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# A BILL

To regulate the sale by retail of Wine Cider and Perry produced in the Colony.

[MR. HOLROYD ;—15 October, 1861.]

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

1. The following terms in inverted commas whenever herein used shall bear the meanings set against them respectively—

“ Wine Cider and Perry ”—Wine Cider and Perry produced from fruit grown in the Colony.

2. From and after the first day of January one thousand eight hundred and sixty-two any person requiring a license to sell by retail Wine Cider and Perry produced in the Colony shall pay annually to the Colonial Treasurer of New South Wales for the use of Her Majesty Her Heirs and Successors a license fee of two pounds And no license shall be granted unless the house store or premises in respect of which such license shall be granted shall be of the rent and value of pounds a year.

3. Every person (except persons expressly disqualified by this Act) shall without producing or having any other license or authority be entitled to take out a license under this Act to sell by retail in such shop or store Wine Cider and Perry produced in the Colony of New South Wales anything in any former Act to the contrary notwithstanding.

4. Every sale of Wine Cider and Perry in any less quantity than two gallons shall be deemed to be a selling by retail.

5. No Sheriff's Officer or Officer executing the legal process of any Court of Justice shall be capable of receiving or using any license under this Act And every license which shall be granted contrary hereto shall be void to all intents and purposes.



By whom licenses under this Act shall be granted.

6. All licenses authorized to be granted under this Act shall be granted by and under the hand of the Colonial Treasurer or by such other person or persons as the Governor with the advice of the Executive Council shall appoint or authorize in that behalf on payment of the duty chargeable for such licenses respectively And every such license shall be 5 in the form contained in the Schedule annexed to this Act Provided always that it shall be lawful for the Governor with the advice of the Executive Council from time to time to make such alterations therein as they may deem to be necessary in consequence of any alteration or amendment of the law in order to make such form of license conformable to the 10 law for the time being.

Forms of licenses as in schedule to this Act.

Licenses date expiration and renewal thereof.

7. All licenses whensoever granted under the authority of this Act shall have effect on and after the day of the date thereof until the first day of July then next following and shall be renewed annually on payment of the duty by this Act charged thereon respectively. 15

On death of a licensed person his representative or widow or child may be authorized to continue the business for which the license was granted.

8. Upon the death of any person licensed under this Act before the expiration of the license it shall be lawful for the persons authorized to grant licenses to authorize and empower by endorsement or otherwise as the Colonial Treasurer shall direct the executors or administrators or the widow or child of such deceased person who shall be possessed of and occupy 20 the dwelling-house and premises before used for such purpose to continue the business for which such license was granted and to sell in the same house and premises such articles as by the said license are authorized to be sold therein during the residue of the term for which such license was originally granted without taking out any fresh license or payment of any 25 additional duty thereon And the person so authorized and empowered shall be deemed to be a person licensed under this Act and accordingly subject to the provisions conditions and penalties contained therein.

Notice of first application for a license to be given to Justices who may object to the granting thereof on grounds to be stated.

9. If any person shall be desirous of selling Wine Cider and Perry by retail he shall previously to the granting to him for the first time of a license 30 for that purpose fill up and sign a requisition for such license in such form as the Colonial Treasurer shall provide in that behalf specifying therein the true Christian and Surname and place or places of abode during the last six months of the applicant the description and situation of the house for which the license is required and the true yearly rent or 35 annual value thereof And such requisition shall be delivered to the Clerk of Petty Sessions for the District in which such house is situated and a license to retail Wine Cider and Perry shall be granted pursuant to such requisition after the expiration of thirty days from the day of delivery of the



