary cases and that no conviction under this Act nor any adjudication made to 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.

79. 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.

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Application of sums
received under this
Act.

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

As to licenses not
completed or issued
before commence-
ment of this Act.

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

Commencement of
this Act.

82. And be it enacted That this Act shall commence and take effect on the first day of January in the year one thousand eight hundred and thirty-nine and that from and after the said day the Act of the Governor and Council of New South Wales passed in the third year of the reign of His late Majesty King William the Fourth intituled "*An Act for licensing Public-houses and for regulating the retail of fermented and spirituous Liquors in New South Wales*" and also another Act passed in the sixth year of the reign of His said late Majesty intituled "*An Act to alter and amend an Act of the Governor with the advice of the Legislative Council passed in the third year of the reign of His present Majesty intituled 'An Act for licensing Public-houses and for regulating the retail of fermented and spirituous Liquors in New South Wales'*" shall be and the same are hereby repealed except as hereinbefore excepted and except so far as any other Act of the said Governor and Council is thereby respectively repealed.

SCHEDULES TO WHICH THIS ACT REFERS.

A.

Form of a Publican's General License.

NEW SOUTH WALES }
TO WIT. }

WHEREAS A. B. of _____ hath deposited in this office a certificate from the major part of the Justices of the Peace assembled at the Annual Licensing Meeting (or at a Special Sessions) held at _____ on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ authorizing the issue to the said A. B. (under and by virtue of the Act of the Governor and Council passed in the second year of the reign of Her present Majesty intituled "*An Act for consolidating and amending the Laws relating to the licensing of Public-houses and for further regulating the sale and consumption of fermented and spirituous Liquors in New South Wales*") of _____

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of the license in the said Act called a Publican's General License for the house known (or to be known) by the sign of _____ situated at _____ in the said Colony of New South Wales and stating that the said Justices have taken from the said A. B. and two sureties the recognizance required by the said Act And whereas the said A. B. hath paid into my office the sum of thirty pounds sterling as the duty on such license Now I the Colonial Treasurer of the said Colony (or other person appointed by the said Governor for the purpose of issuing licenses under the said Act as the case may be) in virtue of the powers vested in me by the said Act do hereby license the said A. B. to keep a common Inn Ale-house or Victualling-house and to sell fermented and spirituous liquors in any quantity in the house in which he (or she) now dwelleth (or is about to dwell) being the sign of _____ situated at _____ aforesaid and in the appurtenances thereto belonging but not elsewhere and this license shall commence upon the first day of July next and continue in force until the thirtieth day of June then next ensuing both days inclusive provided it be not forfeited in the meantime according to the provisions of the said Act.

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

Registered
P. Q.

N. O. (L.S.)
Colonial Treasurer (or other person as
the case may be).

A 1.*Form of Notice of Application for a Publican's General License for an Inn or Public-house.*

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

I A. B. (state the trade or occupation) now residing at
in the parish town or district of

do hereby give notice that it is my intention to apply at the next Annual Licensing Meeting to be holden for this district for a Publican's General License for the sale of fermented and spirituous liquors in the house and appurtenances thereunto belonging situated at _____ (here describe the house proposed to be licensed specifying the situation of it the number of sitting-rooms and bed-rooms contained in it exclusive of those required for the family the person 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 free and am married having a wife who is free (or a prisoner or holding a ticket-of-leave and children or unmarried as the case may be) and I have held a license (if before licensed state how many years and what kind of license).

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

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

A. B.

A 2.*Form of Householders' Certificate to be appended to the above.*

We the undersigned householders residing within the town (or district) of _____ do hereby certify that the above A. B. of _____ is a person of good fame and reputation and fit and proper to be licensed to keep an Inn or Public-house for the sale of fermented and spirituous liquors therein.

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

One _____
Two _____
Three _____
Four _____
Five _____

A 3.

Licensed Publicans.

A 3.

