

Act No. 18, 1898.

LIQUOR.

An Act to consolidate the Laws relating to Publicans and other Persons engaged in the sale of Liquor. [27th July, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

Preliminary.

1. This Act may be cited as the "Liquor Act, 1898," and is divided into parts, divisions, and subdivisions, as follows :—

PART I.—*Preliminary.*—ss. 1-3.

PART II.—*Licensing districts and licensing courts.*

Short title and division.

DIVISION

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2. The Acts specified in the First Schedule to this Act, to the extent therein expressed, are hereby repealed; but such repeal shall not prejudice or affect the validity or duration of any certificate, license, permit, or authority lawfully granted under any such Act. Repeals and savings.
First Schedule.

All licenses granted under any such repealed Act shall be held in all respects, and all renewals thereof shall be applied for, under and subject to the provisions of this Act, unless hereinafter otherwise specially provided for.

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All rules and regulations made under the authority of any Act hereby repealed and being in force at the passing of this Act shall be and continue in force hereunder, and shall be deemed to have been made under the authority of this Act.

Interpretation.
section.
45 Vic. No. 14, s. 3.

3. In this Act, unless the context or subject matter otherwise indicates or requires,—

“Australasian Colony” includes, in addition to New South Wales, the Colonies of Victoria, South Australia, Queensland, Tasmania, Western Australia, and New Zealand :

“Brewer” means any maker, for purposes of sale, of beer, ale, porter, or stout, or of any other fermented malt liquor or any fermented liquor made from sugar or other saccharine matter :

“Court” or “licensing court” means the licensing court of the licensing district in or with reference to which the term is used :

“Inspector” means a district inspector or district sub-inspector appointed under this Act or under any Act hereby repealed :

“Justice” means a justice of the peace :

“Licensed premises” means the premises in respect of which a license granted under this Act, or any Act hereby repealed, is in force :

“Licensed publican” means a person holding a publican’s license granted under this Act or any Act hereby repealed :

“Licensee” means a person holding any license authorised to be granted under this Act or under any Act hereby repealed :

“Licensing district” means a licensing district proclaimed under this Act or under any Act hereby repealed :

“Licensing magistrate” means a police or licensing magistrate authorised to exercise the powers conferred by this Act :

“Liquor” means and includes wine, spirits, beer, porter, stout, ale, cider, perry, or any spirituous or fermented fluid whatever, capable of producing intoxication :

“Prescribed” means prescribed by this Act or by any regulation or rule made, or deemed to have been made, under the authority thereof :

“Spirit merchant” means any vendor or exhibitor for sale, in any shop or premises, of liquor in quantities of not less than two gallons (not being a licensed auctioneer or broker selling or offering for sale any such liquor on account of another person).

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PART II.

*Licensing districts and licensing courts.*DIVISION 1.—*Licensing districts.*

4. The Governor may from time to time, by proclamation in the Gazette, alter the boundaries of any licensing district, or may subdivide the same into one or more districts, or may amalgamate any such district with one or more districts:

Alteration of boundaries of licensing districts.
45 Vic. No. 14, s. 5.
46 Vic. No. 24, s. 2.

Provided that the metropolitan police district shall always be contained within the Metropolitan Licensing District.

DIVISION 2.—*Licensing courts.*(1) *Constitution of licensing courts.*

5. Licensing courts for the purposes of this Act, but subject nevertheless to any special provisions hereinafter contained, shall be composed of appointed and official members, and shall be constituted in the following manner, that is to say—

Constitution and composition of licensing courts—officers, &c.
45 Vic. No. 14, s. 6.
46 Vic. No. 24, s. 3.

- (1) In and for every licensing district the Governor shall, from time to time, by notification to be published in the Gazette, appoint a licensing court.

The court for the metropolitan licensing district shall consist of seven members, and the court for every other licensing district shall consist of three members.

Whenever practicable, such appointment shall be made and notified in the proclamation of the licensing district.

- (2) Every person so appointed shall be, by virtue of his office, a justice of the peace for the Colony (if not already on the commission of the peace), and shall hold office for a period of three years from the date of his appointment, unless he dies, resigns, becomes disqualified, or is removed from office, in any of which events a successor shall be appointed in like manner and by the like authority, who shall hold office for the unexpired period of his predecessor's term of office.
- (3) In and for the metropolitan licensing district such of the metropolitan police or stipendiary magistrates for the time being, and such other person or persons as the Governor may appoint—not to exceed seven members in the whole—shall constitute the metropolitan licensing court.

For every other licensing district the court shall be composed of the appointed members thereof together with the police magistrate resident within, or nearest to, such district, who

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who shall be the official member of such court; or if there is no police magistrate resident within ten miles of the court-house or building appointed for the holding of such court, then of such members as aforesaid together with such person as the Governor may, in manner aforesaid, appoint as a licensing magistrate.

Chairman.

The senior police magistrate shall preside at the metropolitan licensing court, and the police or licensing magistrate shall preside in every other court as chairman thereof; but, in the absence of either, the members of the court present at any meeting shall elect one of their number to act as chairman at and for such meeting.

Disqualifications.

- (4) Every person shall be disqualified from holding office as the member of a licensing court who is interested beneficially in the manufacture or sale of fermented or spirituous liquors, or in any premises licensed or proposed to be licensed under this Act, or who holds any license whatsoever within the meaning of this Act, or is beneficially interested in any trade or calling exercised under any such license. And any person so disqualified who knowingly and wilfully acts as a member of such court shall be guilty of a misdemeanour.

Place for holding court.

- (5) Every licensing court for a licensing district shall be held in some court house of a petty sessions district comprised within such licensing district, or in some other building to be appointed for that purpose, in the proclamation defining such district, or to be subsequently notified in the Gazette by the Minister.

Officers, &c.

- (6) The Governor may appoint such and so many persons as he thinks fit to be registrars, clerks, or other officers of licensing courts:

Provided that, until the appointment of any such clerk is notified in the Gazette, the clerk of petty sessions, for the time being, of the court of petty sessions at, or nearest to which the licensing court is held, shall be the clerk thereof.

Quorum.

- (7) The quorum for the proper constitution of a licensing court shall be—
 (a) for the metropolitan licensing district, any three members;
 (b) for any other licensing district any two members.

Resignation.

- (8) Any appointed member of a licensing court may resign his office by writing under his hand addressed to the Governor.

Extraordinary vacancies.

- (9) Any appointed member of a licensing court who absents himself from any two consecutive quarterly licensing courts (except in case of sickness or for other lawful excuse) shall be deemed to have vacated his office, and to have created an extraordinary

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vacancy, which shall, as soon as conveniently practicable, be filled up by the appointment (to be notified in the Gazette) of some other person, under the powers hereinbefore conferred.

- (10) Notwithstanding any alteration in the constitution of a licensing court by reason of the death, removal, absence, or resignation of any of its members, the jurisdiction conferred by this Act on such court may be lawfully exercised by a quorum of such court. Death, &c., of member.

- (11) In any licensing district (except the metropolitan) the Governor may, by notification in the Gazette, appoint any person to be a deputy licensing magistrate of such court. And such deputy may exercise all the powers vested in, and shall perform all the duties cast upon, a licensing magistrate by this Act, in case of the death, removal, resignation, or absence of such licensing magistrate. Deputy licensing magistrate.

6. Every licensing court shall be a court of record, with full power to make all general and other rules necessary for the conduct of its business, and for the enforcement of its orders, adjudications, and convictions; but such rules shall be subject to any regulations made by the Governor as hereinafter provided. And each such court shall have and use a seal bearing an impression of the Royal Arms, and having inscribed thereon the words "licensing court," with the name of the licensing district within which such court is held. And the chairman thereof may take, administer, and cause to be taken and administered, oaths, declarations, affirmations, and depositions in any licensing or other matter, complaint, or proceeding to be heard and determined or dealt with by such court. Licensing courts to be courts of record, and to have a seal. 45 Vic. No. 14, s. 7.

7. If any person duly summoned to attend as a witness at any such court neglects, without sufficient excuse, to appear and give evidence, or refuses to be sworn, or to answer any lawful question; or if any person wilfully interrupts the proceedings of such court, or hinders, obstructs, or assaults any person in attendance before such court, or any officer thereof in the lawful execution of his duty, such person shall be guilty of contempt of court. And the chairman, either on his own view, or on the oath of some credible witness, may, by warrant under his hand and the seal of the court, commit any person guilty of such contempt to any gaol or lock-up, there to be imprisoned for any term not exceeding fourteen days, or may order such person to forfeit any sum by way of fine not exceeding ten pounds; and if such fine be not forthwith paid, he may order such person to be imprisoned in any gaol or lock-up for any term not exceeding fourteen days, but subject to the discharge of such person if the fine is paid within the term of the imprisonment. Punishment of contempt of court for non-attendance, &c. Ibid. s. 8.

8. In the Metropolitan Licensing District each of the metropolitan police or stipendiary magistrates, and in every other licensing district, Licensing magistrates. Ibid. s. 9.

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district, the police magistrate being a member of the licensing court of such district, or the licensing magistrate, as the case may be, shall be a licensing magistrate within such district. And every such licensing magistrate shall sit as in open court, and shall have and may exercise all the powers and authorities conferred by this Act upon a licensing magistrate; and while sitting for the hearing and determination of any matter within his jurisdiction shall be deemed to be a court under this Act.

(2) *Procedure before licensing courts.*

Procedure before
licensing court.
45 Vic. No. 14, s. 10.

9. Until and unless rescinded or altered by regulations to be made under this Act, the following procedure shall, subject to any special provisions hereinafter contained, be observed, so far as the same can be applied, in the conduct of all business before licensing courts—

- (1) The district inspector in every licensing district shall furnish to the clerk of the court, at least ten days before each quarterly sitting, a report of every licensed public-house in such district, and shall also report upon all applications, whether for licenses, or transfers, removals, or renewals thereof, as soon after the application as possible. Such report, where the premises have been licensed for more than twelve months, shall describe the condition of the premises, fittings, and furniture, the manner in which such premises have been conducted during the preceding twelve months, the character of the persons frequenting them, and a statement of the number and position of similar premises in the neighbourhood. Every such report shall be open to public inspection during office hours without payment of a fee.
- (2) In all applications it shall be the duty of the clerk of the court to report whether the applicants, or, in case of transfers, whether the intended transferees have previously been applicants or intended transferees of a license for the sale of liquor, together with the result in each case.
- (3) Where applications for renewals have been objected to, the clerk of the licensing court shall give the prescribed notice to the applicants to attend at the hearing; and such applicants shall be heard immediately after applications for new licenses (if any). The notice shall state shortly the nature of the objections.
- (4) On an application for a publican's license for new premises, the applicant shall produce to and deposit with the clerk, for

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the information of the court, plans or sketches of such premises sufficiently explanatory to show the number and size of the rooms therein; and the court may require the applicant to give any explanation thereof; and if such plans, sketches, or explanation shall show, or if otherwise it appears, to the court that any portion of such premises or of the building of which the same forms part is fitted up or intended to be used as a retail store, it shall not be lawful for the court to grant such application. And if any such premises are used for the business of a retail store after a license has been granted, the license shall be liable to forfeiture.

- (5) The court shall hear and determine all applications, and also all objections which may be made to them, on such evidence as seems to them sufficient. But all evidence shall be given in the same manner as nearly as practicable as in courts of law.
- (6) No applications which have been already decided shall be reheard or reopened at an adjourned sitting unless in pursuance of leave granted at the original sitting. But an applicant may renew his application at any subsequent quarterly sitting of the Court, if the application has been refused at any former sitting.
- (7) On the hearing of any application (except for a renewal), the applicant, by himself, his counsel, or attorney, shall open his case, then the objectors (if any) who have given the prescribed notice shall be heard by themselves, their counsel or attorney, and the applicant may reply.
- (8) On applications for renewals the objector shall commence and the applicant shall reply only.
- (9) The court, if unanimous, shall give their decision by the chairman; but, if not unanimous, shall decide by vote (retiring to a private room, if they think fit) whether the application shall be granted or refused. The decision shall be given by the chairman, and no member of the court shall comment upon or question such decision.
- (10) The chairman shall, on behalf of the court, sign all certificates and documents given or issued by the court unless such as are hereinafter permitted or required to be signed by a licensing magistrate.
- (11) No objection in respect of the character of an applicant shall be entertained unless at least three days' notice of the objection intended to be taken has been given to such applicant by or on behalf of the objector.

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Hearing of applications, &c.
45 Vic. No. 14, s. 13.

10. (1) Every application for a license, or the renewal, removal, or transfer of a license under Part III hereof, and all objections to every such application permitted under this Act shall (except as hereinafter provided) be heard and determined at a licensing court for the district wherein the premises are situated, in respect of which the license, removal, or transfer is sought, or to which the application relates; and every such applicant shall, subject to the provisions relating to applications for renewals contained in section thirty-seven, attend personally at such court unless prevented by sickness or infirmity.

Powers conferred.

(2) The court may summon and examine on oath such witnesses as they may think necessary, and as nearly as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of justices on summary convictions and orders.

(3) *Times for holding and adjournment of licensing courts.*

Licensing courts when held.
Ibid. s. 11.

11. A quarterly licensing court for each licensing district shall be held in the months of January, April, July, and October, in every year, and at least twenty-one clear days notice in the Gazette, and in some newspaper circulating in such district, shall be given by the clerk, of the time and place of holding such court. And such clerk shall, for the like period, cause a notice to the like effect to be exhibited on the outer door of the court-house or building where such court is to be held:

Provided that special meetings for the renewals of licenses and other meetings of licensing courts may be holden, from time to time, for all purposes authorised by this Act. And ten days' notice as aforesaid shall be given of every such special or other meeting unless where the matters to be heard and determined are offences against this Act.

Where a licensing magistrate has jurisdiction or authority under this Act to hear and determine, or deal with any matter, no notice of the time and place appointed for his sitting shall be necessary.