the same to the Clerk of Petty Sessions unless the Justices in Petty Sessions assembled in the mean time certify to the Colonial Treasurer that the said license should be refused on one or more of the following grounds specifying the same that is to say that the house is not of the yearly  
5 rental or annual value stated in the requisition or that it is a disorderly house or a house frequented by prostitutes or other disorderly persons or that it is adjudged disqualified for the sale of Wine Cider and Perry therein or that the applicant is disqualified from selling Wine Cider and Perry under the provisions of this Act specifying the grounds of such disqualifi-  
10 cation respectively or that the applicant has within three years been convicted of any offence punishable by imprisonment or that the applicant having within three years held a license as a Licensed Victualler has forfeited or been refused a renewal of such license And if such notice of objection shall be received by the Colonial Treasurer within the time  
15 limited as aforesaid the said license shall not be granted But if otherwise and no such caveat as hereinafter mentioned, be received by the said Colonial Treasurer then such license shall be granted on payment of the duty by this Act charged thereon provided the applicants shall be entitled to such license under the provisions of this Act in other respects  
20 Provided always that no such notice of objection shall be signed or sent by the said Justices until after they respectively shall have summoned the applicant for such license to show cause and shall have heard him against the objection to the granting thereof or he shall have refused or neglected to attend before them respectively to show cause pursuant to their sum-  
25 mons and every such summons shall specify the grounds of such objection And it shall be lawful for the said Justices pending their decision upon any such objection as aforesaid and before the expiration of the said period of thirty days to transmit to the Colonial Treasurer a notice by way of caveat against the granting of such license and in that case the  
30 license shall not be granted if within the further period of thirty days from the receipt of such caveat the objection to the granting of the license shall be affirmed by the said Justices and notice thereof shall be given to the Colonial Treasurer.

No notice of objection to be signed &c. until the applicant has been heard against the same.

10. Provided always That every person intending to apply for a  
35 license to be granted under the authority of this Act to retail Wine Cider and Perry shall affix or cause to be affixed a notice on the door of the house shop store or building where it is intended that the same should be sold for at least twenty-one days previous to such application And every such notice shall be written in a fair and legible hand or  
40 printed and shall be signed by the party intending to make such application

Notice to be given for license to retail wine &c. on the premises in a house not previously licensed.



application and shall set forth his intention to apply for a license to retail Wine Cider and Perry produced in the Colony.

Justices may object to the renewal of a wine license if they shall see just cause or objection.

11. Provided always That it shall be lawful for any two Justices in Petty Sessions after any such license shall have been granted within their Police District but three months at least before the expiration of such 5 license to give notice to the holder thereof to appear before them and show cause why an objection (stating the grounds thereof) should not be lodged against a renewal of his license And if upon the hearing the said Justices present in Petty Sessions or a majority of them (as the case may be) shall see just cause or objection on one or more of the grounds 10 mentioned in the preceding clause they shall give to the Colonial Treasurer notice of objection against the renewal of such license and shall specify the grounds of objection in such notice And on the expiration of such Wine license after such notice as aforesaid given to the Colonial Treasurer no renewal thereof shall be granted unless the decision of the 15 said Justices shall be reversed upon an appeal against the same as hereinafter allowed (that is to say) Provided always that it shall be lawful for the holder of the said license to appeal against the said decision of the said Justices to the next General or Quarter Sessions of the Peace which shall be holden nearest to the residence of the holder of the said license 20 after the expiration of ten days from the making of such decision upon giving seven days previous notice in writing to the said Justices of his intention so to appeal And the said Court of Sessions shall hear and finally determine the said appeal and upon notice of such determination given to the said Colonial Treasurer the said license shall be refused or 25 granted conformably therewith.

A list of licenses to be kept by Clerks of the Peace.

12. A list or register of every license granted under the authority of this Act specifying the name and place of abode of every person licensed and the name and description of the house for which such license shall be granted shall be kept by every Clerk of Petty Sessions in their respective 30 districts and such list or register shall at all times be produced to and shall be open to the inspection and perusal of any person applying to see the same.

In case of complaint licensee to produce license on requisition.

13. In case any complaint shall be laid before two Justices of the Peace against any person licensed to sell Wine Cider and Perry produced 35 in the Colony under the authority of this Act for any offence against the tenor of his license or against this Act it shall be lawful for the said two Justices (if they shall think fit) to require such person to produce his license before them for their examination and if such person shall wilfully neglect or refuse so to do he shall forfeit and pay any sum not exceeding 40 *five* pounds as the said Justices shall think proper. 14.