*Form of Recognizance to be entered into by an Applicant for a Publican's General License.*NEW SOUTH WALES }
TO WIT. }

BE it remembered That on the _____ day of _____
 one thousand eight hundred and _____ A. B. of _____ C. D. of _____
 and E. F. of _____ came personally before us G. H. and I. K. Esquires Justices of
 the Peace acting in and for the district of _____ in the said Colony and
 acknowledged themselves to owe to our Lady the Queen to wit the said A. B. the sum of
 fifty pounds the said C. D. the sum of fifty pounds and the said E. F. the sum of fifty pounds
 of lawful money of Great Britain to be respectively levied of their several goods and chattels
 lands and tenements to the use of our said Lady the Queen Her Heirs and Successors in case
 default shall be made in the performance of any of the conditions hereunder written—

The conditions of this recognizance are such that whereas the said A. B. is to be
 licensed pursuant to the Act of the Governor and Council passed in the second year of the
 reign of Her present Majesty Queen Victoria intituled "*An Act for consolidating and*
"amending the Laws relating to the licensing of Public-houses and for further regulating
"the sale and consumption of fermented and spirituous Liquors in New South Wales" to
 keep a common Inn Ale-house or Victualling-house and to sell fermented or spirituous liquors
 in the house wherein he (or she) now dwells (or is about to dwell) being the sign of

situated at _____ in the district (or township)
 of _____ for twelve months commencing on the first day of July
 one thousand eight hundred and _____ if the said A. B. do keep the
 law in selling such liquors as aforesaid in his (or her) said house and its appurtenances and
 do not permit any person to become drunk or supply or permit any such liquor as aforesaid
 to be supplied or given to any person in a state of intoxication or permit such person (not
 being an inmate thereof) to remain in his (or her) house or premises or to commit any
 disorder therein nor refuse to admit a Magistrate or Constable into any part of the said
 house or premises at any hour nor admit or receive any convict other than his (or her)
 assigned servant or servants into his (or her) house or any place held or occupied therewith
 or deliver any liquors as aforesaid to any convict except with the written order or in the
 presence of the master mistress or overseer of such convict and do maintain good order and
 rule in the said house and premises (*and the following is to be inserted at the discretion of*
the Justices granting the license) and do also maintain and keep on foot such accommodation
 for travellers and guests and their horses and servants as is required in and by the said Act
 of the Governor and Council (and also the additional rooms and accommodation following
 which the said A. B. hath specially undertaken to provide on condition of his obtaining the
 said license) that is to say [*here insert any special conditions which the Justices may see fit*
to impose upon any innkeeper in these respects] then the said recognizance to be void
 otherwise to remain in full force.

Taken and acknowledged the day and year above written before us

G. H.	J. P.	(L. S.)
I. K.	J. P.	(L. S.)

B.

*Form of a Wine and Beer License.*NEW SOUTH WALES }
TO WIT. }

WHEREAS A. B. of _____ hath deposited in this office a certificate
 from the major part of the Justices of the Peace assembled at the Annual Licensing Meeting
 (or at a Special Sessions) held at _____ on the _____ day of _____
 in the year of our Lord one thousand eight hundred and _____
 authorizing (pursuant to the Act of the Governor and Council passed in the second year of
 the reign of Her present Majesty Queen Victoria intituled "*An Act for consolidating and*
"amending the Laws relating to the licensing of Public-houses and for further regulating the
"sale and consumption of fermented and spirituous Liquors in New South Wales") the issue
 to the said A. B. of a license for the sale of wine and beer and other fermented liquors in the
 house of the said A. B. situated at _____ in the said Colony of New South Wales and stating
 that the said Justices have taken from the said A. B. and two sureties the recognizance required
 by the said Act And whereas the said A. B. hath paid into my office the sum of ten pounds
 sterling as the duty upon such license Now I the Colonial Treasurer of the said Colony (or
other person appointed by the said Governor for the purpose of issuing licenses under the
said Act as the case may be) do hereby license the said A. B. to sell wine beer and other
 fermented liquors in any quantity in the house in which he (or she) now dwelleth (or is
 about to dwell) situated at _____ aforesaid and in the appurtenances
 thereto belonging but not elsewhere and this license shall commence upon the first day of
 July next and continue in force until the thirtieth day of June then next ensuing both
 days

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days inclusive provided it be not forfeited in the meantime according to the provisions of the said Act of the Governor and Council And provided that the said A. B. shall not sell or dispose of or permit to be sold or disposed of any spirituous liquor or mixed liquor part whereof is spirituous in the said house or its appurtenances in which case this license shall thereby and thenceforth become and remain absolutely void.

