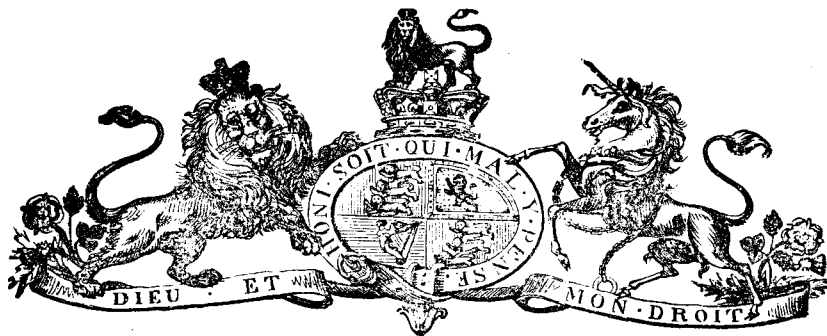


T A S M A N I A



1902.

ANNO SECUNDO

EDWARDI VII. REGIS,

No. 32.



AN ACT to consolidate and amend the Law A.D. 1902.
regulating the Sale of fermented and
spirituous Liquor. [20 December, 1902.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I

PRELIMINARY.

1 This Act may be cited as “The Licensing Act, 1902.”

Short title.

2 Except as herein otherwise provided, this Act shall come into operation and take effect on the First day of *January*, One thousand nine hundred and three.

Commencement of Act.

3 In the construction and for the purposes of this Act, and of all proceedings under and by virtue thereof, the following words shall have the meanings hereunder assigned to them, unless inconsistent with or repugnant to the context:—

Interpretation.

“Attorney” shall mean a person duly admitted as a Practitioner “Attorney.”
4s. 6d.]

Licensing.

<p>A.D. 1902. 60 Vict. No. 43. "Bankrupt." 34 Vict. No. 32.</p> <p>"Clerk" or "Clerk of Petty Sessions."</p> <p>"Gazette." "Hotel."</p> <p>"Justice." "Licensing Bench." "Licensing Meeting."</p> <p>"Liquor."</p> <p>"Lodger."</p> <p>"Owner."</p> <p>Public-house."</p> <p>"Ratepayer."</p> <p>"Town." 29 Vict. No. 10.</p>	<p>of the Supreme Court of <i>Tasmania</i> under "The Legal Practitioners' Act, 1896," or any Act thereby repealed :</p> <p>"Bankrupt" and "Bankruptcy" shall include liquidation by arrangement of the affairs of a debtor under the provisions of "The Bankruptcy Act, 1870 :"</p> <p>"Clerk" or "Clerk of Petty Sessions" shall mean the person officiating as Police Clerk or Clerk of Petty Sessions at the Police Court or place of holding Petty Sessions held at or nearest to the place at which the Licensing Meeting is appointed to be held :</p> <p>"Gazette" shall mean <i>The Hobart Gazette</i> :</p> <p>"Hotel" shall mean a house in respect of which an Hotel Licence is issued under the provisions of this Act :</p> <p>"Justice" shall mean a Justice of the Peace :</p> <p>"Licensing Bench" shall mean a meeting of Justices constituting the Licensing Bench of each District respectively :</p> <p>"Licensing Meeting" shall mean a meeting of any Licensing Bench held for any of the purposes mentioned in this Act, or any adjournment thereof :</p> <p>"Liquor" shall mean ale, beer, and any other malt liquor, and wine, cider, perry, brandy, gin, rum, whisky, and any other spirituous or fermented liquor, and any mixed liquor part of which is malt liquor or fermented or spirituous liquor ; but shall not include ginger beer, hop beer, or spruce beer, or any beverage containing less than Two and a half per centum by weight of alcohol or other intoxicating spirit or ingredient :</p> <p>"Lodger" shall include a weekly boarder, that is a person who is in the habit of taking his meals regularly in an Hotel or Public-house, and who pays for the same by the week :</p> <p>"Owner," as applied to any house or premises, shall mean the person for the time being, in the actual receipt of, or entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession, or otherwise, and shall include any person in receipt of, or entitled to receive from the holder of any Licence under this Act, the rents and profits of any house or premises in respect of which a Licence is issued under this Act :</p> <p>"Public-house" shall mean a house in respect of which a Public-house Licence is issued under the provisions of this Act :</p> <p>"Ratepayer" shall mean any person whose name appears on the Assessment Roll of any Assessment District as the owner or occupier of any property :</p> <p>"Town" shall mean and include any Town duly proclaimed by the Governor under <i>The Police Act, 1865</i>, or declared to be a Town within the meaning and for the purposes of that Act :</p>
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Licensing.