14. It shall be lawful for all Inspectors of Police and Chief Constables when and so often as they shall respectively think proper to enter into all houses licensed under the authority of this Act and into and upon the premises belonging thereto and if any person licensed or any servant or other person in his employ or by his direction shall refuse to admit or shall not admit any Inspector of Police or Chief Constable demanding admittance into such house or upon such premises the person so licensed shall for the first offence forfeit and pay any sum not exceeding *five* pounds together with the costs of conviction to be recovered before one or more Justices of the Peace on information or complaint made within seven days next after the day on which such offence was committed and it shall be lawful for any two or more Justices before whom any such person shall be convicted for the second time of any such offence to adjudge (if they shall so think fit) the license or licenses of such offender to be forfeited and that he shall be disqualified from having any license granted to him under this Act in respect of such house for the space of two years or for such shorter space of time as they may think proper to adjudge.

Inspectors of Police and Chief Constables empowered to visit licensed houses.

Penalty for refusing them admittance.

Licenses to be forfeited on second conviction if Justices think fit.

15. Every person who shall sell any Wine Cider or Perry produced in the Colony without having a proper license in force duly authorizing him in that behalf shall forfeit the sum of *thirty* pounds.

Penalty for selling wine &c. without license.

16. All liquor which shall be sold or offered for sale by any person whether licensed under this Act or not as being Wine Cider or Perry produced in the Colony or under the name by which such Wine Cider or Perry is usually designated or known shall as against the person who shall so sell or offer the same for sale be deemed and taken to be Wine Cider and Perry produced in the Colony And any fermented liquor Cider or Perry containing a greater proportion than twenty per centum of proof spirit shall be deemed and taken to be spirits.

What shall be deemed wine &c. produced in the Colony And what shall be deemed Spirits.

17. Every person who shall be convicted of felony or of selling spirits without license shall for ever thereafter be disqualified from selling Wine Cider or Perry produced in the Colony and no license to sell such Wine Cider and Perry under this Act shall be granted to any person who shall have been so convicted as aforesaid And if any person shall after having been so convicted as aforesaid take out or have any license to sell Wine Cider and Perry produced in the Colony under this Act the same shall be void to all intents and purposes And every person who shall after being convicted as aforesaid sell any Wine Cider or Perry produced in the Colony in any manner whatsoever shall incur the penalty for so doing without a license And in all such cases in the prosecution for the

Licenses to be void on conviction of felony or selling spirits without license.

recovery



recovery of such penalty a certificate from the Judge's Associate or Clerk of the Peace or person acting as such of any such conviction as aforesaid shall on the trial in such prosecution be legal evidence thereof.

Standard measures to be used in the sale of wine &c.

18. Every person licensed under this Act shall if required sell or otherwise dispose of all such Wine Cider and Perry (except Wine Cider and Perry in bottle and quantities less than half-a-pint) by the gallon quart pint or half-pint measure sized or marked according to the standard and shall also if required by any guest or customer purchasing such Wine Cider or Perry retail the same in a vessel sized or marked according to such standard and in default thereof he shall for every such offence forfeit the illegal measure and pay a sum not exceeding *forty* shillings together with the costs of the conviction to be recovered by information or complaint made within seven years next after that on which the offence was committed before two Justices of the Peace and such penalty shall be over and above all penalties to which the offender may be liable under any other Act.

Limitation of hours for opening and closing houses licensed for the sale of wine &c.

19. No person licensed under this Act shall have or keep his house open for the sale of such Wine Cider and Perry nor shall suffer any such Wine Cider and Perry to be drunk or consumed in or at such house at any time before the hour of six of the clock in the morning nor after ten of the clock at night of any day in the week nor shall any such house be open for the sale or consumption therein of such Wine Cider and Perry on any Sunday Good Friday or Christmas Day or any day appointed for a public fast or thanksgiving nor at any time between the hours of ten of the clock at night and six of the clock in the morning And if any person licensed as aforesaid shall keep his house open for selling or shall sell any such Wine Cider or Perry or suffer any such Wine Cider or Perry to be drunk or consumed in or at such house at any other time than as hereinbefore prescribed and directed or shall keep his house open as aforesaid contrary to any prohibition in this clause contained he shall forfeit the sum of *forty* shillings for every offence and every separate sale shall be deemed a separate offence Provided always that nothing in this clause contained shall extend to prevent the keeper of a Refreshment House from selling to any lodger therein any such Wine Cider and Perry at any hour of the day or night either on Sunday or any other day.

Exception in favour of lodgers.

Houses licensed for the sale of wine &c. to be closed by order of Justices in cases of riot &c.