Power to adjourn—majority to decide.
Ibid. s. 12.

46 Vic. No. 24,
s. 3 (ii).

12. (1) A licensing court may adjourn, from time to time, to the same or any other court-house or building within the licensing district.

(2) A licensing court may, in the absence of a quorum, be adjourned by any member of the court present to such time as he thinks fit.

(3) If, at any hearing, there is a difference of opinion among the members of the court, the majority shall decide, and if there is an equality of votes in any case, the chairman shall have (in addition to his original) a casting vote.

(4) If any applicant for a license, or for the renewal, removal, or transfer of a license under Part III hereof, requires an adjournment, the

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the court may, upon such terms as to costs or otherwise as they think just, adjourn, from time to time, but within the period of one month, to the same or any other court-house or building within the district.

PART III.

Publicans' and certain other licenses and provisions relating thereto.

DIVISION 1.—*Exemptions from the provisions of this Part.*

13. Nothing in this Part shall apply to any person selling, or offering for sale—

Exemptions from
this Part.
45 Vic. No. 14, s. 22.

- (1) Wine, cider, or perry in quantities of not less than two gallons of any one kind of such liquor at any one time :

Provided that such wine, cider, or perry is the produce of fruit grown within the Colony, and is made by the person selling or offering the same for sale, and is not consumed or intended to be consumed on the premises where the same is sold or offered for sale—

- (2) Any spirituous or distilled perfume sold as perfumery only and not for drinking—
- (3) Liquor in the Parliamentary Refreshment-room by the permission and under the control of the proper authority—
- (4) Liquors in any military canteen established under a permit issued under the hand of the Minister (which permit the Minister is hereby authorised to grant)—
- (5) Liquors in any club-house, provided that such liquors be so sold only to members of such club, or offered only to such members or their guests, and in premises of which the members are the bona fide owners or lessees—
- (6) Colonial wine at such refreshment-rooms or stalls at the railway stations throughout the country as may be sanctioned for that purpose by the Railway Commissioners of New South Wales, and under regulations made by them for that purpose ;—

Or shall apply to any

- (7) Duly registered apothecary, chemist, druggist, or other person authorised by law in that behalf, and administering, dispensing, or selling any spirituous or fermented liquors for medicinal purposes only—
- (8) Importer or proprietor selling liquor before the same is taken or landed from the vessel or conveyance in which the same has been

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been imported into the Colony from parts beyond the Colony, or before entry, or after entry for warehousing, or after the warehousing thereof—

- (9) Licensed auctioneer, in the bona fide exercise of his business selling, or offering for sale, by auction, liquor on account of another person.

DIVISION 2.—*Publicans' and other licenses, and fees therefor.*

Descriptions of
liquor licenses.
45 Vic. No. 14, s. 23.

14. The following descriptions of licenses for the sale of liquor may be granted under this Part, namely :—

Currency of liquor
licenses.

- (1) Publicans' licenses, packet licenses, colonial wine licenses, booth or stand licenses, six months licenses granted under section thirty-five.
- (2) Every such license (except booth or stand and six months licenses) shall, subject to the provisions of this Act, be in force for one year from the date on which the same shall have been granted, and no longer.

Publicans' licenses.
Second Schedule.
Ibid. s. 24.

15. All publicans' licenses issued after the commencement of this Act may be in the form of the Second Schedule hereto ; and every such license shall authorise the licensee therein named to sell and dispose of liquor, but (subject to the provisions contained in section sixty-three hereof) only on the premises therein specified, and between six o'clock in the morning and eleven at night.

Packet licenses.
Third Schedule.
Ibid. s. 25.

16. Packet licenses may be in the form of the Third Schedule hereto, and in accordance with the classification hereinafter prescribed, and shall authorise the master of the vessel therein named to sell and dispose of liquor to any passenger on board such vessel during any voyage or passage, but not until such vessel has left her berth or moorings, and has proceeded on her voyage or passage ; nor shall any such license be available on board of any vessel while plying between places within the harbour of Port Jackson :

Provided that nothing in this Act contained shall extend to prevent any allowance of liquor from being served out to the crew of any vessel, by order of the master thereof, whenever such allowance is not forbidden by any Customs or other law in force for the time being.

Sales of liquor on
board vessels in
breach of this Act.
46 Vic. No. 24, s. 8.

17. Any sale of liquor made by the master of a vessel who holds a packet license, or by any of the officers or crew of such vessel with such master's privity or consent while such vessel is at any wharf, anchorage, or moorings, or while such vessel is plying between places within any harbour of the Colony, shall subject the master, officer, or member of the crew selling such liquor to a penalty not exceeding five pounds for the first, and not exceeding ten pounds for the second or any subsequent offence. And every sale of liquor on board such vessel under the circumstances aforesaid shall be deemed to be a sale by the master until the contrary is proved.

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18. Colonial wine licenses may be in the form of the Fourth Schedule hereto, and shall authorise the licensee, if the occupant of premises within the city of Sydney assessed at an annual value of fifty pounds per annum, or of premises within any borough or municipal district assessed at thirty pounds per annum, or elsewhere of the value or rental of ten pounds per annum, to sell and dispose of, on the premises in such license specified, wine, cider, or perry, the produce of fruit grown within any Australasian Colony, in quantities not exceeding two gallons, and not containing a greater proportion than thirty per centum of proof spirits, but only between the hours of seven in the morning and eleven at night.

Colonial wine licenses.
Fourth Schedule.
45 Vic. No. 14, s. 26.
46 Vic. No. 24, s. 10.

19. A colonial wine license shall not be granted to any person holding a license for a still under section twenty-one of the Distillation Act, 1897, nor in respect of, or exercised in, any premises situated at a greater distance than one hundred yards from any road. And for the purposes of this section, the word "road" includes any proclaimed street, road, or highway, of which the control and management are vested in the council of a borough or municipal district, or in trustees, and any public road made or maintained, wholly or partly, at the public expense.

Qualification on grant an exercise of colonial wine license.
45 Vic. No. 14, s. 27.

20. Booth or stand licenses may be in the form of the Fifth Schedule hereto, and shall authorise the licensee (being also the holder of a publican's license) to sell and dispose of liquor at any race, regatta, cricket, or rifle match, athletic or other sports, encampment, fair, or other lawful place of public amusement, for a period not exceeding seven days, but not to exceed (with any renewal or renewals thereof) a period of twenty-eight days :

Booth or stand license.
Fifth Schedule.
Ibid. s. 28.

Provided that every such license shall be subject to any conditions and provisions imposed by the licensing court or licensing magistrate granting the application.

21. (1) The following fees shall be paid annually in respect of licenses under this Part, namely :—

Fees payable for licenses under this Part.

(a) For a publican's license, the sum of thirty pounds.

Ibid. s. 40.

(b) For a packet license—

(i) Class I—Passenger vessels of or above one thousand tons registered tonnage—fifteen pounds.

(ii) Class II—Passenger vessels of less than one thousand and more than two hundred and fifty tons registered tonnage—ten pounds.

(iii) Class III—Passenger vessels of less than two hundred and fifty tons registered tonnage—three pounds.

(c) For a colonial wine license—three pounds.

(2) A fee of two pounds shall be paid upon the grant of every booth or stand license, and upon every renewal of any such license.

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License fee may be reduced in certain cases.

46 Vic. No. 24, s. 11.

22. If it appears to the quarterly licensing court, referred to in the twenty-third section of this Act, that the premises in respect of which a publican's license is applied for are actually required for the accommodation of travellers, the said licensing court may, if they think proper, reduce the fee payable for such license to fifteen pounds :

Provided that the provisions of this section shall not apply to any premises which are accessible by any practicable roadway to any licensed premises situate within ten miles of such first-mentioned premises.

DIVISION 3.—*Method and conditions of obtaining publicans' and other licenses.*

(1.) *Applications for licenses.*

As to publican's and colonial wine licenses.

45 Vic. No. 14, s. 29.

23. (1) Every person wishing to obtain a publican's or colonial wine license under this Act shall, at least fourteen days before he applies to the quarterly licensing court of such district, deliver to the clerk of the licensing court for the district within which the premises are situated to which such license is intended to apply, and to the district inspector, a notice in writing signed by such applicant, setting forth the applicant's name, calling, and abode ; and shall also affix a like notice on the outer side or front of the principal entrance door of the said premises, there to be kept until the day upon which the said court is holden. Such applicant shall also publish a copy of such notice in a newspaper circulating in such district at least seven days before he so applies. In all cases the notice of application may be in such one of the forms in the Sixth Schedule hereto as is applicable, or to the like effect, and shall be delivered in triplicate to the clerk, who shall, immediately after the receipt thereof, post or cause to be posted one of such notices inside, and another outside, on some conspicuous part of the court-house or building in which the court is to be held :

Sixth Schedule.

Provided always that, except as hereinafter provided, no such application shall be entertained where such applicant is an unmarried woman (not being a widow).

License may be held by married woman who has obtained a protection order.

Act No. 17, 1897, s. 2.

(2) A married woman who has, before or after the passing of this Act, obtained a protection order under the Act twenty-second Victoria number six may obtain, by grant or transfer, a publican's or colonial wine license under this Act, and any renewal of the same :

Provided that no license shall be granted or transferred under this section if the married woman has since the making of the protection order cohabited or resided with her husband :

Provided also that if the married woman after the grant or transfer to her of the license cohabits or resides with her husband, the license shall, if not transferred within three months after such cohabitation or residence, lapse at the expiration of the said three months.

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(3) A married woman who has, before or after the passing of this Act, obtained a decree of judicial separation, may obtain by grant or transfer a publican's or colonial wine license under this Act, and any renewal of the same :

License may be held by married woman who has obtained a decree of judicial separation.

Act No. 17, 1897, s. 3.

Provided that no license shall be granted or transferred under this section if the married woman has since the decree cohabited with or not lived separate from her husband :

Provided also that if the married woman after the grant or transfer to her of the license cohabits or lives with her husband, the license shall, if not transferred within three months after such cohabitation or living together, lapse at the expiration of the said three months.

(4) A woman who has, before or after the passing of this Act, obtained a decree absolute dissolving her marriage may, if she is unmarried, or a married woman whose husband has before or after the passing of this Act, become, and is at the time of the transfer, grant, or renewal hereinafter mentioned, an insane patient within the meaning of the Lunacy Act of 1878 and the Acts amending the same, may obtain by grant or transfer a publican's or colonial wine license under this Act and any renewal of the same : Provided that nothing in this section shall affect the provisions of section eighty-one of this Act.

License may be held by woman who has obtained dissolution of her marriage or whose husband is insane.

Ibid. s. 4.

24. Before a publican's license is granted for any house, and during the continuance of such license, such house shall contain, in addition to and exclusive of such reasonable accommodation for the family of the licensed publican as the Court thinks requisite, at least two moderate sized sitting-rooms and four sleeping-rooms constantly ready and fit for public accommodation : Provided that each such room in every house (except any house which was licensed on the nineteenth day of December, one thousand eight hundred and eighty-one), shall contain not less than twelve hundred cubic feet of air space and not be less than nine feet in height. And during the continuance of such license every such house shall be provided with at least two decent places of convenience on or near the premises for the use of the customers thereof so as to prevent nuisances and offences against decency, and with stabling sufficient for four horses at least, and with a sufficient supply of wholesome and usual provender for the same :

Minimum standard of accommodation for licensed house.
45 Vic. No. 14, s. 30.

Provided that the Court may, if they think proper, by indorsement in writing upon any certificate granted under this Act, dispense with the said stabling accommodation, or such part thereof as they may think fit, where the house is situated within the boundaries of the city of Sydney, or of any borough or municipal district.

25. Notwithstanding anything in the next preceding section, where an application for the grant, renewal, or transfer of a publican's license is made in respect of a house situate ten miles or more, by the nearest

Minimum accommodation for public-houses in certain cases.

46 Vic. No. 24, s. 9.

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nearest practicable highway, from the nearest licensed public-house, and the licensing court or magistrate is satisfied that such house contains ready and fit for public accommodation (in addition to the accommodation mentioned in the said section for the licensee's family) four good and substantial sleeping-rooms—each having not less than six hundred cubic feet of air space—and one good and substantial sitting-room having not less than twelve hundred cubic feet of air space—the applicant shall, subject to all other provisions of this Act, be entitled to such grant, renewal, or transfer, as the case may be.

Conditional license
may be granted.
45 Vic. No. 14, s. 33.

26. Any person desirous of obtaining a new publican's license for premises proposed to be erected, or for premises already erected but requiring additions or alterations to make them suitable to be licensed under this Act, may, before building such new premises or making such additions or alterations to premises already erected, make a conditional application to the court; and in such case shall furnish the court with a properly drawn plan showing the precise locality, the number and size of the rooms, and all other information necessary to enable the court to form a correct estimate of the utility of such proposed premises when completed. And, subject to the other provisions of this Act in respect to applications for new licenses and objections thereto, the court may grant such conditional application, and after recording the same in the book of proceedings of the court, may furnish a copy of such record to the applicant; and the granting of such conditional application shall remain in force until the completion of such premises, provided such completion is effected within twelve months from the date of such record; and the plans so furnished shall be initialled by the chairman and deposited with the clerk of the court; and on the completion of such premises the district inspector shall, after examination thereof, certify whether (or not) they are completed in accordance with the plans so furnished; and if the inspector certifies in the affirmative a certificate for a publican's license shall be issued by the court at its next sitting, unless the court is then satisfied that the character of the applicant is objectionable:

Provided that nothing herein shall affect the provisions of the twenty-eighth section.

Applications for
packet and booth or
stand licenses.
Ibid. s. 32.

27. Every application for a packet license, if in respect of a vessel plying to or from Port Jackson, shall be made to the Metropolitan Licensing Court; and if in respect of a vessel not so plying, shall be made to a court holden within the licensing district within which her usual port or place of departure or arrival is situated. Applications for packet licenses, or for booth or stand licenses, may be heard and determined by a licensing magistrate as well as by a licensing court, and need not be preceded by any notices.

