

*Licensed Publicans.***No. XXIX.**

An Act to consolidate and amend the Laws LICENSED PUBLICANS.  
 relating to the licensing of Public-houses  
 and to regulate the Sale of Fermented and  
 Spirituous Liquors in New South Wales.  
 [2nd October, 1849.]

**W**HEREAS it is expedient to repeal all the laws at present in Preamble.  
 force with respect to the licensing and regulating of public-  
 houses and to the retailing of fermented and spirituous liquors in the  
 Colony of New South Wales and to make a new Act for those purposes  
 Be it therefore enacted by His Excellency the Governor of New South  
 Wales with the advice and consent of the Legislative Council thereof  
 That so much of a certain Act of the Governor and Legislative Council  
 of the said Colony passed in the eighth year of the reign of His late  
 Majesty King William the Fourth intituled “ *An Act to stay certain* 8 Gul. IV. No. 8 s. 3  
 “ *proceedings under an Act intituled ‘ An Act for licensing Public-*  
 “ *houses and for regulating the retail of fermented and spirituous*  
 “ *liquors in New South Wales and for making further provisions for*  
 “ *granting such licenses’* ” as authorizes the said Governor to nomi-  
 nate and appoint officers in distant places within the said Colony to  
 issue licenses (being the third section of the said Act) and an Act  
 of the Governor and Legislative Council of the said Colony passed in  
 the second year of the reign of Her present Majesty intituled “ *An* 2 Vic. No. 18  
 “ *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 an  
 Act of the Governor and Legislative Council of the said Colony  
 passed in the third year of the reign of Her present Majesty intituled  
 “ *An Act to amend an Act intituled ‘ An Act for consolidating and* 3 Vic. No. 13  
 “ *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 an Act of  
 the Governor and Legislative Council of the said Colony passed  
 in the sixth year of the reign of Her present Majesty intituled  
 “ *An Act for directing the application of all Fines imposed for* 6 Vic. No. 13  
 “ *Drunkenness* ” and an Act of the Governor and Legislative Council  
 of the said Colony passed in the seventh year of the reign of Her  
 present Majesty intituled “ *An Act to amend an Act intituled ‘ An Act* 7 Vic. No. 7 and  
 “ *for consolidating and amending the Laws relating to the licensing*  
 “ *of Public-houses and for further regulating the sale and consump-*  
 “ *tion of fermented and spirituous liquors in New South Wales’* ”  
 and also an Act of the Governor and Legislative Council of the said  
 Colony passed also in the seventh year of the reign of Her present  
 Majesty intituled “ *An Act to amend an Act intituled ‘ An Act for* 7 Vic. No. 26  
 “ *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’* ” shall  
 be and the same are hereby repealed except so far as any other Act of repealed.  
 the Governor and Legislative Council of the said Colony is thereby  
 respectively repealed and except as to anything done or commenced  
 to be done under the said recited Acts or any of them and also so far  
 as regards anything relating to wine and beer licenses issued before  
 the passing of this Act which shall until the first day of July next be  
 regulated

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regulated by and be subject to the provisions of any of the said recited Acts relating to such licenses.

Licenses to be taken  
out for the sale of  
spirits &c.

2. And be it enacted That if any person shall sell or dispose of in any house or place within the Colony of New South Wales any fermented or spirituous liquor or any mixed liquor part of which is fermented or spirituous or shall permit or suffer any such liquor to be sold or disposed of by any other person in his house or other place within the said Colony without having first obtained in manner and form hereinafter directed a license sufficiently authorizing such sale or 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.

Exceptions.

3. 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 liquor as medicine or for medicinal purposes nor to any person who within the Cities of Sydney Newcastle or Melbourne or the Towns of Parramatta Windsor or Maitland or such other towns within the said Colony as shall be by the Governor for the time being by a notice to be published in the *New South Wales Government Gazette* 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 liquor or any mixed liquor part of which is fermented or spirituous if such quantity do not include less than two gallons of any one description of liquor and is not delivered in quantities less than two gallons at one time nor to any person who within the Towns of Liverpool Campbelltown Wollongong Berrima Goulburn Bathurst Penrith Richmond Morpeth Carrington or Port Macquarie or such other towns or places within the said Colony as shall be by the Governor for the time being by a notice to be published in the *New South Wales Government Gazette* 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 liquor containing a quantity of alcohol not exceeding twenty-five per centum nor to any grower or maker of wines from grapes the produce of the said Colony who shall dispose of the same in any quantity not less than two gallons nor to any person who may give wine or beer made from grapes or grain of his own growth or beer brewed by him from sugar for the use of his own establishment in part payment of wages to laborers on lands owned or rented by him nor to any military canteen duly established under the regulations of Her Majesty's service.

Nature of licenses.

4. And be it enacted That the licenses to be granted by virtue of this Act shall be of three kinds namely one to be granted to inn-keepers and publicans for the sale of all 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 masters or commanders of steam or other vessels conveying passengers as hereinafter 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 B and another to be granted to confectioners or pastry cooks for the sale of ginger beer and spruce beer and which for the purposes  
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of this Act shall be called a "Confectioner's License" and shall be in the form in the Schedule hereunto annexed marked C all which licenses if granted at the Annual Licensing Meeting or at any transfer meeting held before the first day of July next after such Annual Licensing Meeting shall commence on the said first day of July and if granted any time subsequent to such first day of July shall commence from the date of such license to the thirtieth day of June next ensuing and both such licenses shall continue in force until the said thirtieth day of June inclusive (unless sooner forfeited) and no longer.

5. And be it enacted That every such Publican's General License As to a Publican's General License. as aforesaid shall authorize the person thereby licensed to sell and dispose of any fermented or spirituous liquor or any mixed liquor 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.

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 a Packet 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 liquor nor of any spirituous liquor or mixed liquor part of which is spirituous in any shop or place for the sale of pastry or confectionery which he may keep within the city town district or place specified in his license. As to a Confectioner's License.

8. And be it enacted That in case any person holding a Publican's General License or a Confectioner's License shall obtain from any two or more Justices of the Peace assembled in Petty Sessions in the city town or police district 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 shall be licensed. Licenses may be extended pro tem. to fairs &c. by authority of two Justices.

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 or bailiff nor to any licensed auctioneer nor to any person nor to 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 by a competent authority 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 interest Provided also that no person holding office or employment Disqualification to hold licenses. under

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under the Government or any constable or bailiff or any person serving under sentence for any criminal offence whether such offence be partially remitted or not unless by pardon granted by competent authority as aforesaid shall be received or taken as surety in any recognizance to be entered into as hereinafter provided.

Certain Justices  
disqualified.