20. It shall be lawful for any two Justices of the Peace where any riot or tumult shall happen or be expected to take place to order or direct that every person licensed under the authority of this Act shall close his house



house And every such person who shall keep open his house at or after any hour at which such Justices shall have so ordered or directed such house to be closed shall be taken and deemed to have not maintained good order and rule therein and to be guilty of an offence against the tenor of  
5 the license granted to him.

21. Every person licensed under this Act who shall permit any person to be guilty of drunkenness or other disorderly conduct in the house or premises mentioned in such license or who shall himself be guilty of any such disorderly conduct shall for every such offence forfeit the  
10 respective sums following And every person who shall transgress or neglect or shall be a party in transgressing or neglecting the conditions and provisions specified in such license or shall allow such conditions or provisions to be in any way transgressed or neglected in the said house or premises shall be deemed guilty of disorderly conduct and every person  
15 so licensed who shall permit or be guilty of any such disorderly conduct shall for the first offence forfeit any such sum not less than *forty* shillings nor more than *five* pounds as the Justice before whom he shall be convicted of such offence shall adjudge And for the second offence any sum not less than *five* pounds nor more than *ten* pounds And for the third such  
20 offence any sum not less than *twenty* pounds nor more than *fifty* pounds And it shall be lawful for the Justices before whom any such conviction for any such second or third offence shall take place to adjudge if they shall so think fit that such offender shall be disqualified from selling such Wine Cider or Perry by retail for any term not  
25 exceeding five years next ensuing such conviction And if any person so licensed as aforesaid shall mix or cause to be mixed any spirits or any drugs or other pernicious ingredients with any Wine Cider or Perry sold in his house or premises or shall fraudulently dilute or in any way adulterate any such Wine Cider or Perry or shall sell or offer for sale any  
30 Wine Cider or Perry which to the knowledge of such person has been so mixed diluted or adulterated he shall for the first offence forfeit any sum not less than *ten* pounds nor more than *twenty* pounds as the Justices before whom he shall be convicted of such offence shall adjudge And for the second such offence he shall be disqualified from selling such Wine  
35 Cider or Perry by retail for the term of five years or forfeit any sum of money not less than *twenty* pounds nor more than *fifty* pounds at the discretion of the Justices before whom he shall be adjudged guilty of such second offence And if any offender convicted of such second offence as last aforesaid shall during such term of five years sell  
40 any such Wine Cider or Perry by retail either in the house or premises

Penalty on retailers of wine &c. permitting drunkenness &c. in their houses.

First offence.

Second offence.

Third offence.

Penalty for mixing spirits or drugs in wine &c. or adulterating wine &c.

First offence.

Second offence.

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



premises mentioned in his license or in any other place he shall forfeit any sum not less than twenty-five pounds nor more than fifty pounds and shall be subject to a like penalty at any and every house or place where he shall commit such offence.

Penalties recoverable before two Justices in Petty Sessions within three months after offence committed.

22. All penalties under this Act shall be recovered upon the 5 information or complaint of a Police Inspector or Chief Constable before two Justices acting in Petty Sessions and shall be prosecuted and proceeded for within three calendar months next after the commission of the offence in respect of which such penalty shall be incurred or within such shorter time as may be herein limited with regard to any particular 10 penalty. And every person licensed under this Act who shall be convicted before two Justices of any offence against the tenor of the license to him granted under this Act or of any offence for which any penalty is imposed by this Act shall unless proof be adduced to the satisfaction of such Justices that such person had been theretofore convicted within the 15 space of twelve calendar months next preceding of some offence against the tenor of his license or against this Act be adjudged to be guilty of a first offence against the provisions of this Act and to forfeit and pay any penalty by this Act imposed for such offence or if no specific penalty be so imposed then any sum not exceeding *five* pounds together with 20 the costs of the conviction and if such proof as aforesaid shall be adduced that such person had been previously convicted within the space of twelve calendar months next preceding of one such offence only such person shall be adjudged to be guilty of a second offence against the provisions of this Act and to forfeit and pay any penalty by this Act imposed for such 25 offence or if no specific penalty be so imposed then any sum not exceeding *ten* pounds together with the costs of the conviction. And if such proof as aforesaid shall be adduced that such person had been previously convicted within the space of eighteen calendar months next preceding of two such separate offences and if proof shall be adduced to the satisfaction of the 30 Justices that such person so charged is guilty of the offence charged against him such person shall be adjudged to be guilty of a third offence against the provisions of this Act and to forfeit any penalty imposed by this Act in respect of such offence or if no such specific penalty shall be so imposed then to forfeit and pay the sum of *fifty* pounds together with 35 the costs of the conviction.