Given under my hand and seal at Sydney this

day of
and

one thousand eight hundred

Registered
P. Q.

N. O. (L. S.)
Colonial Treasurer (or other person
as the case may be.)

B 1.

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

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

I A. B. (state the trade or occupation) now residing at
(in the parish town or district of) do hereby give notice
that it is my intention to apply at the next Annual Licensing Meeting to be holden for this
district for a license for the sale of wine beer and other fermented liquors in the house
and appurtenances thereunto belonging situated at
(If the applicant proposes to keep the house as an inn for entertainment of travellers and
lodgers describe the particulars as required in Form A 1 if not merely state the person of
whom rented and present occupier.)

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

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

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

A. B.

B 2.

Form of Householdors' Certificate to be appended to the above.

WE the undersigned householders residing within the town (or district) of
do hereby certify that the above A. B. of is a person of good fame and
reputation and fit and proper to be licensed to sell wine beer and other fermented liquors
(or to keep an Inn or Public-house for the sale of wine beer and other fermented liquors as
the case may be).

Witness our hands this day of one
thousand eight hundred and

One _____
Two _____
Three _____
Four _____
Five _____

B 3.

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

NEW SOUTH WALES }
TO WIT }

BE it remembered That on the day of one thousand
eight hundred and A. B. of C. D. of

and E. F. of came personally before us G. H. and
I. K. Esquires Justices of the Peace acting in and for the district of
in the said Colony and acknowledged themselves to owe to our Lady the Queen to wit the
said A. B. the sum of fifty pounds the said C. D. the sum of fifty pounds and the said E. F.
the

Licensed Publicans.

the sum of fifty pounds of lawful money of Great Britain to be respectively levied of their several goods and chattels lands and tenements to the use of our said Lady the Queen Her Heirs and Successors in case default shall be made in the performance of any of the conditions hereunder written—

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

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

G. H. J. P. (L.S.)
I. K. J. P. (L.S.)

C.*Form of a Packet License.*

NEW SOUTH WALES }
TO WIT. }

WHEREAS A. B. of

being the master (or commander or owner or owners) of the steam-packet (or if any other kind of vessel describe it) conveying passengers between _____ (name the place) and _____ (name the place) being places within the Colony of New South Wales (and its dependencies) hath deposited in this office a certificate from the major part of the Justices of the Peace assembled at the Annual Licensing Meeting (or at a Special Sessions) held at _____ on the _____ day of _____

in the year of our Lord one thousand eight hundred and _____ authorizing the issue to the said A. B. under and by virtue of the Act of the Governor and Council passed in the second year of the reign of Her present Majesty intituled "*An Act for consolidating and amending the Laws relating to the licensing of Public-houses and for further regulating the sale and consumption of fermented and spirituous Liquors in New South Wales*" of the license in the said Act called a Packet License and stating that the said Justices have taken from the said A. B. and two sureties the recognizances required by the said Act And whereas the said A. B. hath paid into my office the sum of two pounds sterling as the duty on such license Now I the Colonial Treasurer of the said Colony (or other person appointed by the said Governor for the purpose of issuing licenses under the said Act as the case may be) in virtue of the powers vested in me by the said Act do hereby license the said A. B. to retail fermented and spirituous liquors to any passenger on board of such vessel during the actual passage of such vessel between one such place and another and this license shall commence upon the first day of July next and continue in force until the thirtieth day of June then next ensuing both days inclusive provided it be not forfeited in the meantime according to the provisions of the said Act.

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

Registered
P. Q.

N. O. (L. S.)
Colonial Treasurer (or other person
as the may be).

Licensed Publicans.

C 1.

Form of Notice of Application for a Packet License.