10. And be it enacted That no Justice of the Peace who shall be a common brewer malster or distiller or retailer of fermented or spirituous liquors or who shall be concerned in partnership with any common brewer malster or distiller or retailer of fermented and spirituous liquors shall act in or be present at any Annual Licensing Meeting or at any adjournment thereof or at any Special Session for granting or transferring certificates for licenses under this Act or shall take part in the discussion or adjudication of the Justices upon any application for any such certificate and no Justice shall act upon any of the aforesaid occasions in the case of any house licensed or about to be licensed under this Act of which such Justice shall be the owner or landlord or for the owner or landlord of which he shall be manager or agent or of whom such Justice shall be the partner in any other trade or calling and every Justice who being hereby disqualified shall knowingly or wilfully so offend shall for every such offence forfeit and pay the sum of one hundred pounds to be sued for and recovered by action of debt in the Supreme Court by any one who will sue for the same Provided always that nothing herein contained shall extend to disqualify any Justice (not otherwise disqualified and having no beneficial interest in the house licensed or about to be licensed under this Act) from acting on any of the occasions aforesaid by reason of the legal estate in such house being vested in him as trustee for any person or persons or for any charitable or public use or purpose whatsoever Provided also that nothing herein contained shall extend to disqualify any Justice by reason of his making or selling any wine made from grapes of his own growth.

As to the notice of  
application for  
licenses.

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 last Tuesday in the month of March in every year deliver to the Clerk or the person officiating as Clerk of the Petty Sessions for the city town place or police district within which it is proposed to exercise such license a notice in writing of his 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 Packet License in the form in the Schedule to this Act annexed marked B 1 and if for a Confectioner's License in the form in the Schedule to this Act annexed marked C 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 the applicant shall also on the above-mentioned day in every year affix or cause to be affixed a copy of such notice as aforesaid on the outer side of the front or principal entrance door of the house for which such license is applied for which notice shall be kept upon the said door until the third Tuesday in the month of April and shall also deliver or cause to be delivered to the Clerk of Petty Sessions with such notice as aforesaid a certificate in the form in the Schedule to this Act annexed marked A 2 signed by at least five known and respectable housekeepers.

As to districts with-  
out a Petty Sessions.

12. Provided always and be it enacted That if there shall be no established Petty Sessions for the police district or reputed district within which it is proposed to exercise any such license then and in every such case such notice and certificate as aforesaid shall at the time prescribed by the last section of this Act be delivered to the Clerk  
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of the Petty Sessions of the nearest police district or place wherein a Petty Sessions shall be established and upon delivery of such notice and certificate and the posting thereof as hereinafter provided the Petty Sessions of the police district or place 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 or place for which such Petty Sessions shall be usually held.

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 City of Sydney and in every other case application shall be made to the Justices of or usually resident in 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.

Applications for  
Packet License  
where to be made.

14. And be it enacted That the Clerk of every such Petty Sessions as aforesaid or the person officiating as such shall cause a list of the names of all such applicants except for Packet Licenses together with their places of abode respectively and the description of license for which each such person has applied and also the names and residences of the householders signing the certificates required as aforesaid to be posted up on or before the first Tuesday in the month of April in every year in some conspicuous place inside and also outside every Police Office at which such Petty Sessions shall be held and the same to be kept so posted up until after such applications shall be disposed of at the Annual Licensing Meeting hereinafter mentioned.

Clerk of Petty Ses-  
sions to cause list of  
applicants to be hung  
up.

15. And be it enacted That a general meeting (to be called the Annual Licensing Meeting) of the Justices acting for or usually residing in each police district or reputed district of 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 at the hour of twelve o'clock at noon for the special purpose of taking into consideration applications for such licenses as aforesaid and any three such Justices shall be sufficient to constitute such meeting after the hour of one o'clock in the afternoon Provided always that whenever there shall be less than three such Justices acting for or resident in any district where such meeting shall be held then the number of Justices so acting for or resident in such district shall after the said hour of one o'clock be sufficient to constitute such meeting and to proceed with the business thereof.

Annual Licensing  
Meetings.

16. And be it enacted That it shall be lawful for the Justices forming such meeting or a majority of them to adjourn the consideration of all or any of the applications before them from the day of such Annual Licensing Meeting to such other day or days as the said Justices shall from time to time agree upon Provided always that such adjournments do not in the whole exceed one calendar month from the day appointed for the said Annual Licensing Meeting.

Power to adjourn  
licensing meetings.

17. And be it enacted That whenever at any Annual Licensing Meeting to be holden in any police district as aforesaid or any adjournment thereof two Justices usually acting for or residing in such district shall not be present by one of the clock of that day at the Court House or other place appointed for the meeting it shall be lawful for any one Justice acting for or resident in such district being present to adjourn or further adjourn the said meeting for one week (any limitation hereinbefore prescribed to the contrary notwithstanding) and

In certain cases one  
Justice invested with  
powers of an Annual  
Licensing Meeting.

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to cause notice of such adjournment to be given to all the other Justices acting for or resident in such district and if at such adjourned meetings there shall not be present two qualified Justices usually acting for or resident in such district it shall be lawful for one such Justice to do all such acts as an Annual Licensing Meeting is by this Act empowered to do.

Annual Licensing Meetings to be held in open Court.

18. And be it enacted That every such Annual Licensing Meeting and every adjournment thereof shall be held in open Court and every consideration of any application or of any objection to such application shall be deemed and taken to be a judicial proceeding and it shall be the right and privilege of any resident in the neighbourhood of the house proposed to be licensed or of any other applicant for a license or of any person already licensed in the district or of any Chief Constable or Inspector of Police of the district to oppose any such application and it shall be lawful for the Justices assembled at and forming such Annual or Adjourned Annual Licensing Meetings to hear inquire into and determine such objections and to summon or call and examine on oath such witnesses as they may deem necessary for that purpose and to grant to such persons as shall in their discretion be approved of by the majority of such Justices after taking the recognizance as hereinafter is required certificates authorizing such license as aforesaid in the form in the Schedule hereunto annexed marked D.

Certificates to be granted.

Clerk of Petty Sessions to cause previous notice of licensing meeting to be given.

19. 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 *New South Wales Government Gazette* and also to be affixed to the door of the Court House in which the same is appointed to be holden 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 and every such Clerk shall cause a notice of the time of holding such meeting or any adjournment thereof to be served on every Justice acting for or usually resident in such district who is hereby required to attend such meeting or adjournment thereof unless prevented by sickness or other reasonable cause and in case such notice or either of them be omitted through the default or neglect of such Clerk he shall forfeit and pay for each such omission any sum of money not exceeding five pounds to be recovered in the manner hereinafter provided.

Applicants to enter into recognizance.

20. 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 sufficient 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 Packet License in the form and with the conditions in the Schedule hereunto annexed marked B 2 and if for a Confectioner's License in the form and with the conditions in the Schedule hereunto annexed marked C 2.

As to applicants absent through illness.