Second offence.

Third offence.

Justices may adjudge premises disqualified for sale of wine &c. on proof that within two years last preceding such third conviction two convictions have taken place.

23. It shall be lawful for the Justices before whom any person holding a license under this Act shall be convicted of any offence against the tenor of the said license or for which any penalty is imposed by this Act if proof shall be adduced to their satisfaction that within two years 40 last



last preceding such conviction two convictions for any such offence of the same person or of any other person licensed in respect of the same house or premises have taken place to declare the license granted in respect of the said house or premises forfeited and void and to adjudge that no license  
 5 for the sale of Wine Cider or Perry shall be granted to any person whatever in respect of the said house or premises for the term of three years from the date of such adjudication of which adjudication the Justices shall give notice to the Colonial Treasurer And any license for the sale of Wine Cider and Perry that may be granted in respect of the said house or  
 10 premises during the said term of three years shall be null and void.

24. Every person licensed under this Act who shall (without a Penalties for offences license for that purpose) sell or permit or suffer to be sold any intoxicating liquor or shall knowingly suffer any unlawful game or games therein or knowingly suffer prostitutes thieves or drunken and disorderly persons to  
 15 assemble at or continue in or upon his premises or do suffer or permit any act in contravention of his license shall upon conviction thereof before two Justices pay for the first offence a fine not exceeding *forty* shillings for the second offence a fine not exceeding *five* pounds and for every subsequent offence a fine not exceeding *twenty* pounds or be subject to a  
 20 forfeiture of his license at the discretion of the Justices before whom he shall be convicted And in case of such forfeiture of his license such person shall be disqualified for the space of one year then next ensuing from obtaining a fresh license And such fresh license if obtained within the said year shall be absolutely null and void to all intents and purposes.

25. Provided always that it shall be lawful for the party convicted  
 of any such second or third offence to appeal to the then next ensuing  
 General or Quarter Sessions of the Peace held nearest to the Court of  
 Petty Sessions at which the party was convicted unless such Sessions shall  
 be held within fifteen days next after such conviction and in that case  
 30 to the then next subsequent Sessions And in such case the party so convicted shall before the convicting Justices forthwith enter into a recognizance with two sufficient sureties personally to appear at such  
 General or Quarter Sessions and to abide the judgment of the Court thereupon and to pay such costs as shall be by the Court awarded which  
 35 recognizances such Justices are hereby authorized to require and take or in failure of the party convicted entering into such recognizance the conviction shall remain good and valid to all intents and purposes And the said Justices who shall take such recognizance from the party convicted are also hereby required to bind the person who shall make  
 40 such charge in a recognizance to appear at such General or Quarter

Appeal to the Sessions against a second or third conviction.



Sessions as aforesaid then and there to give evidence against the person so charged and in like manner to bind any other person who shall have any knowledge of the circumstances of such offence And it shall be lawful for such Court of General or Quarter Sessions to adjudge such person to be guilty of any such second or third offence against the provisions of this Act as the case may be and such adjudication shall be final to all intents and purposes And it shall be lawful for such Court of General or Quarter Sessions to punish such offender by fine not exceeding the sum of *one hundred* pounds together with the costs of such appeal or to adjudge the license granted to and held by or on behalf of such offender to be forfeited and void or to adjudge that no Wine Cider or Perry shall be sold by retail in the house or premises mentioned in the license of such offender for the term of two years from the date of such adjudication or to punish such offender by such fine as aforesaid and to adjudge such premises to be disqualified for the sale of Wine Cider and Perry as aforesaid and such license to be forfeited and void and if such license shall be adjudged to be forfeited and void it shall thenceforth be void accordingly And whenever in such case or in any other case the license of such offender shall be adjudged to be void such offender shall from and after such adjudication be deemed and taken to be incapable of selling Wine Cider and Perry produced in the Colony by retail in any house kept by him for the space of two years to be computed from the time of such adjudication and any license granted to such person during such term shall be void to all intents and purposes.