Liquor.(2.) *Ratepayers' option.*

28. After the commencement of this Act the granting of a new publican's license, or of a certificate of removal of a publican's license, shall, within the area of every ward of the city of Sydney, or of any municipality subdivided into wards, as well as within the area of every municipality not so subdivided, be contingent upon the vote of the ratepayers of such areas, respectively, to be ascertained in manner hereinafter provided.

Grant of new publicans' licenses or removal certificates when contingent on ratepayer's option.
45 Vic. No. 14, s. 34.
46 Vic. No. 24, s. 13.

If such vote is in the affirmative, the grant of such new licenses or certificates of removal shall, within any such area, be unaffected by the provisions of this section for the term of three years from the date of the notification in the Gazette announcing such vote, but shall during such term be subject to all other provisions of this Act.

If such vote is in the negative, no new publican's license, and no certificate authorising the removal of a new publican's license, shall, for a period of three years from the date of the notification in the Gazette announcing such vote in the negative, be granted for premises within the area in which the vote of the ratepayers has been so given in the negative.

In and for every such area as aforesaid the ratepayer's vote may be exercised from time to time at intervals of three years after the taking of the last effective vote, but not oftener, and shall in every case cease to be operative after the expiration of three years from the date of the notification thereof in the Gazette.

The voting of ratepayers within every such area as aforesaid, as well as the announcement and effect thereof, shall be governed by the conditions and provisions hereinafter declared, namely:—

- (1) In every municipality (other than the city of Sydney) a vote of the ratepayers of the municipality (if not subdivided) and of the ratepayers of each ward of the municipality (if subdivided) shall be taken, for the purposes of this section, on the days hereby appointed, that is to say—
 - (a) In every municipality constituted after the commencement of this Act on the same day as that on which the first annual election of aldermen is held;
 - (b) In every municipality constituted before the commencement of this Act, in which the first annual election of aldermen has not been held, on the same day as that on which the first annual election of aldermen is held;
 - (c) In every other municipality, on the same day as that on which the annual election of aldermen is held after an interval of three years from the taking of the last vote under the provisions of the Acts hereby repealed.

Every

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Every subsequent vote shall take place on the corresponding day at intervals of three years from the taking of the preceding vote.

Ratepayers' option
in the city of Sydney.

- (2) The voting of ratepayers within the city of Sydney shall take place on the same day as that on which the annual election of aldermen of the said city is held, after an interval of three years from the taking of the last vote of the said ratepayers under the provisions of the Acts hereby repealed; and every subsequent vote shall take place on the corresponding day at intervals of three years from the taking of the preceding vote.

Limit of voting.

- (3) The voting of ratepayers in the said city, and in every municipality subdivided into wards, shall be taken for the several wards, but where a municipality is unsubdivided at the time of taking the voting, such voting shall be for the whole area of the municipality existing at such time.

Local option papers.

- (4) For the purpose of taking the votes of ratepayers under this section, voting-papers (to be termed "local option papers") shall be provided by the returning officer. Such voting-paper shall be in accordance with the form contained in the Seventh Schedule hereto.

Seventh Schedule.

And all such voting-papers shall, at elections where a polling takes place, be on blue forms, otherwise they may be on ordinary paper.

Each ratepayer's vote shall be given by a single voting-paper, but the answers of the voter shall be placed severally against each question and within the division of the voting-paper allotted to such question and answer in accordance with the form hereinbefore prescribed.

Returning officers to
provide a sufficient
number of local
option papers.

- (5) Such returning officer shall cause to be delivered to the presiding officer at each polling place appointed for the holding of such annual election, or the taking of such voting as aforesaid, so many of such local option papers signed by himself on the back thereof as are equal to the number of the electors on the roll for the time-being of the said city, ward, or municipality.

Local option papers
to be furnished to
voters.

- (6) Whether at any such annual election as aforesaid a poll is required to be taken or not, the persons who in case of a contested election would be required to be in attendance at the several polling-places shall be in attendance for the purpose of taking the votes of ratepayers under this section. In like manner, all persons who are required by law to furnish ballot-papers to electors entitled to vote at annual elections shall furnish to each voter demanding the same one local option paper.

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- (7) Every voter receiving such local option paper shall for the purpose of voting under this section deal with the same in accordance with the directions contained therein. And thereupon he shall pursue the same course in respect to such paper as he would be required by law to pursue in respect to ballot-papers at municipal elections. And if such voter is blind or unable to read, the proper officer shall take the same course for the purpose of permitting such voter to vote under this section as is prescribed by law in respect to blind or illiterate voters at annual elections in municipalities. Procedure by voters.
- (8) If the voting under this section takes place on the occasion of a contested municipal election, the voter, if he desires to vote hereunder, shall be furnished with the local option paper to which he is entitled at the same time as he receives his ballot-paper or papers, but in that case he shall deposit the local option paper in a separate ballot-box which shall be provided for that purpose. If the election is not a contested one, the local option papers shall be dealt with in all respects (subject to the provisions of this Act) as if they were ballot-papers. ~~And no~~ question shall be asked of a voter in respect of his voting hereunder except the following :—“ Are you the person named as number on the roll for ward or this municipality ? ” And such question shall not be asked of any voter who has been asked, and has duly answered, the question or questions by law permitted in the case of voters at municipal elections. Proceedings at voting.
- (9) All the provisions of the Acts relating to municipalities and to the corporation of the city of Sydney, so far as they regulate or prescribe the qualifications and disqualifications of electors—the mode and place of holding elections—of appointing polling-places—the mode of voting—and the punishment for giving a false answer to questions shall, subject to the provisions herein contained, apply respectively to voting and voters at, and to all officers taking part in respect of, the voting of ratepayers for the purposes of this Act. Incorporation of certain provisions in municipalities and Sydney Corporation Act.
- (10) If, after the first taking of the ratepayers' vote, under this section or under the provisions of the Acts hereby repealed, in any municipality, a new or additional ward is appointed therein, or if, after the taking of such vote, a new municipality is constituted, either by union or severance, embracing the area or part of the area of the municipality in which such vote has been taken, then a new vote hereunder shall be taken at the first annual election of aldermen for such ward or new municipality ; and such vote shall supersede the vote (if any) first taken in respect of such ward or the area comprised in such new municipality, as the case may be. Provision for voting in new municipality or ward.

(11)

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Result of voting,
how ascertained, &c.

(11) The result of every voting hereunder shall be ascertained severally in respect of the grant of new licenses, and the removal of licenses, in the manner following, that is to say :—

If a number of votes in the negative are given equal to or exceeding eleven-twentieths of the aggregate number of votes polled, the ratepayer's option shall be held to have been exercised in the negative, otherwise such option shall be held to have been exercised in the affirmative. In the former case the restriction upon new publican's licenses or removals, as the case may be, shall take effect; in the latter case the voting shall have no effect upon such licenses or removals.

The officers to count and otherwise deal with the votes shall be those who, at ordinary municipal elections, would be the proper officers to ascertain the poll, but no scrutineers shall be required in respect of such votes.

Declaration and
notification of result
of voting.

(12) As soon as practicable after the taking of such ratepayers' votes, in pursuance of the provisions of this section, the returning officer or other person before whom the election is held shall declare severally in respect of the grant of new licenses, and the removal of licenses, the result of the voting, and shall thereupon certify under his hand to the Minister, in regard to the grant of new licenses and the removal of licenses respectively, the number of votes polled in the negative and the number polled in the affirmative. And the Minister shall, within seven days after the receipt of such certificate, cause the same to be notified in the Gazette. Upon such notification the result of such voting shall be judicially noticed by all licensing courts and magistrates of the licensing district within which the said voting was taken and to which the same applies.

Costs in connection
with local option
voting.

(13) All expenses incurred in the city of Sydney or in any municipality in carrying out the requirements of this section shall be defrayed from the same fund, and paid in the same manner, as the expenses therein respectively incurred in carrying out the requirements of the civic or municipal law in respect of voting at annual elections.

Provision where no
vote taken or voting
a nullity.

(14) Whenever no ratepayer's vote has been taken under this section, or the voting is a nullity, such vote shall be taken at the next annual election of aldermen for the ward or municipality in question. And the interval of three years shall, in all such cases, be reckoned from the taking of an effective ratepayer's vote

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29. Notwithstanding any vote in the negative taken in and for any area as aforesaid declared and notified under the next preceding section, the licensing court may grant licenses under this Part for hotels, within such area, containing not less than twenty rooms suitable for public accommodation in addition to the standard accommodation hereinbefore prescribed. But no vote in the affirmative so taken, declared, and notified shall make it compulsory for the licensing court to grant any new publican's licenses for premises within the area to which such vote is applicable.

Qualification of preceding section.
45 Vic. No. 14, s. 35.

(3.) *Objections to the granting, &c., of licenses.*

30. Objections to the granting of any license under this Part may be made, either personally or by petition, to a licensing court or licensing magistrate (as the case may be) by—

Objections to liquor licenses.
Ibid. s. 36.

- (i) Any three or more residents of the licensing district within which the premises are situated, or by the owner of such premises—
- (ii) Any district inspector or member of the police force in charge of the district or place in which the premises are situated, or any person authorised by any such inspector.

46 Vic. No. 24, s. 14.

And any one or more of the following objections may be taken to the granting of any such license—

- (a) That the applicant is a person of drunken or dissolute habits or otherwise of bad repute—
- (b) That his license has within the twelve months preceding the date of application been cancelled—
- (c) That the applicant has been convicted of selling liquor without a license, or of selling adulterated liquor, within a like period as aforesaid from date of application—
- (d) That the premises have not the minimum standard of accommodation prescribed by this Act for such premises—
- (e) That the reasonable requirements of the neighbourhood do not justify the granting of such license—
- (f) That the premises are in the immediate vicinity of a place of public worship, hospital, or public school—
- (g) That the quiet and good order of the neighbourhood in which such premises are situate will be disturbed if a license be granted :

And the objections which may be taken to the renewal, transfer, or removal of any such license may, subject to the provisions of the next succeeding section, be any of the grounds of objection hereinbefore specified which the said court or magistrate may consider applicable :

Provided always that, upon any application whether for the grant, renewal, removal, or transfer of a license, any objection whatsoever (not being a frivolous or vexatious objection) may be taken which appears to the

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the licensing court or magistrate to be sufficient. Any such applicant, upon objections being raised at the hearing of which previous notice as prescribed has not been given to him, shall be entitled to an adjournment thereof.

In this section the word "premises" means the building or premises for or with reference to which the particular application is made.

Qualification of next preceding section.
46 Vic. No. 24.
ss. 12 and 14.

31. (1) The ground of objection provided for by subsection (d) of the next preceding section of this Act shall not be entertained as a ground of objection to the renewal of any publican's license granted under the provisions of the twenty-fifth section of this Act, so long as the accommodation contained in the premises covered by such license is maintained up to the standard provided for in the said last-mentioned section.

(2) The matter specified in subsection (e) of the next preceding section shall not be a ground of objection to the renewal of any license referred to in the said section.

(4). *Issuing of certificates and licenses and costs of application.*

Certificate to issue to licensee and lists of certificates to be transmitted to Colonial Treasurer. Eighth Schedule.

45 Vic. No. 14, s. 37.
46 Vic. No. 24, s. 15.

Certificates to be void for non-payment of license fee.

45 Vic. No. 14, s. 14.

32. If the court decides to grant an application it shall issue to the applicant a certificate in such one of the forms in the Eighth Schedule hereto as is applicable or to the like effect, and shall cause lists of such certificates, under the seal of the said court, specifying the situation, and sign or name of each house, and the street, road, or place where it is situated, to be transmitted to the Colonial Treasurer.

33. Every certificate granted under this Act shall be void unless the sum (if any) required to be paid to the Colonial Treasurer or officer authorised to receive license fees under this Act for the license or other privilege thereby authorised is so paid within twenty-eight days after the granting of such certificate. And such Treasurer or officer shall, forthwith after the receipt of any such certificate, and payment of the sum prescribed by this Act, issue the license or other privilege authorised by such certificate.

Costs of application.
Ibid. s. 38.

34. If the court refuses to grant any application, it may order payment of a sum to meet the reasonable costs and expenses of the opposing party to be made to such party by the unsuccessful applicant. And if the opposition to any application appears frivolous or malicious, the court may order payment of a sum to meet the reasonable costs and expenses of the successful applicant to be made to him by the opposing party.

(5). *Publicans' licenses in special districts.*

Provision for granting publicans licenses in special districts.
Ibid. s. 39.

35. (1) Notwithstanding the provisions hereinbefore contained, it shall be lawful for the Governor, from time to time, by notification in the

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the Gazette, to declare any goldfield or other district or area not situated within a licensing district to be a special district wherein, by reason of exceptional conditions, publicans' licenses may be granted under this section.

(2) All applications for or in respect of such licenses may be heard and determined at any time by any police or licensing magistrate, and without compliance with the requirements of subsection (1) of section twenty-three of this Act.

(3) Licenses under this section may be either for a year or for six months from the date of issue, and the fee for a license shall be the same as for an ordinary publican's license, or a moiety thereof for a six months' license.

(4) All such licenses shall be subject to such conditions and provisions as shall be prescribed by regulations.

D. VISION 4.—*Renewed applications—renewal, transfer, and removal of licenses—temporary licenses.*

36. The refusal of an application for a license under this Part, or for the renewal, transfer, or removal of any such license, shall not prevent a like application being subsequently made in respect of the same premises or subject matter. But if an application for such license, or for a renewal thereof, is refused after a previous refusal of a like application, and in respect of the same premises, within the period of three years from the date of such first application, then no such license or renewal in respect of such premises shall be granted until after the expiration of three years from the last refusal. Upon the refusal of an application the court shall, at the time of such refusal, state the reasons therefor.