21. 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 to be proved to the satisfaction of the majority of Justices assembled or of the Justice if only one then present and having authority to grant such certificate as hereinafter provided from attending in person at any such meeting or adjournment thereof it shall be lawful for the said Justices or Justice to certify in favor of such person upon three sufficient sureties to be approved of as aforesaid entering into the required recognizances in the sum of fifty pounds each.

Mode of taking recognizances.

22. And be it enacted That all such recognizances as aforesaid shall be entered into in the presence of two at least of the Justices assembled

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assembled as aforesaid and be signed by them except in case where one Justice acts alone as hereinbefore provided then such recognizances may be entered into before and signed by such Justice only and if any such Justice shall sign a certificate to authorize the issue of a license before the required recognizance shall have been duly entered into and signed he shall forfeit and pay any sum not exceeding one hundred pounds to be recovered by action of debt in the Supreme Court of New South Wales by any person suing for the same.

23. 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 by the Clerk of the Petty Sessions of the particular district to the Clerk of the Peace acting for the Court of General Quarter Sessions held in the city town place or district in which such Petty Sessions shall be held and if there shall be no Court of General Quarter Sessions held in that city town place or district then to the Clerk of the Peace acting for the Court of General Quarter Sessions held in the district nearest to such Petty Sessions.

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

24. And be it enacted That the Justice or 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 if two shall have acted and if only one then by that one only 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 Publicans' General Licenses the situation or sign or name of each house and street or place in which it shall be situate and its distance from the nearest licensed house in each street place or line of road or on the line of road on which the same is situate the name of the owner or proprietor whether before licensed or not and also the names and residences of the sureties.

List of certificates to be sent to the Colonial Treasurer.

25. And be it enacted That every such certificate 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 be and he is hereby authorized and required forthwith after the receipt of every such certificate and list 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 Colonial Treasurer or other person as aforesaid of the sum of thirty pounds for every Publican's General License of the sum of two pounds for every Packet License and the sum of one pound for every Confectioner's License.

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

26. 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 deem 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 more than ten pounds in addition to the sum payable as hereinbefore mentioned Provided always that such payment be made within one calendar month

Governor may authorize a license for a defaulter upon any additional payment.

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month of the time hereinbefore limited for the payment of the money for such license as aforesaid.

Colonial Treasurer may issue Packet License in special emergencies.

27. 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 always 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.

28. 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 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 license renewed has from the causes aforesaid or from any other cause without any default or neglect on his 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 entering into the recognizances and paying the duty required by this Act.

Justices at any Petty Sessions for transfer of licenses may grant a certificate authorizing issue of license to continue in force until 1st July ensuing on payment of a sum proportioned to the unexpired period.

29. And be it enacted That if it shall appear proper to the majority of the Justices assembled at any Special Petty Sessions on any day hereinafter mentioned for the transfer of licenses it shall be lawful for such Justices to grant to such persons as shall in their discretion be approved by them after entering into the recognizances required by this Act certificates to authorize the issue of licenses to any such persons and the 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 to continue in force until the first day of July then next ensuing in one or other of the forms hereinbefore prescribed according to the tenor of each such certificate respectively upon payment to the said Colonial Treasurer or other person as aforesaid of a sum proportionate to the period such license shall have to run from the day of the issue thereof until the said first day of July according to the several and respective rates hereinbefore directed Provided that notice of such application with the names of the householders signing the certificate and all other notices required by this Act shall be given or posted up as aforesaid at least twenty clear days before such application can be heard.

Proviso as to notice of application for such license.

Special Petty Sessions for transferring licenses.

30. 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 city town or police district in which such Annual Licensing Meeting shall be holden as hereinbefore directed for the purpose of receiving applications for transferring licenses which meeting shall be subject to the same rules as the Annual Licensing Meeting and have the like powers of adjournment



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ment 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.

31. And be it enacted That it shall be lawful for the majority of the Justices assembled at such Special Petty Sessions or of the Justice if there shall be only one having authority as hereinbefore provided to direct such transfer to transfer the license of any person licensed as aforesaid to the appointee of the original holder of such license (if eligible and approved of by them) by an indorsement upon the original license in the form in the Schedule to this Act annexed marked F or to the effect thereof such appointee entering into the same recognizance and producing also the same certificate as the original party obtaining the same is by this Act bound to enter into or produce and provided that at least one week's notice of such intended transfer to such transferee shall be duly published as aforesaid is required in respect to applications for licenses at the Annual Licensing Meeting.

Such Sessions may transfer licenses.

32. And be it enacted That every such Special Petty Sessions or Meeting for transferring licenses shall be held in open Court and every proceeding thereat for granting or transferring licenses shall be deemed and taken to be judicial and all objections may be made and inquired into and determined in the same manner as is hereinbefore provided in respect to applications for licenses at the Annual Licensing Meeting.

Special Meeting to transfer to be in open Court.

33. And be it enacted That in case of the decease or insolvency of any person holding a license under this Act his 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 by an agent to be specially authorized in writing by any one Justice for that purpose 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 such licensed person's decease or of the vesting of his 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 with sufficient sureties as aforesaid be entered into by such executors administrators trustees or agent respectively before the Justices assembled at the next Special Petty Sessions for the district held in pursuance of this Act ensuing the date of such decease or legal vesting as aforesaid or before any Justice or Justices of the city town or district who shall previously require the same to be entered into.

Devolution of license in executors or trustees.

34. And be it enacted That in case any person having duly obtained a Publican's General License shall be desirous of removing 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 said license and before the next General Licensing Meeting then upon application made by such person to the Justices of the district in which the original license was granted it shall be lawful for the majority of said Justices in Petty Sessions assembled or any two or more of them if they approve of the house proposed to be licensed 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 fix his signature to a memorandum to be indorsed upon or affixed to the original license in the form in the Schedule hereunto annexed marked G 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

Licensed persons desirous of removing to another house to make application to Justices.

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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 Provided always that the notices hereinbefore required in respect to applications for licenses at the Annual Licensing Meetings shall be duly posted.

Clerks of Petty Sessions to report transfer to Colonial Treasurer.

35. 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 duly 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 not exceeding five pounds for every such default.

Penalties and disabilities for licensed persons offending.

36. And be it enacted That if any person holding a license under this Act except a Packet License shall have or keep or allow to be kept 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 forfeit and pay for every such offence any sum not exceeding twenty pounds with costs Provided however that on application being made as hereinafter required to any Bench of Magistrates of whom a Police Magistrate if there be such shall be one they 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 to the Colonial Treasurer of the sum of ten pounds in 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 Provided also that notice of such last mentioned application shall have been given and be posted as other notices as aforesaid at least one week before such application can be heard And provided always that no recognizance entered into in pursuance of this Act shall be put in suit or estreated unless by the consent and direction of Her Majesty's Attorney General.