Court to adjudge costs of appeal in certain cases.

26. Whenever it shall happen that any appeal in pursuance of this Act shall be dismissed or that the judgment appealed against shall be affirmed or that such appeal shall be abandoned it shall be lawful for the Court to which such appeal shall have been made or intended to have been made and such Court is hereby required to adjudge and order that the party so having appealed or having entered into such recognizance shall pay to the Justices against whose judgment such appeal shall have been made or intended to be made or to whomsoever they shall appoint such sum by way of costs as shall in the opinion of such Court be sufficient to indemnify such Justices from all costs and charges whatsoever to which such Justices may have been put in consequence of the intention or declared intention of such party to appeal And if such party shall refuse or neglect to pay forthwith such sum it shall be lawful for the said Court to adjudge and order the party so refusing or neglecting to the nearest gaol or house of correction there to remain until such sum be paid or for any time not exceeding six calendar months



months unless such sum be sooner paid And in every case in which the judgment so appealed against shall be reversed it shall be lawful for such Court (if it shall think fit) to adjudge and order that the Clerk of the Peace for the district in and for which such Justices whose judgment shall have been so reversed shall have acted on the occasion when they shall have given such judgment shall pay to such Justices or to whomsoever they shall appoint such sum as shall in the opinion of such Court be sufficient to indemnify such Justices from all costs and charges whatsoever to which they may have been so put And the said Clerk of the Peace is hereby authorized to pay the same which shall be allowed to him in his accounts.

27. In every case in which any appeal shall be made by any person convicted of any offence under the provisions of this Act to the General or Quarter Sessions it shall be lawful for the convicting Justices if no other fit and proper person shall appear to prosecute such charge and to carry on such proceedings as may be necessary to obtain at such Sessions an adjudication thereon to order that any Inspector of Police or the Chief Constable of the district in which the house kept by the person charged shall be situate as to the said Justices shall seem fit shall carry on all proceedings necessary to obtain such adjudication as aforesaid and to bind any such Inspector of Police or such Chief Constable in a sufficient recognizance so to do And it shall be lawful for the Justices before whom such offender shall have been convicted to order the Clerk of the Peace in and for which such Justices shall then act to pay to such Inspector of Police or Chief Constable and to the witnesses on his behalf such sum or sums of money as to the Court shall appear to be sufficient to reimburse them respectively the expenses which they shall have been severally put to in and about such prosecution and the said Clerk of the Peace is hereby authorized and required forthwith to pay to the persons authorized to receive the same such money as aforesaid and the Clerk of the Peace shall be allowed the same in his accounts.

Proceedings on appeal to be carried on by Inspector of Police or Chief Constable.

28. It shall be lawful for the Justices of the Peace before whom respectively any question shall be depending touching any objection against the granting or renewing of a license under the provisions of this Act to summon witnesses on behalf of either party to such question and to examine all such witnesses on oath and to do and perform all things necessary for the due and proper hearing and determination of such question and also to order payment of fees allowances and reasonable expenses to witnesses Inspectors of Police Chief Constables and other persons by whom any duties shall have been performed or expenses or loss

Power to Justices of the Peace to summon witnesses and examine them on oath.

of



of time incurred respectively under this Act and the amount of such fees allowances and expenses shall be in the discretion of the said Justices and the order for payment may be made at the discretion of the said Justices either wholly or partially on the applicant or on the objector And the provisions of the Act passed in the eleventh and twelfth years of 5 the reign of Her Majesty chapter forty-three for the recovery of costs ordered by Justices in Petty Sessions to be paid shall apply to all costs allowances and expenses ordered to be paid under this Act.

Penalty on witnesses refusing to attend or to give evidence.

29. Any person summoned as a witness to give evidence before any Justices or Sessions touching any matters arising under this Act either 10 on the part of the complainant or of the person accused or of any person interested in any such matter who shall neglect or refuse to appear at the time and place for that purpose appointed and who shall not make such reasonable excuse for such neglect or refusal as shall be admitted and allowed by such Justices or Sessions or who appearing shall refuse to be 15 examined on oath or affirmation and give evidence shall on conviction forfeit and pay any sum not exceeding *ten* pounds for every such offence.