37. (1) Every licensee under this Part (other than for a booth or stand) shall, subject to objection as hereinbefore provided, be entitled to obtain a certificate authorising the renewal of his license, on producing such license, subject always to the payment to the proper officer of the annual fee payable in respect of such license :

Provided always that such license has not been allowed to expire, or has not been forfeited or cancelled or become void.

(2) But the court may refuse to grant a certificate of renewal of any license if it is proved that such license is liable to be forfeited or cancelled under any of the provisions of this Act.

(3) No licensee applying for a renewal need attend in person before the court unless a notice of an intention to oppose such renewal has been served upon him at least three days before the holding thereof ; but the court may, nevertheless, on an objection being made, adjourn the granting of any renewal to a future day, and require the attendance of the licensee on such day, when the case shall be heard and the objection considered as if the notice hereinbefore prescribed had been given.

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(4) The provisions hereinbefore contained as to hearing of applications, objections, costs, giving of notices, and rehearing shall, subject to the provisions of the next succeeding section, apply to applications for renewals as if such provisions were here re-enacted, but with such alterations (if any) as the circumstances of the case may require in the opinion of the court.

Notice of application for renewal to be given to inspector.
46 Vic. No. 24, s. 5.

38. Notwithstanding anything to the contrary contained in the next preceding section, it shall not be necessary that any licensee applying for a certificate authorising the renewal of his license (other than a booth or stand license) shall give any notice of his intention so to apply except to the inspector for the district appointed under this Act; and such notice shall be delivered to the said inspector ten days prior to the holding of the licensing court at which the application is to be heard.

Transfer of licenses.
45 Vic. No. 14, s. 43.

39. (1) A licensing magistrate may, on application in writing by the intended transferror and transferee, transfer at any time the license of any licensee (other than a booth or stand license) to such transferee if approved of by him, by an indorsement upon the license in the form in the Ninth Schedule hereto or to the like effect.

Ninth Schedule.

2) Where a licensee has been legally evicted from any licensed premises, such magistrate may, notwithstanding the non-production of the license therefor, grant, on the application in writing of the owner of the premises and the proposed transferee, a special certificate of transfer of such license to such transferee.

(3) For every such indorsement or special certificate a fee of two pounds shall be paid.

(4) Every transferee shall, until the end of the year for which the license has been granted, possess all the rights of the original licensee, and shall be liable to the same duties, obligations, and penalties as if such license had been originally granted to him.

(5) The license shall, immediately after the said indorsement, be deposited with the clerk of the licensing court of the district, or with the licensing magistrate (who shall give the transferee a receipt therefor), and be retained by him until the granting or refusal of the license to be applied for by the transferee as aforesaid; and in the event of a refusal of the license, the right to and interest in the said license (if any) shall revert to the transferror.

Special certificate of transfer of license in certain cases.
46 Vic. No. 24, s. 16.

40. If, during the currency of any license under this Part, or on its expiration by forfeiture, cancellation, or otherwise, any owner of licensed premises comes into legal possession of such premises to the exclusion of the licensee, a licensing magistrate may grant a certificate under the thirty-second section, or a special certificate of transfer under and subject to the provisions of the thirty-ninth section, in like manner as if the licensee had been legally evicted from such premises.

For

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For the purposes of this section "owner" means the person for the time being entitled to receive the rent or profits of the licensed premises.

41. (1) No removal of a publican's license from one licensing district to another shall be lawful; but if any holder of a publican's license desires to remove his license from his licensed premises to any other premises in the same licensing district, he shall give notice, in the form in the Tenth Schedule hereto, or as nearly in accordance therewith as possible, of his intended application in the same manner as notice is required to be given of an application for a license. Removal of license of licensed publican. 45 Vic. No. 14, s. 44. Tenth Schedule.

(2) A copy of the notice shall be personally served by the applicant upon, or sent by registered letter to, the owner of the premises from which the license is to be removed.

(3) The same objections may, so far as applicable, be made to the removal of a license as to the grant of a license.

(4) The licensing court shall not make an order of removal unless satisfied that no valid objection to such removal is made by the owner of the premises to which the license is attached.

(5) If the application is granted an indorsement may be made upon the license in the form in the Eleventh Schedule hereto, and the license so indorsed shall have the same effect as if it had been originally granted in respect of the premises specified in such indorsement, but as to the original premises the said license shall be deemed to be cancelled. Eleventh Schedule.

42. If the premises of any licensed publican are, by fire, tempest, or other calamity, rendered unfit for the carrying on of his business, any licensing magistrate, upon the application by or on behalf of such licensed publican may, if he sees fit so to do, by order under his hand, authorise such licensed publican temporarily to carry on his business in some neighbouring premises (although not having the accommodation required by this Act) for any period not exceeding six calendar months. Temporary license may be granted in certain cases. Ibid. s. 45.

DIVISION 5.—Rights, duties, and liabilities of licensees and other persons.

43. If any person at any one time holds a beneficial interest, whether in the name of himself or any one else, in more than one license for the sale of liquor under this Part, he shall be liable, for every day during which he holds such interest, to a penalty not exceeding five pounds. But this section shall not apply to holders of booth or stand licenses. No person to hold more than one license. Ibid. s. 46.

44 (1) Every holder of a publican's license shall keep a lamp to be lit with gas, where practicable, and to have an illuminating power equal to two ordinary candles at least when lit with gas or oil, and to be fixed over the door and outside the wall or building-line of the licensed premises or within twenty feet thereof. When lamps to be kept lit. 46 Vic. No. 24, s. 17.

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(2) If the licensed premises of such holder are situate within the boundaries of the city of Sydney, or of any borough or municipal district, such holder shall keep his lamp burning every night from sunset to the hour of closing his premises; but if such premises are situated outside the boundaries of the said city and of any borough or municipal district, such holder shall keep his lamp burning every night from sunset to sunrise.

(3) Every such holder failing to comply with the requirements of this section shall, for every such failure, be liable to a penalty not exceeding forty shillings.

Penalty on sale of liquor by unlicensed persons.

45 Vic. No. 14, s. 48.

45. (1) Every person who sells any liquor without holding a license authorising the sale thereof shall (unless he is the agent or servant of the holder of such license), for the first offence, be liable to a penalty of not less than thirty nor more than fifty pounds, and for any subsequent offence such person shall forfeit the sum of one hundred pounds, and, if the licensing court or convicting justices think fit, shall be imprisoned, with or without hard labour, for any term not exceeding six nor less than three months.

(2) Upon any conviction under this section the offender shall forfeit all liquor in his possession, with the vessels containing the same, to the use of Her Majesty.

(3) In the case of a second or subsequent offence the offender shall be declared, after conviction by such court or justices, to be and shall thereupon be disqualified from holding a license of any description for the sale of liquor for a period of twelve calendar months from the date of such conviction.

Gaming prohibited in licensed premises. *Ibid.* s. 49.

46. If any holder of a license under this Part suffers any gaming for stakes or any unlawful game whatsoever to be carried on on his licensed premises; or if such holder or any servant or person in charge of such premises connives at the playing of any such game therein, or in the appurtenances thereof; or if any such holder opens, keeps, or uses, or suffers his premises to be opened, kept, or used in contravention of the Act *thirty-ninth Victoria number twenty-eight, intituled "An Act for the Suppression of Betting Houses," as amended by the Act forty-third Victoria number thirty*, every such person so offending shall be liable to a penalty not exceeding, for the first offence, ten pounds, and not exceeding, for the second and any subsequent offence, twenty pounds.

Licensed premises being used for purposes of prostitution. 46 Vic. No. 24, s. 25.

47. Any person who uses or engages, for the purposes of prostitution, any portion of any licensed premises, may be forthwith ejected from such premises by the licensee or the person for the time being the manager or in charge of the said licensed premises, and shall, on conviction of having so used or engaged such portion of any such premises, be liable to a penalty not exceeding ten pounds.

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48. Every holder of a license under this Part who allows, in or on his licensed premises, any aboriginal native of Australia of any age to be supplied with liquor (and whether the liquor be for consumption on the premises or not), or any person apparently under the age of sixteen years, to be supplied with liquor, by purchase or otherwise, for consumption on such premises, shall, as well as the person who actually gives or supplies the liquor, be each liable to a penalty not exceeding ten pounds nor less than forty shillings.

Penalty for supplying liquor to aboriginals or children.

45 Vic. No. 14, s. 50.

49. It shall not be lawful for any licensed publican or holder of a colonia wine license to permit music or dancing in any room or part of his licensed house, or in or upon any part of the premises or grounds belonging thereto open to public resort. And every person offending against this enactment shall be liable to a penalty not exceeding twenty pounds, and on a second conviction shall be liable to a like penalty and to the forfeiture of his license :

Music or dancing not to be permitted.

Ibid. s. 50.

Provided that nothing in this section shall apply to any rooms in or appurtenant to any licensed premises while used for the purpose of holding therein any race, or agricultural, or cattle show ball or entertainment, or while used for the purpose of holding any assembly-ball, or other ball or concert, for the holding of which a permit has been granted by a licensing magistrate or court.

Proviso as to race, agricultural, and other balls.

50. A permit may be granted by the licensing court or by a licensing magistrate to the holder of a publican's or colonial wine license authorising the holder thereof, for the period named in such permit, to supply with liquors authorised by their licenses respectively on the days and during the hours allowed by law, any persons being bona fide members, or invited guests of members, of any amateur musical or dramatic society or club, present at any concert or entertainment given by such society or club, and held in any room attached to the licensed premises of such holder although not part of such licensed premises.

Permit for musical entertainments, &c.

46 Vic. No. 24, s. 1.

51. If the holder of any license for the sale of liquor supplies liquor to any person who is at the time in a state of intoxication, he shall, for the first offence, be liable to a penalty of not less than two nor more than five pounds, and for any subsequent offence to a penalty of not less than ten nor more than twenty pounds, and in the latter case to the forfeiture of his license

Penalty for supplying drink to intoxicated persons.

45 Vic. No. 14, s. 52.

52. Upon proof being given to the satisfaction of any licensing court or justices in petty sessions that any person, by the excessive drinking of liquor, has so wasted his means, or is likely to impoverish himself to such a degree as to expose himself or his family to want, or seriously impair his health, such court or justices shall, by writing under the hand of the chairman, or of any two of such justices, forbid all licensed publicans, and also all other persons licensed or authorised to sell liquor, to sell to or supply such inebriate with any liquor for the space

Supply of liquors to inebriates may be prohibited.

Ibid. s. 53.

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space of one year. Such court or justices, or any two of them, may, in like manner, from year to year renew any such prohibition in respect to any such persons as have not in their opinion reformed within the preceding year. And if any holder of a license under this Part, during any such prohibition, a ter service of a copy thereof upon him, or with a knowledge thereof in any other manner acquired, sells to any such inebriate any liquor, such holder shall be liable upon conviction for every such offence to a penalty not exceeding ten pounds.

Further penalty.

45 Vic. No. 14, s. 54.

53. Whenever such court or justices have, in execution of the foregoing powers, prohibited the sale of liquor to any inebriate, if any other person, with a knowledge of such prohibition, gives, sells, purchases, or procures for or on behalf of such inebriate, or for his use, any such liquor, such person shall upon conviction for every such offence be liable to a penalty not exceeding five pounds.

Liquors to be sold by Imperial measure.

Ibid. s. 55.

54. Every holder of a license under this Part shall measure all liquors (except where such liquors are sold in quantities of less than half a pint) in vessels sized to full Imperial measure according to the standard by law established in this Colony, and shall, if required by any purchaser, deliver the same in a vessel sized according to such standard; and every such holder offending against this section shall for every such offence be liable to a penalty not exceeding five pounds.

Immunity from distress for rent, &c., of strangers' property.

Ibid. s. 56.

55. Every house in respect of which a publican's license has been granted shall be held in law to be a common inn. And no goods or chattels whatsoever, being the bona fide property of any lodger or traveller putting up thereat which are in such house or its appurtenances, or any place ordinarily used or occupied therewith, shall be liable to be distrained or seized for rent due in respect of such house or appurtenances, or in respect of any other claims whatsoever against the same, or the owner or occupier thereof. And if any such goods or chattels are distrained or seized, any police or licensing magistrate, or any two justices in petty sessions, may summarily inquire into such matter upon the complaint of any person aggrieved by such distress or seizure, and may order any such goods or chattels so distrained or seized to be restored to their owner, and may award and enforce payment of reasonable costs of the proceedings against the person distraining or seizing such goods or chattels.

No action for price of less than two gallons of liquor.

Ibid. s. 57.

56. No licensee under this Part shall maintain any action for, or recover in any court, any debt or demand for any liquor sold or disposed of in any less quantity, at one and the same time, than two gallons of one and the same liquor, unless such liquor has been lawfully sold or supplied by such licensee to bona fide lodgers or travellers:

Penalty on persons refusing to pay for liquor.

Provided always that any person who at the time of being supplied with liquor, on demand of payment made by such licensee or by
his

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his servant or agent, refuses to pay a reasonable sum therefor shall be deemed a rogue and vagabond, and shall be liable to be dealt with as such under the Acts relating to vagrancy.

57. If any licensed publican—

- (1) Permits any person to manage, superintend, or conduct the sale of liquor at his licensed premises during his absence therefrom, for a longer continuous period than six weeks in any one year, without the previous consent in writing of a licensing magistrate; or
- (2) Whether present in such premises or not, permits any unlicensed person to act as or be in effect the keeper thereof; or
- (3) Fails to maintain such premises and the accommodation thereof at the standard required by this Act; or
- (4) Allows such premises to become ruinous or dilapidated otherwise than by fire, flood, or other uncontrollable cause; or
- (5) Abandons such premises as his usual place of residence,—

Forfeiture of license in certain cases.
45 Vic. No. 14, s. 58.

his license shall be liable to cancellation.