Certain provisions as to licensed victuallers extended to every person keeping any house or place of public resort for sale of provisions or refreshments of any kind penalty not exceeding £10.

37. And whereas it is expedient that the provisions made by law for preventing disorderly conduct in the houses of licensed victuallers should be extended to other houses of public resort Be it enacted That every person who shall have or keep any house shop room or place of public resort wherein provisions liquors or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere) and who shall wilfully or knowingly permit drunkenness or other disorderly conduct in such house shop room or place or knowingly suffer any unlawful games or gaming whatsoever therein or knowingly permit or suffer prostitutes or persons of notoriously bad character to meet together and remain therein shall for every such offence forfeit and pay a penalty not exceeding ten pounds.

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

38. And be it enacted That every person who shall hold a Publican's General License shall have his name at length painted in legible letters at least three inches long with the words "licensed to retail fermented and spirituous liquors" constantly and permanently remaining and plainly to be seen and read on a conspicuous part of his

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his house or appurtenances and every holder of a Publican's General License shall also keep a lamp affixed over the door of his house or within twenty feet thereof lighted and to be kept burning the whole of each and every night from sunset to sunrise during the time of his holding such license and every such lamp if lit with oil shall have at least two burners or one burner if lit with gas and any such licensed person who shall fail or neglect to comply with the regulations hereby imposed or either of them shall forfeit and pay any sum not exceeding five pounds.

39. And be it enacted That every house for which a Publican's General License shall be granted shall at the time of granting such license contain at least two moderate sized 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 during the continuance of such license 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 Provided always that it shall be lawful for the Justice or Justices granting a certificate for such license as aforesaid in either of the Cities of Sydney Newcastle or Melbourne by writing under his or their hands to dispense with such part of the accommodation for horses specified herein as he or they may think fit Provided also that on the granting of a certificate for a license by any Justice or Justices as aforesaid if it shall appear to him or them expedient to grant such certificate upon any other or special conditions with respect to the extent of accommodation to be afforded to the public in addition to the accommodation hereinbefore provided it shall be lawful for such Justice or Justices to insert the same in the recognizance of the person to whom such certificate shall be 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.

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

40. And be it enacted That in case any such licensed house as aforesaid shall not be provided with such accommodation as hereinbefore required or as shall be required by the conditions of any such recognizance inserted therein it shall be lawful for any two or more Justices of the Peace in a summary way upon complaint made of the same and upon proof thereof to their satisfaction to adjudge and declare the license of such house to be forfeited and the same shall thereupon and thenceforth become null and void.

Penalty for want of accommodation.

41. And be it enacted That no 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 their 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 house or not and if any licensed person be convicted of any such offence or offences he shall forfeit and pay for each such offence any sum not exceeding twenty pounds.

Publicans to receive travellers and their horses.

42. And be it enacted That no person holding a license under this Act shall in his house or in any of the appurtenances thereto permit any person to become drunk or supply or permit any fermented or spirituous liquor 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 in any of its appurtenances and on con-

Publicans not to allow persons to get drunk or to allow drunken persons to remain on their premises.

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viction of any such offence or offences shall for each offence forfeit and pay any sum not exceeding five pounds.

Indemnity from distress for rent &c. of strangers' property.

43. And be it 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 *bonâ fide* the property of any stranger or strangers and being in such licensed house or the appurtenances thereof or any place used or occupied therewith in the ordinary course of resort at such licensed house shall be subject to be distrained or seized for or in respect of any claim of rent for such licensed house or appurtenances or in respect of any other claim whatsoever 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 or more Justices of the Peace to inquire into any complaint made in respect of such distress or seizure in a summary manner and to order such goods or chattels to be restored to the owner or proprietor thereof and further to award such reasonable costs as shall be incurred by such summary proceedings 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.

No action to be maintained on account of liquors illegally supplied.

44. 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 licensed person 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 *bonâ fide* lodgers and travellers in which any charge for spirits may be included and lawfully recovered as part of the amount thereof.

Licensed persons to receive payment in money or cheques only.

45. 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 house or premises any article of clothing or slops or any tool or other article or thing excepting metallic or paper money or a cheque or order for the payment of money such person on being convicted shall for every such offence forfeit and pay any sum not exceeding ten pounds independent of any punishment for so doing under any other law.

Liquors to be sold according to the imperial measure.

46. And be it enacted That every licensed person shall sell or otherwise dispose of all liquors (except in quantities less than half a pint) in vessels sized to 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 shall for every such offence on conviction forfeit and pay any sum not exceeding five pounds.

As to supplying liquors to Aboriginal natives.

47. 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 part whereof is fermented in any quantity which shall

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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 not exceeding five pounds.

48. And be it enacted That no person licensed under this Act shall keep his house open for the sale of any liquor nor shall sell or retail any liquor or suffer or permit the same to be drunk or consumed in his house or on his premises at any time before the hour of four o'clock in the morning or after ten 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 ten o'clock in the evening from the first of April to the thirtieth day of September both days inclusive on any day of the week nor at any hour on a Sunday Good Friday or Christmas Day except as hereinafter provided and any licensed person who shall offend against this provision shall for every such offence forfeit any sum not exceeding two pounds 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 persons being *bonâ fide* lodgers or inmates or to travellers seeking refreshment on a journey and provided also that it shall be lawful for any two or more Justices in the Cities of Sydney Newcastle or Melbourne or in any Police District in Petty Sessions assembled (if they shall see fit) on one week's notice of such application being posted up outside the Police Offices in such cities and districts respectively upon the payment to the Colonial Treasurer 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 require to be paid for permission to keep a billiard table) to dispense with any part of the restrictions and prohibitions of this present provision so far as may regard any licensed house within such cities and districts respectively 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 in Petty Sessions assembled to be served upon the person to whom the said authority shall have been given and provided further 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 drunk or consumed in or upon the same.

49. And be it enacted That if any licensed person shall be convicted of felony or misdemeanor in any Criminal Court and sentenced to transportation or imprisonment or shall abandon the occupation of his or her licensed house as his or her usual place of residence or permit any person whomsoever 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 complaint thereof and 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 anything hereinbefore contained to the contrary notwithstanding and such house or place shall thenceforth be held to be unlicensed.

50. And be it enacted That no person licensed under this Act shall knowingly permit any body union society or assembly of persons declared to be illegal or prohibited by law or any body union society or assembly of persons who shall require from persons about to be admitted or being admitted thereto or into the said body union society or assembly any oath test solemn declaration or affirmation not expressly

Hours of selling.

Exception in the case of lodgers and in other cases in the discretion of the Magistrates.

Penalty for publicans abandoning the occupation or management of their houses.