Penalty for harbouring Constables while on duty.

30. Every person licensed under this Act who knowingly harbours or entertains or suffers to remain in the place wherein he carries on his business any constable during any part of the time appointed for his 20 being on duty unless for the purpose of quelling any disturbance or restoring order shall for every such offence be liable to a penalty not exceeding *twenty* shillings.

Penalty on disorderly persons refusing to quit licensed houses.

31. Any person who shall be drunk riotous quarrelsome or disorderly in any shop store house premises or place licensed under the 25 provisions of this Act and shall refuse or neglect to quit such shop store house premises or place upon being requested so to do by the manager or occupier or his agent or servant or by any Constable shall on conviction thereof before one Justice be liable to pay a fine not exceeding *forty* shillings and all Constables are hereby authorized empowered and required 30 on the demand of such manager occupier agent or servant to assist in expelling such drunken riotous quarrelsome and disorderly persons from such shops stores houses premises and places.

Constables to assist in expelling them if required.

Provisions of to be applied in the recovery of penalties under this Act.

32. And with regard to all penalties incurred under this Act all the provisions contained in the Act passed in the eleventh and twelfth 35 years of Her Majesty chapter forty-three relating to proceedings for the recovery of penalties by summary conviction and to appeals against such convictions and the levying and enforcing of penalties and the costs of such proceedings shall be applied and put in force in relation to the penalties by this Act imposed.



33. Provided always that any covenant or clause of restriction contained in any lease or contract between a landlord and tenant whereby the trade or business of a vintner is prohibited from being carried on in any house building or place mentioned or comprised in such lease or contract or whereby any such house building or place is prohibited from being used as a public-house shall be construed to apply and extend to every person who shall be licensed to sell Wine Cider and Perry under the provisions of this Act and to any house specified in the license granted to such person.

Covenants against houses &c. being used as public-houses to extend to persons licensed under this Act.

34. This Act shall be styled and may be cited as the "Sale of Colonial Wine Regulation Bill."

#### SCHEDULE.

I the undersigned being the Colonial Treasurer of New South Wales

do hereby authorize and empower  
 15 now being a householder and dwelling in a house  
 in street in the town of and in the Police District of  
 to sell therein by retail Wine Cider and Perry produced in the Colony in reputed quart or  
 pint bottles or in less quantities if consumed on the premises and for this license he hath  
 paid the sum of the said house and premises being of the value of  
 20 pounds a-year And this license is granted upon condition that the said  
 do not mix or cause to be mixed any spirits or any drugs or other pernicious ingredients in  
 any Wine Cider or Perry sold in his said house and premises nor fraudulently dilute or in  
 any way adulterate any such Wine Cider or Perry nor sell or offer for sale any Wine Cider  
 or Perry which to his knowledge has been so mixed diluted or adulterated nor use in selling  
 25 any Wine Cider or Perry (otherwise than in reputed quart or pint bottles) any measures  
 which are not of the legal standard nor wilfully or knowingly permit any drunkenness or  
 any violent or quarrelsome or other disorderly conduct in his house or premises nor know-  
 ingly suffer any unlawful games or any gaming whatsoever therein nor knowingly suffer or  
 permit persons of known bad character to assemble and meet together therein but do main-  
 30 tain good order and rule therein nor have or keep his house or premises open for the sale  
 of any Wine Cider or Perry nor sell any Wine Cider or Perry nor suffer the same to be  
 consumed or drunk in or at such house or premises at any time before the hour of six  
 o'clock in the morning nor after ten o'clock at night nor have or keep his house or premises  
 open for the sale or consumption therein of any article whatever at any time on any Sunday  
 35 Christmas Day or Good Friday or any day appointed for a Public Fast or Thanksgiving  
 except to a lodger therein And this license shall continue in force from the  
 day of until the first day of July next ensuing and no longer Provided and  
 upon condition that the said shall not in the meantime  
 become a Sheriff's Officer or Officer for executing the process of any Court of Justice And  
 40 this license shall cease and determine and shall become void in case any of the conditions or  
 regulations contained therein shall be transgressed or shall not be observed by the said

Given under my hand this  
 day of

186 .

Colonial Treasurer.