58. Every holder of any license under this Part who employs any unlicensed person to sell by retail any liquor in any premises, vehicle, vessel, or boat, or in any place whatsoever not being within premises, or in the place in which such holder is authorised to sell liquor by his license, or in such last-mentioned premises or place otherwise than as the servant or agent of and for the use and benefit of such holder, shall for every such offence be liable to a penalty not exceeding twenty pounds.

Allowing unlicensed persons to sell, &c.
Ibid. s. 59.

59. Nothing in this Act contained shall affect the provisions of the Act *thirty-ninth Victoria number nine* in respect of the liability of innkeepers, and the prevention of frauds upon them, but the provisions of the said cited Act shall apply to the holder of every publican's license under this Act.

Innkeepers' liability, saving of.
Ibid. s. 60.

60. If any guest or lodger leaves any licensed premises without first paying a reasonable sum for his accommodation, the licensee of such licensed premises may, with the consent of a licensing magistrate and upon such magistrate being satisfied by affidavit or statutory declaration of the amount of debt, after the expiration of three months from the date of such guest or lodger absconding (having first given fourteen days' notice by an advertisement in some newspaper circulating in the police district within which such licensed premises are situated), proceed to sell by public auction all goods, chattels, and effects as have been left in the custody of such licensee by such guest or lodger; and any excess that is realised over and above the amount of such indebtedness and expenses shall be paid over to the Consolidated Revenue Fund in trust for such person or persons as may thereafter be proved to the satisfaction of the Colonial Treasurer to be entitled thereto,

Licensee may sell absconder's goods.
46 Vic. No. 24, s. 31.

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Sign on unlicensed
house.
45 Vic. No. 14. s. 61.

61. Every person not holding a license under this Part on whose premises any sign, writing, painting, or other mark is exhibited which may imply, or give reasonable cause for believing, that such premises are licensed for the sale of liquor, or that liquors are sold or supplied therein, shall for every such offence be liable to a penalty not exceeding ten nor less than two pounds.

In case of riot
licensed house may
be closed.
Ibid. s. 62.

62. Any police or stipendiary magistrate or two justices may, if any riot or tumult arises or is apprehended in the neighbourhood of any licensed premises, order that all holders of publicans' licenses shall close their premises during any time ordered by such magistrate or justices. And any such holder who keeps his house open during any such time shall be liable to a penalty not exceeding ten pounds.

Hours of selling.
Ibid. s. 63.

63. (1) No holder of a license under this Part shall keep his premises open for the sale of liquor, or shall sell any liquor, or permit the same to be drunk or consumed, in or on his premises, unless between the hours of six in the morning and eleven at night, on the six business days of the week, and unless between the hours of seven and nine in the morning and of one and three in the afternoon and eight and ten at night on Good Friday and Christmas Day, and, on the two last-mentioned days, only for the sale of liquor not to be drunk or consumed on the premises.

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(2) Every such holder offending against any Part of this enactment shall for every such offence be liable to a penalty not exceeding twenty pounds.

(3) Every separate sale of liquor in violation of this enactment shall be deemed a separate offence.

(4) Nothing in this section shall prohibit the sale or supply of liquor to any bona fide lodger or inmate, if such liquor is not drunk at the public bar of such holder's licensed premises, nor shall prohibit the sale or supply of liquor at such bar, or elsewhere upon such premises, to any bona fide traveller.

(5) Any person, not being a bona fide lodger, inmate, or traveller, drinking liquor in any licensed premises, or found in the act of leaving the same with liquor in his possession, at any time not within the hours and days hereinbefore respectively specified, shall, for every such offence, be liable to a penalty not exceeding forty shillings.

As to bona fide
travellers.
46 Vic. No. 24, s. 20.

64. If, in any proceedings against the holder of a license for infringing the provisions of the next preceding section, such holder (hereinafter referred to as the defendant) fails to prove that the person to whom the liquor was sold or supplied (hereinafter referred to as the purchaser) was a bona fide traveller, but the court hearing the case is satisfied that the defendant believed that the purchaser was a bona fide traveller, the court shall dismiss the case as against the defendant, and if such court thinks that the purchaser falsely represented himself to be a bona fide traveller, the court shall direct proceedings to be instituted
against

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against such purchaser under the sixty-seventh section of this Act. And no person shall for the purposes of this or the next preceding section be deemed to be a bona fide traveller unless the place where he lodged during the preceding night is (if in the county of Cumberland) at least twenty miles, and (if in any other part of the Colony) at least ten miles distant from the place where he demands to be or is supplied with liquor—such distance to be calculated by the shortest practicable route along or over any public highway or thoroughfare, or by or across any arm of the sea, inlet, river, or creek between the place of lodging and of supply.

65. No holder of a publican's license shall be compelled to supply liquor to any person representing himself to be a traveller, within the meaning of the sixty-third section of this Act, and requiring to be supplied with liquor at any time during which the general sale of liquor is prohibited by law; but if such holder elects to supply liquor, then the person requiring the same shall, on demand by such holder, give his true name and address and place of lodging during the preceding night. And if any person so requiring to be supplied with liquor does not on such demand give his true name and address, and place of lodging during the preceding night, or gives a false or fictitious name or address and place of lodging during the preceding night, such person shall be liable to a penalty not exceeding five pounds.

Evasion of exemption in favour of travellers.
46 Vic. No. 24, s. 21.

66. In any proceedings under the sixty-third section of this Act against the holder of a license for selling or permitting the sale of liquor, or the drinking or consumption of liquor on his premises, it shall be no defence to prove that such holder himself took, or carried, or employed, or suffered any other person to take or carry, such liquor out of or from such premises for the purpose of being sold for such holder's benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, in the occupation of such holder, or in any public place or public thoroughfare; but in all such cases such liquor shall be deemed to have been drunk or consumed by the purchasers thereof on the licensed premises of such holder and with his privity and consent.

Evasion of law as to sale, &c., of liquor on premises.
Ibid. s. 22.

67. (1) No holder of a publican's license shall, if there is accommodation in his house, refuse to receive any bona fide traveller as a guest into his house, or to supply him with food or lodging, or to receive his horse or horses, or to provide any such horse with sufficient provender, whether the owner lodges in his house or not, unless such traveller is intoxicated or a known disreputable person. And every such holder offending against this enactment shall, for each such offence, be liable to a penalty not exceeding five pounds.

Penalty on refusal to receive travellers.
45 Vic. No. 14, s. 64.
46 Vic. No. 24, s. 20.

(2) For the purposes of this and the fifty-sixth section hereof, no person shall be deemed a bona fide traveller unless he resides at least five

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five miles from the licensed premises where he is supplied with liquor, or requires to be received as a guest, or to be supplied with food or other accommodation, and has travelled at least five miles on the day when he is so supplied or requires to be supplied or received as aforesaid.

(3) Any person who, by falsely representing himself to be a traveller or lodger within the meaning of this or the sixty-third section, buys, or obtains, or attempts to buy or obtain, at any such premises any liquor on any prohibited day or hour of the day shall be liable to a penalty of not less than five pounds and not exceeding ten pounds.

Penalty on taking goods in pledge or as payment for liquor.

45 Vic. No. 14, s. 65.

68. Every holder of a license under this Part who takes or receives from any person, in payment or in pledge for any liquors or entertainment supplied in or out of his house or premises, any article or thing whatsoever except current coin, bank notes, or a cheque, promissory-note, or order for money, shall, for every such offence, be liable to a penalty not exceeding ten pounds.

Paying wages in public-houses prohibited.

Ibid. s. 66.

69. If any master or other person employing workmen, servants, or labourers, pays or causes any payment to be made to any such workman, servant, or labourer in or at any house in which liquor is sold by retail, he shall for every such offence be liable to a penalty not exceeding five pounds :

Provided always that nothing herein contained shall extend to any holder of a publican's license paying his own workmen, servants, or labourers in his own licensed premises.

Keeper of, and persons drinking in, unlicensed house may be apprehended.

Ibid. s. 67.

70. Whenever any inspector, justice, or any officer of police or constable finds any person drinking liquor in any reputed disorderly house, or in any unlicensed premises, shop, store, or other building, or in any booth, shed, hut, tent, stall, or place where liquor is sold by retail, and the license authorising such sale is not, on demand, produced to such inspector, justice, officer, or constable, he may apprehend not only the person appearing to have the management and control of, but also every person so found drinking in, such house or other place as aforesaid. And every such person so selling shall, upon conviction before any licensing court or any two justices, be liable for every such offence to a penalty not exceeding thirty pounds, and every person purchasing liquor in any unlicensed house or place, to a penalty not exceeding forty shillings.

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PART IV.

Brewers' and spirit merchants' licenses.

71. All brewers and spirit merchants shall take out annual licenses as hereinafter provided—

Licensing of brewers
and spirit merchants
45 Vic. No. 14, s. 68.
Act No. 17, 1897,
s. 1.

- (1) Every person who desires to carry on the business of a brewer, or of a spirit merchant, shall apply for a brewer's or spirit merchant's license (as the case may be) to some quarterly licensing court of the licensing district within which the premises, in respect of which such application is made, are situated, or to the licensing magistrate for such district.

Every such person shall, with his application, lodge a particular description of the premises in which the business of brewing or of selling and keeping and storing spirits (as the case may be) is to be carried on, and such application and description may be in the form in the Twelfth Schedule hereto.

Twelfth Schedule.

- (2) On any such application the court or magistrate may issue to the applicant a certificate, in the form in the Thirteenth Schedule hereto, applicable to brewers or spirit merchants, respectively, which certificate, if issued, shall entitle the holder, upon payment of the respective fees prescribed by this Act, to obtain from the Colonial Treasurer or officer authorised by him a brewer's or spirit merchant's license in the prescribed form and according to the tenor of such certificate. Such certificate and license respectively shall describe the premises on which the business of brewer or spirit merchant may be carried on.

Thirteenth Schedule.

- (3) Any holder of a brewer's or spirit merchant's license, who is desirous of carrying on his business in premises other than those described in the license or in the endorsement last made thereon, as the case may be, may apply in the form prescribed to a licensing court or licensing magistrate, and the said court or magistrate may by endorsement on the license in the form prescribed authorise the business to be carried on in such premises as may in the discretion of the said court or magistrate be thought fit.

- (4) Any holder of a brewer's or spirit merchant's license who carries on business as a brewer or spirit merchant in premises other than those described in the license, or, when the license has been endorsed as hereinbefore provided, in premises other than those described in the endorsement last made on the license under the authority of the next preceding subsection shall be

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liable to the penalties imposed by section seventy-seven on a person carrying on the business of a brewer or spirit merchant without holding the proper license under this Act applicable to such business.

- (5) All such licenses shall be in force for one year from the day of the date thereof, and no longer, upon payment of the respective fees hereinafter mentioned to the Colonial Treasurer or officer authorised by him, but may be renewed annually upon payment of the prescribed fees.
- (6) The annual license fee for a brewer's or spirit merchant's license shall, where the premises in which the business of such brewer or spirit merchant is carried on are situated within the boundaries of the city of Sydney, be thirty pounds, and where such premises are situated elsewhere, twenty pounds. And such annual license fee, both for brewer's and for spirit merchant's licenses, shall be chargeable in respect of each place of manufacture or of sale, in every case where the business of brewer or spirit merchant, or of both brewer and spirit merchant, is carried on by any one or more persons in several distinct premises :

Provided always that if any brewer desires to carry on, in addition to his business of a brewer, that of a spirit merchant, he shall take out a spirit merchant's license annually, and conversely if a spirit merchant desires to carry on the business of a brewer.

Effect of brewer's
license.
46 Vic. No. 24, s. 43.

72. A brewer's license under this Part shall be deemed to authorise the holder to carry on the trade of a brewer as defined in this Act, and to sell any liquor which he is by law authorised to make (but no other liquor), in quantities of not less than two reputed gallons, at any one time, of the same kind of liquor. And any holder of a brewer's license who sells less than two reputed gallons of the same kind of such liquor at any one time shall be liable to a penalty not exceeding fifty pounds.

Transfer of brewer's
or spirit merchant's
license.
Ibid. s. 23.

73. Any brewer's license, or any spirit merchant's license, may be transferred by a licensing court or licensing magistrate by indorsement thereon of the transfer, on an application in writing signed by the intending transferrer and transferee, or their duly appointed agent or agents, on payment of a fee of two pounds.

Application of
existing Acts.
45 Vic. No. 14, s. 69.

74. Subject to the provisions in this Part contained, all enactments contained in any other Act which relate to or affect registered brewers and spirit merchants shall be read as applying respectively to brewers and spirit merchants licensed under this Act. And all returns to the chief inspector of distilleries required by law shall be made by the clerks of licensing courts, and shall contain such particulars of the licensee and his premises as shall be prescribed by regulations under this Act.

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75. If any person carries on the trade or business of a brewer or spirit merchant without holding the proper license under this Act applicable to such trade or business, such person shall in every such case be liable to a penalty not exceeding fifty pounds, or (at the option of the party suing for the penalty) to a penalty not exceeding five pounds for every day that he fails to hold such license as aforesaid.

Penalty in default of taking out license.
45 Vic. No. 14, s. 70.

76. All the provisions of the Act *fourteenth Victoria number four*, intituled "*An Act to prevent the Adulteration of Malt Liquors*," and so much of Part VIII of the Public Health Act, 1896, as relate or are applicable to liquor as defined by this Act, shall apply to brewers and spirit merchants licensed under this Act.

Application of Acts relating to adulteration.
Ibid. s. 71.

PART V.

Death, marriage, or lunacy of licensee.

77. (1) If any licensee dies or becomes bankrupt before the expiration of his license, his executors or administrators or his official assignee, as the case may be, may, by an agent specially authorised in writing by the licensing magistrate, carry on the business of such licensee until the expiration of his license; and the widow of such licensee, or if he has not left a widow, any member of his family of the age of twenty-one years, or any person on behalf of such family, may carry on the business for a period not exceeding three months from his death, if probate of his will, or administration of his estate is not previously granted, or his license does not previously expire; and such agent, widow, or person shall be subject to the same obligations as if he or she were the licensee named in the license.