Publicans shall not allow illegal societies requiring oaths or observing solemn rites on admission to meet at their houses or premises or to display flags &amp;c. thereat under

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a penalty not exceeding £5.

expressly allowed and required by law or who shall observe on the admission of members or on any other proceeding any religious or other solemn mystery rite or ceremony or seeming or pretended religious or other solemn rite or ceremony not sanctioned by law or who shall wear bear or display on occasions of their meeting or assembling together any arms flags colours symbols decorations or emblems whatsoever to meet or assemble or hold a meeting or assembly on any occasion or pretence whatsoever in the house premises or other place of sale of the person so licensed nor shall on any occasion or pretence whatsoever hang out or display or suffer to be hung out or displayed on from or out of such house premises or other place of sale any sign flag symbol decoration or emblem whatsoever except the known and accustomed sign of such house or other place of sale usually affixed thereto in the way of business and if any such person shall knowingly permit any such body union society or assembly to meet or assemble or hold any meeting or assembly on any occasion or pretence whatsoever in the house premises or place of sale of such person or shall hang out or display or suffer to be hung out or displayed on from or out of such house premises or place of sale any such sign flag symbol colour decoration or emblem whatsoever except as aforesaid any such person so offending shall forfeit and pay for every such offence any sum not exceeding five pounds and if any person so convicted shall be again convicted of any such offence under this section the license of such person shall immediately on such second conviction become null and void to all intents and purposes whatsoever and such person shall not be capable at any time thereafter of obtaining such license Provided that nothing herein contained shall extend to any meeting of persons consisting exclusively of "Freemasons" or the Society of "Odd Fellows."

Exception as to "Freemasons" and "Oddfellows."

Any Justice or chief or other constable duly authorized for such purpose may enter into any house or premises wherein any such meeting is suspected to be held and put out of the same persons attending such meeting and may seize flags books of proceedings &c.

Persons refusing to remove or resisting may be apprehended and on conviction shall forfeit a sum not exceeding £2 and in default of payment may be committed for not exceeding one month.

51. And be it enacted That it shall and may be lawful for any Justice of the Peace or for any chief or other constable authorized for the purpose in writing by any such Justice to enter into any such licensed house premises or place as aforesaid in which such Justice shall from information on oath or otherwise have reason to believe or suspect that any such body union society or assembly is met or held or on or from which any such sign flag symbol colour decoration or emblem shall be hung out or displayed and to remove from and put out of such house premises or place any persons who shall be found met or assembled therein with or as members of or belonging to any such body union society or assembly and to remove and take away and destroy if he shall think proper any arms banners flags colours symbols emblems or decorations found on or with such persons or hanging out or displayed on or from such house premises or other place and to require every such person so found to state truly to him his name and place of abode and to require the immediate inspection of and to take possession of any book of proceedings or other book used at such meeting or brought thereto and to detain such book for such time as he may think proper not exceeding fourteen days and that if any such person shall not when thereto required by such Justice chief or other constable as aforesaid remove from and quit such house premises or place as aforesaid or if any person whatsoever shall forcibly resist such Justice or constable it shall and may be lawful for any constable to apprehend and take into custody any person so offending and to carry and convey or cause to be carried and conveyed every and any such person so apprehended before any Justice of the Peace within whose jurisdiction such house premises or place shall be situate to be dealt with according to law and every person who shall so neglect or refuse to remove from or quit such house premises or place or shall so forcibly resist such Justice or constable or who shall refuse to state his name and place of abode

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abode or shall not truly state being duly convicted of any such offence shall thereupon for every such offence forfeit any sum not exceeding two pounds and if any such person so convicted shall not forthwith pay the sum so forfeited such offender shall be committed to the gaol or house of correction for any time not exceeding one month.

52. And be it enacted That it shall be lawful for any two Justices of the Peace acting for any place where any riot or tumult shall happen or be expected to take place to order or direct that every person licensed under this Act and keeping any house situate within their respective jurisdictions where such riot or tumult shall happen or be expected to take place shall close his or her house at any time which the said Justices shall order or direct and every such person who shall keep open his or her house at or after any hour at which such Justices shall have so ordered or directed such house to be closed shall forfeit and pay any sum of money not exceeding ten pounds.

In cases of riot or tumult licensed houses to be closed on order of Justices under penalty not exceeding £10.

53. And be it enacted That it shall be lawful for any Justice of the Peace or any chief constable or any inspector or serjeant of police together with his assistants to demand entrance from time to time into any licensed house or for any constable specially authorized in writing signed by any one Justice of the Peace in any particular instance to demand entrance into any licensed house 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 Petty Sessions for the district and upon conviction of such wilful delay the party so offending shall forfeit and pay any sum not exceeding ten pounds Provided always that if such admittance be refused or wilfully delayed it shall be lawful for such Justice chief constable inspector or serjeant of police or constable as aforesaid 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.

Justices chief constables inspectors of police &c. to have entrance to public-houses.

54. And be it enacted That every person holding any license under this Act shall on demand at his licensed house or place wherein or whereat such license shall be exercised produce his license to any Justice of the Peace or in default thereof be liable to a penalty of any sum not exceeding ten pounds.

Licenses to be produced on demand of a Justice of the Peace under a penalty.

55. 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 or 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 license or in such house or place if otherwise than as the servant or agent under the immediate superintendence and control of such licensed person he shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

Penalty for licensed publicans allowing unlicensed persons to sell &c.

56. And be it enacted That if any licensed 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 ingredients whatever he shall forfeit and pay for every such offence any sum not less than ten pounds nor more than fifty pounds and in order to analyze such liquor it shall be lawful for any Justice of the Peace on any complaint on oath thereof made to him which shall in his opinion be sufficient to cause reasonable suspicion that any such liquor is adulterated as aforesaid to authorize the seizure of such suspected liquor and cause the same to be analyzed by some chemist or other competent person.

Penalty for selling adulterated liquors.

57. And be it enacted That if any person not actually holding a license under this Act shall keep up any sign writing painting or other

Penalty for keeping up sign &c.

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other mark on or near to his 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 shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

Penalty for paying wages in public-houses.

58. And be it enacted That if any master or other person employing journeymen workmen servants or laborers shall pay or cause any payment to be made to any such journeymen workmen or laborers in or at any house in which any of the liquors aforesaid shall be sold by retail he shall for every such offence forfeit and pay any sum not exceeding five pounds Provided always that nothing herein contained shall extend to any licensed person paying his own journeymen workmen servants or laborers in his licensed house.

Penalty in cases not before provided for.

59. And be it enacted That if any person holding a license under this Act shall offend against any of its provisions in matters for which no penalty is hereinbefore provided he shall for every such offence forfeit and pay any sum not exceeding two pounds.

Penalty on Clerks of Petty Sessions for wilful neglect &c.

60. And be it enacted That every Clerk of the Petty Sessions who shall wilfully neglect or refuse to execute any of the duties herein prescribed and appointed to be by him executed shall on conviction for every such neglect or refusal forfeit and pay any sum not exceeding twenty pounds.