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

I A. B. being master (or commander or owner or owners) of the steam-packet (or other vessel as the case may be) conveying passengers between (name the place) and (name the place) being places within the Colony of New South Wales (and its dependencies) do hereby give notice that it is my intention to apply at the next Annual Licensing Meeting to be holden for the said district for a license for the sale of fermented and spirituous liquors to the passengers on board such vessel pursuant to the Act of Council in that case made and provided.

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

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

A. B.

C 2.

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

NEW SOUTH WALES (or as the case may be) TO WIT.

BE it remembered That on the day of
one thousand eight hundred and A. B. of
C. D. of and E. F. of

came personally before us G. H. and I. K. Esquires Justices of the Peace acting in and for the district of in the said Colony (or any of its dependencies as the case may be) and acknowledge themselves to owe to our Lady the Queen to wit the said A. B. the sum of fifty pounds the said C. D. the sum of fifty pounds and the said E. F. the sum of fifty pounds of lawful money of Great Britain to be respectively levied of their several goods and chattels lands and tenements to the use of our said Lady the Queen Her Heirs and Successors in case default shall be made in the performance of any of the conditions hereunder written—

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

Taken and acknowledged the day and year above written before us

G. H. J. P. (L.S.)
I. K. J. P. (L.S.)

D.

Form of Confectioner's License.

WHEREAS A. B. of hath deposited in this office a certificate from the major part of the Justices of the Peace assembled at the Annual Licensing Meeting (or at a Special Sessions) held at on the day of in the year of our Lord one thousand eight hundred and authorizing the issue to the said A. B. (under and by virtue of the Act of the Governor and Council passed in the second year of the reign of Her present Majesty intituled "*An Act for consolidating and amending the Laws relating to the licensing*" of

Licensed Publicans.

"of Public-houses and for further regulating the sale and consumption of fermented and spirituous Liquors in New South Wales") of the license in the said Act called a Confectioner's License for the shop (or rooms) of the said A. B. in the town or district of limited to the liquors hereinafter mentioned and stating that the said Justices had taken from the said A. B. and two sureties the recognizances required by the said Act And whereas the said A. B. hath paid into my office the sum of one pound sterling as the duty on such license Now I the Colonial Treasurer of the said Colony (or other person appointed by the said Governor for the purpose of issuing licenses under the said Act as the case may be) in virtue of the powers vested in me by the said Act do hereby license the said A. B. to sell ginger beer and spruce beer but no other fermented liquors nor any spirituous liquors or mixed liquors part whereof is spirituous in the shop (or rooms) of the said A. B. situated in aforesaid and this license shall commence upon the first day of July next and continue in force until the thirtieth day of June then next ensuing both days inclusive provided it be not forfeited in the meantime according to the provisions of the said Act.

Given under my hand and seal at Sydney this _____ day
 of _____ one thousand eight hundred and _____
 Registered _____
 P. Q. _____ N. O. (L.S.)
 Colonial Treasurer (or other person
 as the case may be).

D 1.

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

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

I A. B. (state the trade or occupation) now residing at _____ (in
 the parish town or district of _____) do hereby give notice pursuant to
 the Act of the Governor and Council passed in the second year of the reign of Her present
 Majesty intituled "*An Act for consolidating and amending the Laws relating to the*
"licensing of Public-houses and for further regulating the sale and consumption of fer-
"mented and spirituous Liquors in New South Wales" that it is my intention to apply at
 the next Annual Licensing Meeting to be holden for this district for the license in the said
 Act called a Confectioner's License for the sale of ginger beer and spruce beer in the shop
 (or rooms) which I now occupy (or intend to occupy) situated at _____

(here describe the house proposed to be licensed
 specifying the situation of it the number and description of rooms which the license is applied
 for the person of whom the house is rented the present occupier and whether now licensed.)

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

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

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

D 2.