“Traveller” shall mean any person who shall have lodged during the previous night at least Three miles from the licensed premises where he shall be supplied with Liquor or refreshment, and shall have travelled at least that distance on the day when he shall be so supplied, but shall not include any person whose usual place of residence is distant not more than Three miles from such licensed premises :

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“Traveller.”

“Treasurer” shall mean the Treasurer of the State of *Tasmania* for the time being :

“Treasurer.”

Where in this Act it is provided that any act shall be done by any Two Justices, such Justices shall be resident in the District, and shall meet and act together in the performance of such act in Petty Sessions assembled ; and any reference in this Act to “any Two Justices” shall be deemed to refer to Two or more Justices in Petty Sessions assembled.

Justices to act in Petty Sessions.

4 On and after the day on which this Act comes into operation the Acts set forth in the Schedule (1.) shall be and the same are hereby repealed to the extent therein mentioned.

Repeal.

Schedule (1.)

5—(1.) Every notice, application, certificate, licence, and prohibition given, made, or issued under the provisions of any Act hereby repealed shall be respectively deemed and taken to be a notice, application, certificate, licence, and prohibition within the meaning of this Act, and subject to the provisions hereof.

Continues existing Licences, &c.

(2.) Every holder of any such Licence shall be deemed to be licensed under this Act, and every such Licence shall continue in force until the end of the term for which the same was granted, unless forfeited as hereinafter provided.

6—(1.) Each Licensing Bench existing at the time of the commencement of this Act shall continue to be the Licensing Bench for the District appointed or proclaimed under the provisions of this Act, which includes the same or the greater part of the District for which such Licensing Bench was elected or appointed under the provisions of any Act hereby repealed ; and such Licensing Bench shall be deemed to be a Licensing Bench within the meaning and for the purposes of this Act, and shall be subject to its provisions.

Existing Licensing Benches and Regulations continued.

(2.) All Regulations made under any Act hereby repealed and in force when this Act takes effect shall continue in force until altered, amended, or repealed under this Act, and shall be deemed to have been made under this Act.

7 This Act shall be divided into Fourteen Parts, as follows :—

Division into Parts.

Part I.—Preliminary. (Sects 1-7.)

Part II.—Licensing Benches. (Sects. 8-24.)

Part III.—Licences issued by authority of Licensing Bench. (Sects. 25-60.)

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Part IV.—Licences issued by Justices in Petty Sessions. (Sects. 61-67.)

Part V.—Licences issued by the Treasurer. (Sects. 68-71.)

Part VI.—Local Option. (Sects. 72-84.)

Part VII.—Appeal from Decision of Licensing Bench. (Sects. 85-94.)

Part VIII.—Fees for Licences. (Sects. 95-100.)

Part IX.—Registration of Clubs. (Sects. 101-106.)

Part X.—Prohibition of Sale of Liquor. (Sects. 107-110.)

Part XI.—Offences and Penalties. (Sects. 111-140.)

Part XII.—Inspection of Licensed Houses. (Sects. 141-144.)

Part XIII.—Miscellaneous. (Sects. 145-154.)

PART II.
LICENSING BENCHES.
Districts under
this Act.

8—(1.) The Licensing District of *Hobart* shall include the City of *Hobart* and the Towns of *Queenborough*, *New Town*, *Glebe Town*, *Moonah*, *Mount Stuart*, *Wellington*, and such other Towns and places adjacent to such City or Towns as the Governor may from time to time, by Proclamation, declare to be included in such District.

(2.) The Licensing District of *Launceston* shall include the City of *Launceston* and the Towns of *Invermay*, *Trevallyn*, and such other Towns and places adjacent to such City or Towns as the Governor may from time to time, by Proclamation, declare to be included in such District.

(3.) The Governor may from time to time, by Proclamation, declare any portion of *Tasmania*, not included in the Districts of *Hobart* and *Launceston*, a Licensing District, and shall, in such Proclamation, assign a specific name to each District.

Governor to
appoint places at
which Licensing
Meetings to be
held.