Licensed business may be carried on by executor, &c., in certain cases.
Ibid. s. 15.

(2) In case of the decease of a licensee within the period of two calendar months before the expiration of his license, a renewal of such license for one year may, subject to payment of the proper annual fee, be granted to, and in the name of, his executor or administrator, or, if probate of his will or administration in his estate has not been granted before the time appointed for the holding of the next quarter's licensing court, then to such person as the licensing magistrate considers entitled to obtain such probate or administration; and if there be more than one such executor or person, then to such one of such executors or persons as such magistrate may think fit.

(3) The provisions of this section shall, so far as practicable, be read subject to any testamentary directions of a licensee.

78. If any female licensee marries, the license held by her shall confer upon her husband the same privileges, and shall impose on him the same duties, obligations, and liabilities as if such license had been granted

Provision on marriage of licensed female.
Ibid. s. 16.

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granted to him originally, unless, within fourteen days after the celebration of the marriage, he disclaims the transmission herein provided for, by writing under his hand addressed to the licensing court of the district within which the license was granted or intended to be exercised, in which case the license shall be void.

Provision in case of
licensed person
becoming a lunatic.
45 Vic. No. 14, s. 17.

79. (1) If any licensee becomes an insane patient within the meaning of the Lunacy Act of 1878, and the Acts amending the same, a licensing magistrate may, upon the application of the wife, or any member of the family, of such patient, or any person on behalf of such family, authorise an agent to carry on the business of the licensed premises of such patient until the end of the year for which his license was granted, unless he shall be sooner discharged, and thereupon such agent shall be subject and liable to the same duties, obligations, and penalties as if he were licensed in respect of such premises.

(2) In case any licensed person continues to be or is an insane patient when the time for the renewal of his license arrives, a renewal of such license may be granted to and in the name of his wife or any member of his family, or to any person nominated for that purpose by the Master in Lunacy.

(3) The provisions in this Act contained relating to the renewal of licenses, objections thereto, notices of objections, and otherwise shall extend and apply to applications for renewals of licenses under this section.

PART VI.

Inspectors—Entry on licensed premises.

Appointment of
inspectors.
Ibid. s. 18.
46 Vic. No. 24, s. 6.

80. (1) It shall be lawful for the Governor to appoint, in and for any licensing district, a district inspector and such other district sub-inspectors as he may think fit to be inspectors of premises licensed, or in which the sale of liquor is permitted to be carried on under this Act.

(2) Any member of the Police Force of the rank of senior-constable shall be qualified to be so appointed.

(3) Subject to the provisions of this Act, it shall be lawful for the Minister, by regulations to be made under this Act and to be approved by the Governor, to define the duties of such district and sub-inspectors, and to prescribe the modes, times, and conditions of the exercise thereof.

(4) Such inspectors may be remunerated by fees or salary in accordance with regulations to be made in that behalf, and to be paid out of the Consolidated Revenue Fund, but subject to the sanction of Parliament.

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81. (1) It shall be the duty of such inspectors to use all due vigilance and to take all lawful means to enforce compliance with the provisions of this Act. Duties of Inspectors. 45 Vic. No. 14, s. 19.

(2) Every such inspector may at all times, during business hours, enter on any premises licensed under this Act, and may examine every room and part of such premises, and take an account of all liquor therein, and may demand, select, and obtain any samples of liquor which may be in or upon such premises (such samples to be sealed by the inspector in the presence of the licensee or person in charge of such premises), and, if such licensee or person so desires, with the seal of such licensee or person, and, on paying or tendering payment for such samples, may remove the same for the purpose of analysis or otherwise.

(3) If any such licensee or person refuses or fails to admit any inspector demanding to enter any premises in pursuance of this section, or refuses to permit any inspector to select or obtain such samples, or obstructs or causes or permits such inspector to be obstructed or delayed in the discharge of his duty, such licensee or person shall be liable to a penalty not exceeding fifty pounds.

(4) If such licensee or person as aforesaid is convicted of selling or delivering, or permitting to be sold or delivered, or of offering for sale, or having in his possession, adulterated liquor or liquor containing any deleterious drug or noxious ingredient, in contravention of this or any other Act, any expenses incurred in analysing any liquor in pursuance of this section shall be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly; otherwise such expenses shall be paid out of the Consolidated Revenue Fund.

82. If any such inspector takes or receives any fee, gratuity, or reward whatsoever, whether pecuniary or of any other kind, and whether directly or indirectly, from any person on account of any thing done or to be done by such inspector in, or in any way relating to, his duties or office, not being part of his official emoluments, such inspector shall on proof thereof to the Minister be dismissed from his office, and from every office which he holds in the Public Service, and on conviction of such offence before any licensing court or court of petty sessions shall be liable to be imprisoned for any term not exceeding six months, and to pay a fine not exceeding one hundred pounds. And if any person gives, offers, or promises to give, whether directly or indirectly, to any inspector any such fee, gratuity, or reward, such person shall, for every such offence, be liable to a penalty recoverable in any such court as aforesaid, of not less than fifty nor more than two hundred pounds. Penalties on inspectors and persons offering them bribes, &c. Ibid. s. 20.

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Licensed premises
may be entered day
or night.
45 Vic. No. 14, s. 21.
46 Vic. No. 24, s. 7.

83. Any of the persons hereinafter described having reasonable cause for suspecting unlawful or disorderly proceedings to be carried on, or any breach of this Act to have been committed, or to be in process of commission, in any licensed premises, or the appurtenances thereto, at any time during the day or night, may demand entrance into such premises or appurtenances, namely :—

- (1) Any superintendent, inspector, sub-inspector, or sergeant of police ;
- (2) Any senior-constable duly authorised by any general authority under the seal of a licensing court ;
- (3) Any inspector appointed under this Act ;
- (4) Any constable authorised in writing by a licensing magistrate, justice, or superintendent of police ;

And if admittance is refused, or unreasonably delayed, to any such officer or constable as aforesaid, himself so demanding entrance, or to any constable who accompanies any other person as aforesaid who so demands any entrance, any such constable may break into such premises with such assistance as may be deemed requisite. And the licensee of the premises, and every other person who refuses or wilfully delays admittance to any person authorised under this section, shall be liable to a penalty not exceeding ten pounds.

PART VII.

Cancellation of licenses—disqualification of licensees.

Cancellation of
licenses.
45 Vic. No. 14, s. 72.
46 Vic. No. 24, s. 24.

84. Upon the complaint of any inspector it shall be lawful for a licensing court to summon any holder of a license under this Act to appear before such court, and show cause why his license should not be cancelled. And upon the appearance of such holder, or in his absence after being duly summoned as hereinafter provided, such court shall proceed to hear and determine the matter of such complaint, and may adjudge any such license to be cancelled absolutely or for such period (not being less in any case than twelve calendar months) as the said court shall determine. And the following regulations and provisions shall be respectively observed and take effect for the purposes of this section—

- (1) Every such summons shall be served upon the holder of the license not less than fourteen days before the day appointed for the hearing of the complaint, or if such holder evades service thereof, or is absent at the time of attempted service, it shall be sufficient if the summons be posted up in a conspicuous place

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place on his licensed premises, or be left with any inmate thereof apparently above the age of sixteen years, not less than seven days before such appointed day.

- (2) Every such complaint shall be heard and determined at a special sitting of the licensing court, provided that a quarterly licensing court shall, if the provisions of the preceding subsection have been complied with, be competent to hear and determine the same.
- (3) The court at the instance of the complainant or licensee may, in their discretion, adjourn the hearing for any time not exceeding fourteen days.
- (4) The court shall not cancel any license unless the holder of such license is proved
 - (a) to have been convicted (while being such holder) of felony, or of any offence for which he has been sentenced to imprisonment with hard labour ; or
 - (b) to have been thrice convicted, within the three years next preceding, of any offence under this Act punishable thereunder by a pecuniary penalty or forfeiture, and with or without the forfeiture of the offender's license or other punishment ; or
 - (c) to have committed an offence which under the provisions of this Act is expressed to be punishable by the cancellation of the offender's license, and whether with or without any other punishment.
- (5) A conviction for the purposes of this section may be proved by the certificate of the officer having the custody of the records of the court in which such conviction was had.
- (6) The names of all licensees, together with the particulars of their licenses and licensed premises, whose licenses are cancelled under this section, or who are declared disqualified under the next following section, shall be published in the Gazette within fourteen days after any such order or declaration of the court has been made.

85. If three previous convictions for offences (whether of the same or different kinds) under any one or more sections of this Act are proved to have been made against a licensee within the three years next preceding, the licensing court may declare and order such licensee to be, and he shall thereupon be, disqualified for a term of three years from holding any license whatever under this Act. Nothing in this or the last preceding section shall prevent the infliction of any pecuniary penalty of forfeiture, or cancellation of license, or any term of imprisonment to which such licensed person would otherwise be liable, or shall preclude the exercise of any power given by any other section of this Act :

Disqualification of licensees.
45 Vic. No. 14, s. 73.
46 Vic. No. 24, s. 26.

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Provided always that a first conviction under the forty-eighth, fifty-fourth, sixty-seventh, sixty-eighth, or sixty-ninth section of this Act shall not be reckoned among such three previous convictions for the purposes of this section :

Provided also that no conviction under the forty-fourth, forty-ninth, ninetieth, ninety-fifth, or one hundredth section of this Act shall be reckoned among such three previous convictions for the purposes of this section.

Effect of
cancellation or
disqualification.
45 Vic. No. 14, s. 74.

86. Any person whose license is cancelled, or who is declared disqualified under the provisions hereinbefore contained, shall, during the continuance of such cancellation or disqualification, be deemed for all purposes as aforesaid to be disqualified. And every such cancellation and disqualification shall, during the full term thereof, enure and be operative, for the respective purposes thereof, throughout the Colony.

Transfer of license
on conviction of
felony, &c.
46 Vic. No. 24, s. 28.
Proviso.

87. If any license is liable to be cancelled on the ground mentioned in section eighty-four subsection (4), paragraph (a), the court may, on the application of the wife of the holder of such license, or of any of his family above the age of twenty-one years, or of the owner of the premises to which the license applies, transfer the license to such wife, or to some member of the family, or to some other person approved by such court.

And for the purposes of this section "owner" means the person for the time being entitled to receive the rent or profits of the licensed premises.

PART VIII.

Miscellaneous provisions.

Regulations.

45 Vic. No. 14, s. 75.

88. (1) It shall be lawful for the Governor from time to time to frame regulations, not being inconsistent with the provisions of this Act, for any of the purposes following, namely:—

- (a) For determining the amount, scale, mode of payment of, and all other matters connected with the payment of fees to persons authorised to receive fees under this Act—
- (b) For appointing buildings in which licensing courts or any licensing business under this Act shall be held or conducted—
- (c) For determining the respective duties to be performed by clerks of such courts, and by all other officers appointed under this Act—
- (d) For regulating the practice and procedure by and before licensing courts and licensing magistrates, and the duties of district and other inspectors appointed under this Act—

(e)

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- (e) For regulating the mode of summoning witnesses and the scale of expenses to be allowed to such witnesses—
- (f) For prescribing the forms of all applications, certificates, licenses, and other documents not provided by the Schedules to this Act, and for correcting or varying any such form when necessary—
- (g) For regulating the procedure to be observed upon analyses of liquors, and for fixing the fees to be paid thereon to analytical chemists and others—
- (h) For carrying out the provisions of this Act with respect to the classification of passenger vessels—
- (i) For prescribing the duties and procedure to be observed by inspectors and other persons in respect to objections to the granting, renewal, or removal of licenses under Part III—
- (j) For prescribing scales of court fees to be paid by applicants, objectors, and other persons in licensing courts—
- (k) For prescribing the terms and conditions upon which licenses may be issued in special districts—
- (l) For the payment of all license fees and other moneys received by any clerk or other officer appointed under this Act into the Treasury, and for the due accounting therefor—
- (m) And generally, for the purpose of giving effect to the provisions of this Act.

(2) It shall be lawful for such regulations, or any of them, to provide for the due enforcement thereof under penalties not to exceed in any case the sum of ten pounds.

(3) All such regulations shall, after approval by the Governor, be published in the Gazette, and shall, within fourteen days after such publication, be laid before Parliament, if then in session, and if not, then within fourteen days after the next ensuing session. Upon such publication, after approval, every such regulation shall have the full force of law.

(4) In any proceedings in any court the production of the Gazette containing any such regulations shall be prima facie evidence of the same, as therein printed, having been duly made under this Act.

89. Whenever his license is lost or destroyed, a licensee under this Act may apply to a licensing magistrate for a certificate under his hand that such license has been issued to such licensee, and such magistrate on being satisfied that such license is lost or destroyed, and has not been forfeited or transferred, may grant a certificate to that effect, and upon production of such certificate, and on payment of a fee of one pound, such licensee shall be entitled to a duplicate of such license, which shall be in the same form, as nearly as possible, and of the same force as the original license.

Duplicate license may be granted on proof of loss of original license.
45 Vic. No. 14, s. 76.

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Licensee's name to
be affixed to
premises.
45 Vic. No. 14, s. 77.

90. Every licensee under this Act shall cause to be painted, and shall maintain so painted in letters at least two inches long on the front of his premises, his name in full, followed by the words—if he be the holder of a publican's license—"licensed to retail fermented and spirituous liquors,"—and if of a brewer's or spirit merchant's license, then with the words "licensed brewer" or "licensed spirit merchant,"—and, in other cases, with words sufficient to describe the business for which the license has been granted. And every licensee failing to comply with the requirements of this section shall for the first offence be liable to a penalty not exceeding two pounds, and for any subsequent offence to a penalty not exceeding ten nor less than two pounds.

Exclusion of
inebriates and others
from licensed
premises.
Ibid. s. 78.