The law of England against drunkenness to be applied.

61. 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.

Penalty on drunkards offending.

62. And be it enacted That if any person shall be found drunk and disorderly in any highway street road or public place he shall on complaint thereof made within one week by any person and on conviction before a Justice of the Peace in a summary way but without a formal information forfeit and pay for every such offence any sum not more than two pounds Provided always that if such sum together with costs be not forthwith paid it shall not be necessary to issue a distress warrant as hereinafter provided as in other cases but such offenders shall be forthwith committed to the house of correction to be kept in solitary confinement for any period not more than forty-eight hours unless the fine shall be sooner paid.

Justices may prohibit supply of spirits to drunkards.

63. And be it enacted That when it shall be made to appear that any person shall by excessive drinking of spirituous or fermented 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 city 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 and also all storekeepers or other dealers in such liquors to sell to him or her any spirituous or fermented 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 any such licensed persons storekeepers or other dealers of any other city town or district to which the drunkard shall or may be likely to resort for the same.

Such prohibition renewable.

64. 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 any such prohibition as aforesaid as to all such persons as have not in their opinion reformed within the year and if any licensed person or any storekeeper or other dealer in such liquors shall during any such prohibition

Penalty for disobedience by licensed persons.



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hibition 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 or fermented liquor he or she shall forfeit upon conviction for every such offence a sum not exceeding ten pounds.

65. 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 or fermented liquors to any such drunkard if any other 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 or fermented liquors he or she shall forfeit upon conviction for every such offence a sum not exceeding five pounds.

Penalty on others  
procuring liquor for  
prohibited persons.

66. And be it enacted That upon information or complaint upon oath being made before any Justice of the Peace by any credible person that he doth suspect and belief 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 place and such person shall on 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 and 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 inquiry 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 may and shall 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 on his making application for the same.

If it be suspected  
that liquors are  
retailed in any un-  
licensed house they  
may be seized and if  
after examination it  
shall so appear they  
shall be forfeited.

67. 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 cause to be seized and taken away and to convey or cause to be conveyed to the nearest Police Office all such fermented or spirituous or mixed liquors as aforesaid as he or they shall have reasonable cause to suspect to be carried about for or exposed to sale in any street road or footpath or in any booth tent store or shed or in any boat or vessel or in any other place whatever by any person not licensed or authorized 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 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 in a summary way on his or their own view or on confession of the party or on complaint thereof made by any person without any formal information and on proof of such offence by the oath of one or more credible witness or witnesses to convict any person so offending of carrying about for or exposing to sale such liquors

Liquors carried  
about to be seized  
and condemned.

without

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without a license and on conviction such person shall forfeit and pay any sum not exceeding fifty pounds and it shall be lawful for the convicting Justice or Justices to adjudge 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 forfeited and to order and direct 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 to be applied in the manner hereinafter provided for the appropriation of fines and penalties and the other moiety to the person or persons who may in any such case first seize inform or prosecute and all proceedings under this section may be conducted as nearly as the circumstances of the case will permit according to the provisions of any law in force in the Colony of New South Wales for regulating summary proceedings before Justices of the Peace Provided always that in all cases where fermented or spirituous liquors shall be carried from one place to another the burden of proving that such fermented or spirituous liquors were not so carried for sale or exposure to sale shall be cast upon the party or parties so carrying them.

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

68. And be it enacted That in case any person whatsoever shall be convicted of illegally selling or retailing any spirituous or fermented liquors contrary to this Act such person shall for the term of two years then next ensuing be liable to the forfeiture of all such spirituous or fermented liquors whatsoever found in his possession or being his property (if exceeding the quantity of half a gallon) and upon information or complaint on oath being made before any Justice of the Peace by any credible person that he doth suspect and believe that such liquors either the property or in the possession of any such person 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 a search warrant as in the case of a suspicion of the unlicensed retailing of spirits as 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 inquire as to the purpose for which the said liquors were intended but solely as to the property or possession aforesaid.

How penalties are to be proceeded for.

69. And be it enacted That except in cases where it is hereinbefore otherwise provided for it shall be lawful for any person to exhibit complaint in writing before any one Justice of the Peace complaining of any offence against the provisions of this Act and on perusal of such complaint if the same be a valid one such Justice is hereby required to grant a summons in writing under his hand directing the attendance of the party complained against at a time and place to be therein mentioned to appear before any two Justices of the Peace to answer the charge contained in the said complaint and if such summons shall be served personally on the person so complained of or shall be left at his last known and usual place of abode with some inmate thereof at least twenty hours before the time therein mentioned for such person's appearance then upon the appearance of the party so summoned at such time and place as aforesaid or on proof to be then given *vivâ voce* on the oath of the person by whom the summons was so served as aforesaid and the production of the original summons it shall be lawful for any two Justices of the Peace then and there being thereupon or at any future period to which the matter may be then adjourned by any one Justice if two should not be present to proceed to hear and determine in a summary manner the matter complained of and on conviction of the person complained of it shall be lawful for the convicting Justices or either of them in the case of a penalty being awarded

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awarded on non-payment of the penalty and such costs as such Justice may award to issue at any time not more than fourteen days from the day of conviction under his or their hand and seal a warrant of distress returnable on such day as they may think proper to insert therein such return not being more than fourteen days from the day of the date of such warrant authorizing any constable to proceed to levy on the goods of the person so convicted if any such can be found for the amount of such penalty and costs together with the sum of five shillings for such distress and the said goods forthwith to seize and carry to the nearest Police Office and the said goods so seized shall be sold at twelve of the clock on the third day after the same shall have been taken to such Police Office unless the full amount of penalty and costs shall be sooner paid and the surplus if any shall remain after the payment of such penalty and costs shall be paid to the person so convicted if demanded within one month and if not so demanded shall be paid to the treasurer of the nearest hospital or other charitable institution within the local jurisdiction of which such conviction shall take place for the general purposes thereof and if no goods can be found before the return day of the said warrant whereon to levy for the said penalty and costs it shall be lawful on the same being certified by writing on the back of such warrant to the convicting Justices or either of them under the hand of the person appointed to execute the same for the said convicting Justices or either of them forthwith by warrant under his hand and seal to commit the person so convicted to the common gaol nearest to the place where the conviction took place for any period not exceeding fourteen days where the penalty awarded shall not be more than five pounds and not exceeding three calendar months where the penalty awarded shall be of greater amount such term of imprisonment to be computed from the time of arrest and not from the date of the warrant and for the purpose of ascertaining the same the constable or other person who shall make the arrest is hereby required to indorse on the back of such warrant the date of such arrest under a penalty not exceeding five pounds which penalty shall and may be recovered in like manner as any other penalty may be recovered under this Act Provided always that in case of any such neglect to indorse 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 Provided also that all such proceedings by summons may be had and done without a formal information being exhibited and such proceedings shall be as good valid and effectual to all intents and purposes as if a formal information in writing were exhibited Provided that in every such summons the general nature of the complaint shall be succinctly stated.