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

NEW SOUTH WALES }
 TO WIT. }

BE it remembered That on the _____ day
 of _____ one thousand eight hundred and _____
 A. B. of _____ C. D. of _____
 and E. F. of _____

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

The conditions of this recognizance are such that whereas the said A. B. is to be
 licensed pursuant to the Act of the Governor and Council passed in the second year of the
 reign _____

Licensed Publicans.

reign of Her present Majesty intituled "*An Act for consolidating and amending the Laws relating to the licensing of Public-houses and for further regulating the sale and consumption of fermented and spirituous Liquors in New South Wales*" to sell ginger beer and spruce beer but no other fermented liquors nor any spirituous liquors or mixed liquors part whereof is spirituous in the shop (or rooms) of the said A. B. situated at _____ in the district (or township) of _____ for twelve months from the first day of July one thousand eight hundred and _____ if the said A. B. do not sell or dispose of or permit to be sold or disposed of any other fermented or spirituous liquors than such as are authorized by his (or her) said license and do in all other respects keep the law and the conditions of such his (or her) license in selling the liquors so authorized by such license and do not permit any person to become drunk or supply or permit any liquor to be supplied to any person in a state of intoxication or permit such person to remain in his (or her) shop rooms or premises or commit any disorder therein nor refuse to admit a Magistrate or Constable into any part of the said house or premises at any hour nor admit or receive any convict other than his (or her) assigned servant or servants into his (or her) house or any place held or occupied therewith or deliver any liquors as aforesaid to any convict except with the written order or in the presence of the master mistress or overseer of such convict and do maintain good order and rule in the said shop (or rooms) and premises (*here insert any special conditions which the Justices may see fit to impose*) then the said recognizance to be void otherwise to remain in full force.

Taken and acknowledged the day and year above written before us

G. H.	J. P.	(L.S.)
I. K.	J. P.	(L.S.)

E.

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

NEW SOUTH WALES }
TO WIT. }

AT the Annual Licensing Meeting (or an adjournment of the Annual Licensing Meeting) of Her Majesty's Justices of the Peace acting in and for the district of _____ holden at _____ on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ pursuant to the Act of the Governor and Council passed in the second year of the reign of Her present Majesty Queen Victoria intituled "*An Act for consolidating and amending the Laws relating to the licensing of Public-houses and for further regulating the sale and consumption of fermented and spirituous Liquors in New South Wales*" for the purpose of considering applications made to us for licenses pursuant to the said Act We being the majority of the Justices assembled at the said Sessions (or I being the only Justice present after such adjournment of the said Sessions and notice as required by the said Act) do in virtue of the power vested in us (or me) hereby authorize the Colonial Treasurer (or other proper officer) to issue to A. B. of _____ the license in the said Act called

for (*here state the house sign district shop room steam-packet vessel or other particulars according to the description of license and nature of the case and if a Confectioner's License specify the particular liquors allowed to be sold*) for the year commencing from 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 fit and proper to be licensed as aforesaid 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 in the said Act of the Governor and Council And with the further special conditions following that is to say (*here mention any special conditions which the Justices may see fit to impose and insert in the recognizance*).

Given under our hands and seals the _____ day of _____ at the place aforesaid.

G. H.	J. P.	(L.S.)
I. K.	J. P.	(L.S.)

F.

Form of Information.

NEW SOUTH WALES }
TO WIT. }

BE it remembered That on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ at _____ in the County of _____ in the Colony of New South Wales A. B. came before us C. D. and E. F. Esquires two of Her 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 _____

Crown Lands unauthorized Occupation.

I.

Form of Endorsement on License of a Transfer thereof.

BE it remembered That we the undersigned being the majority of the Justices present at a Special Petty Sessions for the district of _____ held at _____ for the purpose of transferring licenses do hereby upon the application of the within named _____ transfer the rights and privileges of the within license to G. H. for the residue of the term for which the same has now to run the said G. H. having first exhibited the certificate and entered into the recognizance required by law.

C. D. J. P.
E. F. J. P.

K.

Form of Endorsement on License of Change of House and Premises.

MEMORANDUM That upon the certificate of the proper Justices that the within named G.H. has entered into a new recognizance required by law upon an application for a change of the house and premises in which a license is exercised I do hereby declare that the within license shall henceforth cease to apply to the house and premises therein described and shall apply instead thereof to the house and premises occupied (or about to be occupied) by the said G. H. situate (*describe as in original license.*)

C. D.
Colonial Treasurer (*or other person
as the case may be.*)