91. Any licensee under this Act may refuse to admit into, and may turn out of his licensed premises, any person who is then drunk, violent, quarrelsome, disorderly, or who is using disgusting, profane, or foul language, or any person whose presence on his premises would subject him to a penalty under this Act. And any such person who, upon being requested in pursuance of this section by such licensee, his agent or servant, or by any constable, to quit such premises, refuses or fails so to do shall be liable to a penalty not exceeding five pounds. And all constables are hereby required and enjoined, on the demand of such licensee, agent, or servant, to expel or assist in expelling every such person from such premises, and may use any reasonable degree of force required for that purpose.

Accountability, &c.,
of officers.
Ibid. s. 79.

92. All clerks of licensing courts and all other persons receiving moneys under the authority of this Act shall be deemed to be public accountants. And the provisions of the Audit Act in force for the time being, and of any Act regulating the collection of public money and the audit of the public accounts, shall be applied to such clerks and other persons.

Payments into and
out of Consolidated
Revenue.
Ibid. s. 80.

93. All license and other fees, and all sums recovered as penalties or forfeitures under this Act, or any regulation or by-law made thereunder, shall, after payment or recovery thereof, be paid (subject to any payment thereout authorised by this Act to be made to informers or other persons) by the clerk or other receiving officer of the court by or before which the same were ordered to be paid or recovered to the Colonial Treasurer, and shall be by him carried to the credit of the Consolidated Revenue Fund. And all sums of money payable under this Act as fees or other emoluments to any person shall be paid out of the Consolidated Revenue Fund under such regulations as may be prescribed by the Governor in in that behalf.

Record of licenses.
Ibid. s. 81.

94. Every clerk of a licensing court by which, and every licensing magistrate by whom, any license or certificate therefor, or any permit
is

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is granted under this Act, shall keep an alphabetical record thereof in manner directed by the regulations; and every such clerk or magistrate neglecting so to do shall be liable to a penalty not exceeding five pounds.

95. Every person holding a license under this Act shall, on demand at his licensed house or place wherein or whereat such license is exercised, produce his license to any district or sub-inspector, inspector, or superintendent of police, or to any justice or constable authorised by any justice by any writing under his hand to demand the production thereof. And if any such licensed person refuses or neglects to produce his license, or if a transferee, the certificate mentioned in section thirty-nine hereof, he shall forfeit and pay, on conviction for every such refusal or neglect, any sum not exceeding twenty pounds unless some reasonable excuse can be given by such licensed person to the satisfaction of the court for the non-production thereof.

Production of
license.
45 Vic. No. 14, s. 82.

96. (1) Upon complaint on oath before a licensing Magistrate or any justice that the complainant suspects and believes any liquor to have been sold by any person not holding a license under this Act authorising the sale thereof, and at or in some premises or place not authorised by his license and to be specified in such complaint, and upon reasonable grounds being therein shown for such suspicion and belief, such magistrate or justice may grant a warrant to any constable to enter and search such specified premises or place. And such constable may break open any doors not opened within a reasonable time after demand, and may seize all liquors which he then and there finds, and every vessel in which the same are contained.

Liquors in any
unlicensed house
suspected to be for
sale may be seized
and forfeited.
Ibid. s. 83.

(2) Such magistrate or justice shall grant a summons calling upon the owner of such liquors to appear before the licensing court (to be therein named) to show how and for what purpose he became possessed of the same. And upon his so appearing, or if after being so summoned he fails to appear, the said court shall inquire into the matter, and if they are satisfied by reasonable proof that any liquor was in such premises or place for the purpose of being illegally sold, they shall adjudge the same and also every such vessel to be forfeited; and the same shall be sold and the proceeds of the sale, after payment thereof of the costs to be awarded by such court, shall be paid over in equal moieties to the use of Her Majesty and to the informer. And in default of such reasonable proof such liquors and the vessels containing the same shall be forthwith restored to the owner.

97. Upon complaint on oath before a licensing magistrate or any justice that the complainant suspects and believes that any holder of a colonial wine license under this Act has sold any liquor which he is not authorised to sell, in terms of his colonial wine license, on the premises specified in his license, and on reasonable grounds being shown for such suspicion and belief, such magistrate or justice may grant a warrant to any

As to spirits, &c.,
found on premises of
holders of wine
licenses.
46 Vic. No. 24, s. 27.

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any constable to enter and search such premises; whereupon such constable and magistrate or justice shall be authorised to exercise all the powers conferred on a constable, magistrate, or justice by the next preceding section of this Act, as in the case of liquor kept for the purpose of being illegally sold within the meaning of the said section. And all other provision for the said section shall be applicable to, and may be carried out in respect of, any proceedings taken under this section.

Penalty for
harbouring or
bribing constables.
45 Vic. No. 14, s. 84.

98. If any licensee knowingly harbours, or suffers to remain on his premises, any constable during any part of the time appointed for such constable to be on duty, unless for the purpose of keeping or restoring order, or in execution of his duty, or supplies any liquor or refreshments, whether by way of gift or sale, to any constable on duty (unless by the authority of a superior officer of such constable), or bribes or attempts to bribe any constable, he shall be liable to a penalty not exceeding for the first offence five pounds, and not exceeding for the second or any subsequent offence fifty or less than ten pounds.

Liquors carried
about to be seized
and condemned.
Ibid. s. 85.

99. Any district inspector, or any justice, constable, or other peace officer may seize and take away, and may convey to the licensing court or nearest court of petty sessions, all liquor which he reasonably suspects to be carried about for or exposed to sale in any street, road, footpath, booth, tent, store, shed, boat, or vessel, or in any other place whatsoever, by any person not holding a license to sell the same therein respectively, and also every vessel containing or used for drinking or measuring the same, and every cart, dray, or other carriage, and every horse or animal, carrying or drawing the same, and seize every boat or vessel conveying the same. And any justice may, either on view or on confession of the offender, or on complaint made by any person without formal information, and upon proof on oath, convict any such offender of carrying about or exposing for sale such liquors without a license. And every person so convicted shall be liable to a penalty not exceeding fifty pounds. And the licensing court or convicting justices may adjudge any such liquors, vessel, cart, dray, or other carriage, horse or other animal, boat or vessel to be forfeited, and may order the same to be sold, and the proceeds thereof shall be paid to the Colonial Treasurer, and be applied by him as other moneys received under this Act:

Provided that whenever any such liquors are carried from one place to another, the burden of proving that the same were not so carried for sale shall rest upon the person so carrying them.

Inquests in public
houses.
Ibid. s. 86.

100. Every holder of a publican's license shall, at the request of any officer or constable of police, receive into the house mentioned in such license or, at his option, into some secure place upon the premises occupied therewith, or any portion of the appurtenances thereof (not being

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being a house or premises situated within a distance of one mile from any dead-house or police station), any dead body that may be brought to such house for the purpose of an inquest being held thereon; and for every dead body so received he shall be paid the sum of thirty shillings out of any money which may be available for such purpose. And if he refuses to receive such dead body for the purpose aforesaid he shall be liable to a penalty not exceeding five pounds :

Provided that nothing herein contained shall make it compulsory upon any publican to receive a dead body in an offensive state of decomposition, or the body of a person reasonably supposed to have died of an infectious disease.

101. Every holder of a license of any description whatsoever under this Act who knowingly suffers or permits any common prostitutes, thieves, drunken or disorderly persons, or persons of notoriously bad character, to assemble or continue upon his licensed premises, or the appurtenances thereto, shall for every such offence be liable to a penalty not exceeding ten pounds.

Disorderly conduct prohibited.
45 Vic. No. 14, s. 87.

102. Every person who knowingly sells, or keeps or exposes for sale, any liquor mixed with any deleterious ingredient, that is to say, any *Cocculus-indicus*, copperas, opium, Indian hemp, strychnine, tobacco, darnel-seed, extract of logwood, salts of zinc or lead, alum, or any extract or compound of any of such ingredients, or any other ingredient injurious to health, shall be liable for the first offence to a penalty of not less than ten pounds nor more than fifty pounds, and for the second or any subsequent offence to a penalty not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, and shall also, in the case of the first as well as any subsequent offence, forfeit all adulterated liquor, together with all such ingredients as aforesaid in his possession, with the vessels containing the same. When the person so convicted is the holder of a license under this Act his license shall, in the case of a second or any subsequent offence, be cancelled.

Penalty for selling adulterated liquor.
Ibid. s. 89.

103. Every holder of a license under this Act who has in his possession, or in or on any part of his premises, any adulterated liquor, or any of the deleterious ingredients specified in the next preceding section of this Act, for the possession of which he is unable to account to the satisfaction of the court, shall be deemed knowingly to have exposed for sale adulterated liquor on such premises within the meaning of the last preceding section. And when any holder of such license has been convicted twice or oftener of the offence mentioned in such last-mentioned section, it shall be the duty of the inspector to cause to be posted, and maintained posted, for a period of sixty days (commencing not later than fourteen days after the date of the conviction), a notice containing the substance of such conviction on some conspicuous place on the outside

Possession of adulterated liquors or deleterious ingredients.
Ibid. s. 90.

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of the front part of the licensed premises of such holder as aforesaid. But such notice shall not be so posted or maintained where such holder's license has been cancelled as hereinbefore provided. Any person who removes or obliterates any such notice without lawful authority shall be liable to a penalty not exceeding twenty pounds.

As to notices, &c.
46 Vic. No. 24, s. 4.

104. (1) Any notice under this Act may be partly or wholly in writing or in print.

(2) Every notice of objections to an application under this Act shall be signed by every objector (with his address added) and shall be left with the person to whom such notice is directed, or, if he cannot conveniently be met with, may be left with some person for him at his last or most usual place of abode, so as to give him an interval of at least three clear days before the time appointed for the hearing or disposal of the matter referred to in the notice.

Licenses for railway
refreshment rooms.
Ibid. s. 19

105. Notwithstanding anything contained in this Act, the Governor may sanction and issue licenses for the sale of liquor at such refreshment rooms or stalls at such railway stations as he may deem fit; and the fee for every such license shall be the same as for a publican's license under this Act, and such license and the holder thereof shall be subject to such regulations and such penalties as the Governor may make or impose:

Provided that all such regulations shall be laid before Parliament within fourteen days of their promulgation, if Parliament be then sitting, or if not then within fourteen days after the commencement of its then next session.

PART IX.

Legal procedure.

Procedure under
this Act.
45 Vic. No. 14, s. 91.

106. (1) Every person charged with any offence, act, omission, or neglect, for which by this Act any punishment by way of penalty, forfeiture, or cancellation of license may be inflicted (if the same is not by this Act declared to be a misdemeanour, or directed to be heard and determined by and before some other court or authority), shall be prosecuted, and every such penalty or forfeiture may be recovered before the licensing court of the licensing district in which the offence was committed, or the penalty or forfeiture was incurred.

(2) The procedure of every such licensing court or court of petty sessions shall, subject to the provisions of this Act, so far as may be practicable, be regulated by the Acts in force for the time being regulating summary proceedings before justices.

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(3) All sums of money ordered by any such court or magistrate to be paid (whether by way of penalty, forfeiture, or otherwise), and all costs and expenses awarded by such court or magistrate, may be recovered and enforced by distress and sale of the goods and chattels of the person ordered to pay the same; and in default of sufficient distress, such person shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three months, unless such money, costs, or expenses be sooner paid.

107. In addition to the jurisdiction conferred by the next preceding section, in certain cases, upon the court of petty sessions nearest to the place where the offence was committed, or the penalty of forfeiture was incurred, every such court of petty sessions shall have concurrent jurisdiction with the licensing court to hear and determine every information or complaint under this Act, or the regulations made thereunder, except in cases where the holder of a license is summoned to show cause against the cancellation thereof, or where the court might order a license to be cancelled or forfeited, or a licensee to be disqualified. And the provisions of the said section shall be applicable in the exercise of the extended jurisdiction conferred by this section.

Where courts of petty sessions to have extended jurisdiction.

46 Vic. No. 24, s. 29.

108. Any person aggrieved by any adjudication of a licensing court or court of petty sessions, made under this Act, where the adjudication complained of is not the refusal of a certificate for the granting, renewal, transfer, or removal of a license, under Part III, or the cancellation or forfeiture of a license, or the refusal of a permit under the forty-ninth or fiftieth section, may appeal against such adjudication to the next court of General or General Quarter Sessions holden in the licensing district where the adjudication complained of was given, or where there is no such court holden in such licensing district then to the next court of quarter sessions nearest to such licensing district, unless, in any such case, such quarter sessions are holden within fourteen days from the date of such adjudication, in which case the appeal shall be to the then next following quarter sessions. Such court shall have power to hear and determine the matter of the appeal in a summary way, and shall have and may exercise all powers conferred by the *third* section of the Act *fifth William the Fourth number twenty-two*; and the decision of the court shall be final and conclusive:

As to appeals.

Ibid. s. 30.

55 Vic. No. 5, s. 25.

Provided always that the appellant has given at least seven days notice before the hearing of such appeal of his intention to appeal, and stating the grounds thereof, to the chairman of the licensing court of the said district, or to some one of the adjudicating justices, and to the officer or other person prosecuting (if any).

And provided always that such appellant (in case a penalty or sum of money has been awarded to be paid by him) shall pay into the hands

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hands of such chairman or justice the full amount thereof, together with the costs awarded, within one week next after adjudication, and shall within the same period, enter into a bond, with two sureties approved by such chairman or justice, conditioned to prosecute such appeal with effect, and to abide the result of such appeal, and to pay the full amount of all such costs as may on such appeal be awarded against him.

Limitation of actions.
45 Vic. No. 14, s. 93.

109. No action shall lie against any chairman or member of a licensing court, or licensing or police magistrate, or against any justice, district or sub-inspector, or against any inspector, superintendent, officer, or member of the police force, for or on account of any matter or thing whatsoever done or directed to be done by him in the execution of his duty or office under this Act, unless such action is commenced within three calendar months next after the cause of action or complaint has arisen.

Limited time for informing.
Ibid. s. 95.