70. And whereas informations or complaints are often laid for the mere sake of gain and the offences charged in such informations are not further prosecuted or it appears upon prosecution that there was no sufficient ground for making the charge Be it enacted That in every case in which any information or complaint of any offence shall be laid or made before any Justice or Justices under this Act and shall not be further prosecuted or in which if further prosecuted it shall appear to the Justice or Justices by whom the case shall be heard that there was no sufficient ground for making the charge the Justice or Justices shall have power to award such amends not more than the sum of five pounds to be paid by the informer to the party informed or complained against for his loss of time and expenses in the matter as to the Justice or Justices shall seem meet to be recovered in like manner as any penalty may be recovered under this Act.

Justice or Justices may award amends not exceeding £5 against informer preferring false complaints.

71. And be it enacted That it shall be lawful for any Justice issuing any summons under this Act or for any one of the Justices

Powers to subpoena witnesses &c.

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before whom the matter of any information or complaint under this Act may come on to be heard and determined to issue a summons for the attendance of any person at a time and place to be therein named to appear and give evidence at the hearing of any such matter and to bring with him and produce at such hearing any necessary documents under his control that may be specified in such summons and every such summons shall be served by delivering a copy thereof personally to the person so summoned and shewing the original at the time of such service which service shall be at least twenty-four hours before the time specified therein for the attendance of such witness and if any person having been so summoned shall not attend at the time and place mentioned in his summons without reasonable cause or having attended there shall refuse to be sworn or to affirm or shall refuse to answer any legal question that may be put to him without alleging for such refusal a sufficient excuse to be then allowed by the Justice or Justices hearing the case such person shall upon conviction for every such offence forfeit and pay any sum not exceeding thirty pounds.

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

72. And be it enacted That in all proceedings whatever against any person for selling or permitting to be sold any fermented or spirituous liquors or mixed liquors part whereof is fermented or spirituous without a license such person shall for all purposes connected with those proceedings be deemed and taken to be unlicensed unless he or she shall at the hearing of the case produce his or her license before and exhibit the same to the sitting 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.

73. 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.

74. And be it 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 storehouse or other building or in any booth shed 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 therein and every such person so found drinking in any such places respectively 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 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 or retailing.

Persons drinking in unlicensed houses to be apprehended.

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75. 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.

What evidence shall be sufficient to convict the owners of and persons found drinking in disorderly houses.

76. 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 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.

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

77. And be it enacted That any person who shall think himself or herself aggrieved by any fine or penalty imposed above the sum of five pounds 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.

78. 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 appeals 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.

79. And be it enacted That in order to prevent frivolous and vexatious appeals a conviction in the form or to the effect set forth in the Schedule to this Act marked II shall be good and effectual to all intents and purposes without stating the case or the facts or the evidence in any more particular manner.

Form of conviction.

80. And be it enacted That no action at law shall lie against any Justice of the Peace or constable for or on account of any matter or thing whatsoever done or to be done or commanded by him in the execution

No action to lie against any Justice or constable without proof of malice and

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unless it be commenced in three months.

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 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.

How penalties appropriated.

81. And be it enacted That all fines and penalties paid and received by virtue of this Act except for drunkenness and such as are hereinbefore otherwise appropriated shall be paid the one moiety thereof to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in support of the Government thereof as may be appointed by any Acts of the Governor and Legislative Council and the other part to and for the use of such person or persons as shall inform or sue for the same Provided always that nothing herein contained shall be deemed or construed to prevent Her Majesty Her Heirs and Successors from remitting the whole or any part of any such fine or penalty as to her or them shall seem meet.

Justices may award no portion of penalty to informer.

82. Provided also and be it enacted That it shall be lawful for the convicting Justice or Justices to direct that the complainant or informer shall receive no portion of the penalty in which case the whole penalty shall be appropriated to Her Majesty Her Heirs and Successors as hereinbefore provided.

Penalty for obtaining money by threats.

83. And be it enacted That any person who shall obtain any sum of money or other reward from any person whatsoever by threatening directly or indirectly to lodge any information or make any complaint before any Justice or Justices for any offence created by this Act or as an inducement for forbearing to lay such information or make such complaint shall on conviction of the offence forfeit and pay a penalty or sum of money not exceeding ten pounds.

No *certiorari* allowed.

84. And be it enacted That no information summons order conviction warrant or other proceeding under this Act shall be quashed or vacated for want of form only or be removed by *certiorari* into the Supreme Court.

Limiting time of laying information.

85. And be it enacted That no conviction shall take place under this Act unless the information or complaint shall have been exhibited or made within three calendar months next after the commission of the offence complained of and that the person informing or suing for any forfeiture or penalty recoverable under this Act shall be a competent witness to give evidence notwithstanding that he be entitled to a part of such forfeiture or penalty.

Appropriation of drunkards fines.

86. And be it enacted That all fines and penalties paid and recovered by virtue of this Act from persons convicted of drunkenness shall be paid to the treasurer or other authorized officer of any benevolent asylum or other charitable institution or society established or to be established in the city town or police district of the Colony where the case shall be heard for the relief of such poor persons as through age sickness accident or other infirmity are unable to support themselves Provided that in any district in which there is no benevolent asylum or other charitable institution or society the said fines shall be paid towards the support of the Benevolent Asylum in the City of Sydney if such fines shall be paid and recovered in any part of the said Colony except the District of Port Phillip but if such fines shall be recovered and paid in the said District of Port Phillip then the said fines shall be paid towards the support of the Hospital now established in the said City of Melbourne.

Present licenses to continue &c.

87. And be it enacted That every license already issued under any of the Acts hereinbefore recited shall be deemed and taken to be

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a license within the meaning of this Act and every proceeding actually commenced under any of the said recited Acts may be concluded under the provisions of this Act except what relates to wine and beer licenses which shall be dealt with as aforesaid is provided.

88. And be it enacted That where in this Act any word shall be used importing the singular number or the masculine gender only the same shall be understood to include several matters as well as one matter several persons as well as one person and females as well as males unless there be something in the context repugnant thereto and where a retailer of fermented or spirituous liquors be mentioned such person shall be held to be a person who sells in any quantity under twenty-five gallons at any one time and that the word Treasurer shall include the Sub-Treasurer for the District of Port Phillip.

Interpretation  
clause.

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SCHEDULES TO WHICH THIS ACT REFERS.