110. No conviction shall take place under this Act upon any information or complaint which has not been exhibited or made within one month next after the commission of the offence charged.

Compensation may be awarded against informer preferring groundless charges.
Ibid. s. 96.

111. Whenever any complaint before any court or justices under this Act is not further prosecuted with effect, or being so prosecuted appears to the court or justices hearing the complaint to be without sufficient ground, such justices may award as compensation not more than twenty pounds to be paid by the person complaining to the person complained against for his loss of time and expenses. And such compensation may be recovered in like manner as any penalty under this Act.

Proof of license.
Ibid. s. 97.

112. (1) In any proceedings under this Act against any person alleged to be the holder of a license the production of the clerk's book of proceedings at licensing courts or other record of licenses authorised to be kept, wherein such person's name appears as a person to whom a license was ordered to be granted, shall be prima facie evidence of his being so licensed as alleged :

Provided that any other proof as to the fact of any person holding any license as alleged in any such proceeding may be admitted.

Burden of proof.

(2) In all proceedings under this Act against any person for carrying on without a license any trade or business, for the exercise whereof a license is required by law, such person shall for all purposes connected with such proceedings be deemed and taken to be unlicensed, unless he produces the license authorising him to carry on such trade or business to the court hearing the case, or produces other proof which is satisfactory to such court of his being duly licensed to carry on such trade or business.

Delivery of liquor prima facie evidence of sale.
Ibid. s. 98.

113. The delivery of any liquor shall be prima facie evidence of sale within the meaning of this Act so as to support a conviction unless satisfactory proof to the contrary is adduced to the court or any justices hearing the case.

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114. In all proceedings under this Act against any person charged with unlawfully selling any liquor in a reputed disorderly house, proof of the reputation of such house, and of such person being the owner thereof, to the satisfaction of the court or justices, shall be sufficient evidence upon which such court or justices may convict, as well the persons so found drinking in such house as the licensee thereof.

Proof of disorderly house.
45 Vic. No. 14, s. 99.

115. The licensing court or the convicting justices may direct that the complainant or informer shall receive a portion, not exceeding in any case one moiety, of any penalty recovered under this Act :

As to penalties and their remission.
Ibid. s. 100.

Provided that the Governor may remit the whole or any part of such penalty.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Repeal of Acts.

Reference to Acts.	Title or short title.	Extent of repeal.
45 Vic. No. 14..	An Act to remodel the law relating to publicans and other persons engaged in the sale of liquor.	The whole Act.
46 Vic. No. 24..	An Act to amend the Licensing Act of 1882	The whole Act.
55 Vic. No. 5 ..	An Act to amend the Criminal Law and certain laws for the administration of justice.	Section 25.
No. 17, 1897 ..	Licensing Acts Amendment Act, 1897	The whole Act.

SECOND SCHEDULE.

LIQUOR ACT, 1898.

Form of a publican's license.

Section 15.

WHEREAS A.B. of _____ has deposited in this office a certificate of* held at _____ on the _____ day of _____ in the year one thousand eight hundred and _____ authorising the issue to the said A.B. under the Liquor Act, 1898, of a publican's license for the premises known [or to be known] as _____ situated at _____

And, whereas, the said A.B. has paid the sum of _____ pounds sterling as the fee† for such license: Now, I _____, in virtue of the powers by law vested in me, do hereby license the said A.B. to sell fermented and spirituous liquors in any quantity on the aforesaid premises but not elsewhere, but subject to the provisions of the above-named Act. And this license shall commence upon the _____ day of _____ next and continue in force until the _____ day of _____ now next ensuing, both days inclusive, provided it be not forfeited or cancelled in the meantime.

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

N.O. (L.S.)

Colonial Treasurer [or officer authorised to issue licenses].

* Here state the licensing authority which granted the certificate.

† If the court acting under the powers conferred by section twenty-two of the "Liquor Act of 1898," has reduced the fee to £15, the fact should be shown by inserting before "fees" the word "reduced."

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Section 16.

THIRD SCHEDULE.

LIQUOR ACT, 1898.

*Form of packet license for**

WHEREAS A.B. of being the master of the passenger steamer [*or if any other kind of vessel describe it*] conveying passengers between [*name the place*] and [*name the place*], has deposited in this office a certificate of the on the day of in the year authorising the issue to the said A.B. under and by virtue of the Liquor Act, 1898, of a packet license. And, whereas, the said A.B. has paid into my office the sum of † sterling as the fee for such license: Now, I, 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 in accordance with the provisions of the abovementioned Act. And this license shall commence upon the day of next, and continue in force until the day of now next ensuing, both days inclusive, provided it be not forfeited or cancelled in the meantime.

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

N.O. (L.S.)

Colonial Treasurer [*or officer authorised to issue licenses*].

* Here insert name, description, and classification of vessel.
† Here insert the fee chargeable according to class of vessel.

Section 18.

FOURTH SCHEDULE.

LIQUOR ACT, 1898.

Form of colonial wine license.

WHEREAS A.B. of has deposited in this office a certificate of the dated the day of authorising the issue to the said A.B. of a colonial wine license for the premises of the said situate at . And whereas the said has paid the sum of pounds sterling as the fee for such license: Now I do hereby declare that the said is licensed to sell any wine, cider, or perry, the produce of fruit grown in an Australasian Colony, in quantities not exceeding two gallons, on such premises, and not containing a greater proportion than thirty per cent. of proof spirit. And this license shall commence on the day of and continue in force until the day of now next ensuing, both inclusive, provided it be not forfeited or cancelled in the meantime.

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

N.O. (L.S.)

Colonial Treasurer [*or officer authorised to issue licenses*].

Section 20.

FIFTH SCHEDULE.

LIQUOR ACT, 1898.

Form of booth or stand license.

WHEREAS A.B. of has deposited in this office a certificate of the dated the day of authorising the issue to the said A.B., being a licensed publican holding a publican's license for situate at of a booth or stand license for the place and time hereinafter mentioned. And whereas the said

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said A.B. has paid the sum of _____ pounds sterling as the fee for such license :
 Now I do hereby declare that* the said _____ is licensed to sell liquor at the
 at _____ but not elsewhere. And this license shall commence upon the
 day of _____ and continue in force until the _____ day of _____
 now next ensuing, both days inclusive, provided it be not forfeited or cancelled in the
 meantime.

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

Treasurer [or officer authorised to issue licenses].

* If any conditions are imposed they should be stated here ["subject to the conditions following,
 viz., &c., &c."]

SIXTH SCHEDULE.

Section 23

LIQUOR ACT, 1898.

(A.)

Notice of application for a publican's license.

I _____, of _____, do hereby give notice that I desire to obtain, and will, at the
 next licensing court, to be holden at _____, on the _____ day of _____
 apply for a certificate authorising the issue of a publican's license for premises situate
 at _____, and to be known by the sign of _____, containing _____ rooms,
 exclusive of those required for the use of the family.*

Dated the _____ day of _____, 18 _____.
 (Signed) A.B. (*Applicant.*)
 (*Address.*)

* Here state whether the accommodation in the premises for which the license is desired is in
 conformity with the provisions of section twenty-four or section twenty-five of the Liquor Act, 1898.
 If the application is made under section twenty-two of the said Act for reduction of license fee, that
 fact should be stated.

(B.)

Notice of application for a packet license.

I _____, being master of the _____ or vessel _____, conveying passengers
 between _____ and _____, do hereby give notice that I desire to obtain, and
 will at the next licensing court* to be holden at _____, on the _____ day of _____,
 apply for a certificate authorising the issue of a license for the said vessel under class
 of section twenty-one of the Liquor Act, 1898, to sell liquor on board the said
 vessel during her passage between such places to any passenger on board such vessel

Dated the _____ day of _____, 18 _____.
 (Signed) A.B. (*Applicant.*)
 (*Address.*)

* If application is to licensing magistrate, alter form accordingly.

(C.)

Notice of application for a colonial wine license.

I _____, of _____, do hereby give notice that I desire to obtain, and will at the
 next annual licensing court, to be holden at _____, on the _____ day of _____,
 apply for a certificate authorising the issue of a colonial wine license for a house situate
 at _____ assessed at [or of the annual value of] _____ a year.

Dated the _____ day of _____, 18 _____.
 (Signed) A.B. (*Applicant.*)
 (*Address.*)

SEVENTH

Act No. 18, 1898.

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Section 28.

SEVENTH SCHEDULE.

LIQUOR ACT, 1898.

FORM OF LOCAL OPTION VOTING-PAPER.

Ward of _____, or
city of Sydney or municipality of _____, or
municipality of _____ (if unsubdivided).

<i>DIVISION A.</i>	<i>Voter's answer.</i>
1. Shall any new publicans' licenses be granted in respect of premises situate within the above [ward or municipality] for the period of three years from this date ?	YES. NO.
<i>DIVISION B.</i>	<i>Voter's answer.</i>
2. Shall any removals of publican's licenses be granted in respect of premises situate within the above [ward or municipality] for the period of three years from this date ?	YES. NO.

Directions.

If the voter desires to vote against the granting of new licenses, he should strike out the word "Yes" in Division A. If he desires to vote for the granting of new licenses he should strike out the word "No" in the same Division A. If he desires to vote against the granting of removals of licenses, he should strike out the word "Yes" in Division B. If he desires to vote for the removal of licenses, he should strike out the word "No" in the same Division B.

Section 32.

EIGHTH SCHEDULE.

LIQUOR ACT, 1898.

Certificate to authorise the issue of a publican's license.

I, THE undersigned, being the chairman of the licensing court holden at _____ on the day of _____, one thousand eight hundred and _____, the requisite notices of application for this certificate having been proved to the court to have been duly served and posted; and it appearing to such court that the premises hereinafter mentioned contain the requisite accommodation, do hereby authorise the issue to _____, of _____, of a publican's license for [here state description, sign, and licensing district or locality of the house].

Given under my hand and seal the _____ day of _____, one thousand eight hundred and _____

(L.S.) A.B., Chairman, &c.

Certificate to authorise the issue of a packet license.

I, THE undersigned, being the chairman of the licensing court holden at _____ on the day of _____, one thousand eight hundred and _____ [or I, the undersigned, being a licensing magistrate for the licensing district of _____ (or as the case may be) on the day of _____] do hereby authorise the issue to _____, being the master of the [here insert name and classification of vessel] between _____ and _____ of a packet license for such vessel under class _____

Given under my hand and seal the _____ day of _____, one thousand eight hundred and _____

(L.S.) A.B., Chairman, &c.

Certificate

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Certificate to authorise the issue of a colonial wine license.

I, THE undersigned, being the chairman of the licensing court holden at _____, on the _____ day of _____, one thousand eight hundred and _____, the requisite notices of application for this certificate having been shown to have been duly served and posted, do hereby authorise the issue to _____ of a colonial wine license for his house [or premises] situate at _____

Given under my hand and seal the _____ day of _____, one thousand eight hundred and _____

(L.S.) A.B., Chairman, &c.

Certificate to authorise the issue of a booth or stand license.

I, THE undersigned, being the chairman of the licensing court holden at _____, on the _____ day of _____, one thousand eight hundred and _____ [or I, the undersigned, being the licensing magistrate for the licensing district of _____ (as the case may be) on the _____ day of _____] do hereby authorise the issue to _____ of _____, being a licensed publican holding a publican's license in respect of _____, situate at _____, of a booth or stand license for the [here state the occasion and place] for a period of _____ days from the _____ day of _____ between the hours of _____ and _____

Given under my hand and seal the _____ day of _____, one thousand eight hundred and _____

(L.S.) A.B., Chairman, &c.

NINTH SCHEDULE.

Section 39.

LIQUOR ACT, 1898.

I, THE undersigned, being a licensing magistrate, do hereby transfer all rights and privileges under the within license to _____ of _____ for the residue of the term between this date and the _____

Dated the _____ day of _____, one thousand eight hundred and _____

(L.S.) A.B., Licensing Magistrate for _____

TENTH SCHEDULE.

Section 41.

LIQUOR ACT, 1898.

Notice of application to remove a license to other premises.

I, _____ of _____, do hereby give notice that I desire to obtain and will at the next licensing court, to be holden at _____, on the _____ day of _____, apply for the removal of the license for the premises known as _____ to premises situate at _____ containing _____ rooms, exclusive of those required for the use of the family.

Dated the _____ day of _____ 18 _____

(Name and address of applicant.)

ELEVENTH SCHEDULE.

Section 41.

LIQUOR ACT, 1898.

I, THE undersigned, being the chairman of the licensing court holden at _____, on the _____ day of _____, the requisite notice of application for removal having been proved before us to have been duly served and posted, do hereby declare that the within license shall henceforth cease to apply to the house and premises within mentioned, and shall apply to the house known as _____, situate at _____

Dated the _____ day of _____, one thousand eight hundred and _____

(L.S.) A.B., Chairman, &c.

TWELFTH

Act No. 19, 1898.

Weights and Measures.

Section 71.

TWELFTH SCHEDULE.

LIQUOR ACT, 1898.

*Form of application for a brewer's or spirit merchant's license.*To the licensing court* of the licensing district of [or the licensing
magistrate, of such district.]I, A.B., now residing at , in the licensing district of , in New
South Wales, do hereby give notice that it is my intention to apply to the licensing
court to be holden on the day of , for [state the character of
license applied for and particular description of premises].

Given under my hand this day of , 18

(Name and address of applicant.)

* If application is made to a licensing magistrate alter the form accordingly.

Section 71.

THIRTEENTH SCHEDULE.

LIQUOR ACT, 1898.

*Certificate to authorise the issue of a brewer's or spirit merchant's license.*I, THE undersigned, being the chairman of the quarterly licensing court holden at
[or the licensing magistrate of the district] on the
day of , one thousand eight hundred and , do hereby authorise the
issue to of a license for [here state all particulars as to applicant,
premises, and description of license].Given under my hand and seal the day of , one thousand
eight hundred and

(L.S.) A.B., Chairman, &c.