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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 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 thirteenth year of the reign of Her present Majesty intituled "*An Act to consolidate and amend the Laws relating to the licensing of Public-houses and to regulate the sale of fermented and spirituous liquors in New South Wales*") 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 sufficient 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 \_\_\_\_\_ next and continue in force until the thirtieth day of \_\_\_\_\_ 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 city town or district of \_\_\_\_\_ do hereby give notice that it is my intention to apply at the next Annual Licensing Meeting [or Meeting for the transfer of Licenses as the case may be] to be holden for this district on the \_\_\_\_\_ day of \_\_\_\_\_ next ensuing for a Publican's General License for the sale of fermented and spirituous liquors

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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 married having a wife 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 Householder's Certificate to be appended to the above.*

WE the undersigned householders residing within the city 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 and that such house  
 will be a convenience to the public.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_  
 one thousand eight hundred and \_\_\_\_\_

One \_\_\_\_\_  
 Two \_\_\_\_\_  
 Three \_\_\_\_\_  
 Four \_\_\_\_\_  
 Five \_\_\_\_\_

## 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 J. 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 on their several goods and chattels  
 lands and tenements to the use of our said Lady the Queen Her Heirs and Successors in  
 case default should 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 thirteenth year of  
 the reign of Her present Majesty Queen Victoria intituled "*An Act to consolidate and  
 amend the Laws relating to the licensing of Public-houses and to regulate the sale 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 city or township of] \_\_\_\_\_

until 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 or refuse to admit a Magistrate Chief Constable Inspector or  
 other Constable duly authorized into any part of the said house or premises at any hour  
 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 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.]  
 J. K. J.P. [L.S.]

B.



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## B.

*Form of a Packet License.*

New South Wales }  
to wit. }

WHEREAS A. B. of being the master [or commander] 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 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 thirteenth year of the reign of Her present Majesty intituled "*An Act to consolidate and amend the Laws relating to the licensing of Public-houses and to regulate the sale 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 recognizance 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 next and continue in force until the thirtieth day of 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].

## B 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] 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.

## B 2.

*Form of Recognizance to be entered into by the Applicant for a Packet 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 [or any of its dependencies as the case may be] 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 on 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

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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 thirteenth year of the reign of Her present Majesty Queen Victoria intituled "*An Act to consolidate and amend the Laws relating to the licensing of Public-houses and to regulate 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] until the first day of July one thousand eight hundred and [ ] 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.]

## C.

*Form of a Confectioner's License.*

WHEREAS A. B. of [ ] hath deposited in this office a certificate from 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 thirteenth year of the reign of Her present Majesty intituled "*An Act to consolidate and amend the Laws relating to the licensing of Public-houses and to regulate the sale 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 city 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 recognizance 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 liquor nor any spirituous liquor or mixed liquor part whereof is spirituous in the shop [or rooms] of the said A. B. situated in [ ] aforesaid and this license shall commence from the first day of [ ] next and continue in force until the thirtieth day of [ ] 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].

## C 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 city town or district of [ ] do hereby give notice pursuant to the Act of the Governor and Council passed in the thirteenth year of the reign of Her present Majesty intituled "*An Act to consolidate and amend the Laws relating to the licensing of Public-houses and to regulate the sale of fermented 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 [ ]

[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].

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I am married having a wife and children [or unmarried as the case may be] and I have held a license [if before licensed state how many years what kind of license and for 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.

## C 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 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 on 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 thirteenth year of the reign of Her present Majesty intituled "*An Act to consolidate and amend the Laws relating to the licensing of Public-houses and to regulate the sale of fermented and spirituous liquors in New South Wales*" to sell ginger beer and spruce beer but no other fermented liquor nor any spirituous liquor or mixed liquor part whereof is spirituous in the shop [or rooms] of the said A. B. situated at in the district [or township of] until 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 liquor than such as is 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 and do maintain good order and rule in the said shop [or rooms] and premises 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 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 or at a Special Petty Sessions for the transfer of Licenses as the case may be] 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 thirteenth year of the reign of Her present Majesty Queen Victoria intituled "*An Act to consolidate and amend the Laws relating to the licensing of Public-houses and to regulate the sale 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 Meeting or Sessions [or I being the only Justice present after such adjournment of the said Meeting or Sessions and notice as required by the said Act and the requisite notices of application for a General Publican's or Packet or a Confectioner's License as the case may be having been proved before us to have been duly served and posted] 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] until the first day of

*Licensed Publicans.*

*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.

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

G. H. J.P. [L.S.]

J. K. J.P. [L.S.]

**E.***Form of Temporary License to sell Fermented and Spirituous Liquors at Public Fairs.*

New South Wales }  
to wit. }

BE it remembered that A. B. of \_\_\_\_\_ holding a license [describe the nature thereof and the house place or district for which the same is granted having applied to us on the \_\_\_\_\_ day of \_\_\_\_\_ for authority to exercise the privileges of the said license at a public fair [or other place of amusement as the case may be] to be holden at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ Now we do hereby grant to the said A. B. authority to exercise the said license at the said fair [or other place of amusement] on the said \_\_\_\_\_ day of \_\_\_\_\_ between the hours of \_\_\_\_\_ in the morning and \_\_\_\_\_ in the evening Provided always [here add any conditions which the Justices may see fit to attach to the grant of the permission applied for].

Given under our hands on the day and year aforesaid.

C. D. J.P.

E. F. J.P.

**F.***Form of Indorsement on License of a Transfer License.*

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 and having proved that the requisite notice of application for transfer was duly published.

C. D. J.P.

E. F. J.P.

**G.***Form of Indorsement 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 new recognizance as 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 [described as in original license].

C. D.

Colonial Treasurer [or other person as the case may be].

**H.**

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*Vessels Outward Bound.*


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## H.

*Form of Judgment on Conviction.*

New South Wales }  
to wit. }

BE it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_ G. H. of \_\_\_\_\_ in the Colony of New South Wales was duly convicted before us C. D. and E. F. Esquires two of Her Majesty's Justices of the Peace for the said Colony upon an information in that behalf exhibited before us [or before other Justices to be named as the case may be] on the \_\_\_\_\_ day of \_\_\_\_\_ now last past for that on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ [state the fact or offence in respect of which the judgment or conviction is had and that it was committed in the Colony of New South Wales] and we do in pursuance of the Act of the Governor and Council passed in the thirteenth year of Her Majesty's reign intituled "*An Act to consolidate and amend the Laws relating to the licensing of Public-houses and to regulate the sale and consumption of fermented and spirituous liquors in New South Wales*" award order and adjudge that the said G. H. do for such offence forfeit and pay the sum of \_\_\_\_\_ pounds to be appropriated as in and by the said Act is provided besides the costs and charges of and attending this conviction which said costs and charges we the said Justices do hereby ascertain and assess at the sum of \_\_\_\_\_ pounds.

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

C. D. J.P. [L.S.]  
E. F. J.P. [L.S.]

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