9 The Governor may, from time to time, as occasion requires, appoint the places for holding meetings of Licensing Benches in each District: Provided that places appointed under any Act hereby repealed for such purposes shall be deemed to be places appointed under this Act.

Licensing Bench
for the District of
Hobart.

10 The Licensing Bench for the District of *Hobart* shall consist of Nine Justices resident therein, of whom the Mayor for the time being of the City of *Hobart* and the Police Magistrate thereat shall be Two, and the remaining Seven Members shall be elected by the Court of Quarter Sessions of the Peace appointed to be held at *Hobart*.

Licensing Bench
for the District of
Launceston.

11 The Licensing Bench for the District of *Launceston* shall consist of Nine Justices resident therein, of whom the Mayor for the time

Licensing.

being of the City of *Launceston* and the Police Magistrate thereat shall be Two, and the remaining Seven Members shall be elected by the Court of Quarter Sessions of the Peace appointed to be held at *Launceston*. A.D. 1902.

12 The Licensing Bench for each District proclaimed by the Governor shall consist of Five Justices resident therein, of whom One shall be appointed by the Governor, and shall hold office during the Governor's pleasure, and the remaining Four Members shall be elected by the Court of General or Quarter or Petty Sessions of the Peace, as the case may be, appointed to be held in such District. Licensing Bench for each other District.

13—(1.) All acts and proceedings relating to this Act which may be had or done by a Licensing Bench, and all the powers and authorities vested in such Bench generally, shall and may be had, done, and exercised by the major part of the Members thereof present at any Licensing Meeting, the whole number present not being less than a majority of all the Members ; and any such majority of Members shall form a quorum. Quorum.

(2.) The Members of any Licensing Bench present at a Licensing Meeting may, from time to time, adjourn the Meeting.

(3.) If a quorum is not present within Thirty minutes after the time appointed for a Meeting the Members present, or the majority of them, or any One Member if only one is present, or the Clerk if no Member is present, may adjourn such Meeting for any period not exceeding Seven days.

14—(1.) The election of Members of every Licensing Bench shall take place at the first sitting, whether by adjournment or otherwise, of the Courts of General or Quarter Sessions, as the case may be, held in each year. Election Members.

(2.) Where no Court of General or Quarter Sessions is appointed to be held in any District, the Members of the Licensing Bench for such District shall be elected by the Justices assembled in Court of Petty Sessions.

(3.) The Governor shall appoint the day upon which such Court of Petty Sessions shall be held in each year, and such Court may adjourn from time to time.

15—(1) Every Member of any Licensing Bench elected at a sitting of a Court of General or Quarter Sessions shall continue in office until the first sitting of the Court of General or Quarter Sessions, as the case may be, for the District for which he was elected, whether held by adjournment or otherwise, in the year following his election. and no longer and every member of any Licensing Bench elected at a sitting of a Court of Petty Sessions shall continue in office until the First sitting of the Court of Petty Sessions appointed to be held for the purpose of electing members of the Licensing Bench, Duration of term of office.

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whether held by adjournment or otherwise, in the year following his election, and no longer.

(2.) At such Court Members shall be elected to supply the places of those retiring.

(3.) If any Member dies, becomes of unsound mind, resigns, absents himself from Two consecutive meetings of the Bench, ceases to reside in the District, becomes disqualified, or from any other cause becomes incapable to act as a Member of any such Bench, his seat shall be void, and, in the case of an elected Member, it shall be lawful for such Court at its next sitting, whether held by adjournment or otherwise, after the vacancy occurs, to elect another Justice to supply the place of the Member whose seat has become void.

Provision in case
no election of
Members is held.

16 If at the first sitting of any Court of General or Quarter Sessions for any District held in any year, or any adjournment thereof, or if at a sitting of a Court of Petty Sessions held for the purpose of electing any Members of a Licensing Bench, no election of Members for such District shall take place as provided in the two last preceding Sections, the Governor shall, by Proclamation, published in the *Gazette*, appoint a sitting of such Court of General or Quarter or Petty Sessions, as the case may be, to be held for the purpose of electing such Members, and every such election shall take place accordingly.

Chairman.

17— (1.) The Members of every Licensing Bench, at their first meeting in every year, shall, by the majority of votes of the Members present, elect one of their number as and to be Chairman for the ensuing year.

(2.) If at any such meeting there is an equality of votes in such election, it shall be decided by lot which of such Members having an equal number of votes shall be the Chairman.

(3.) If the office of Chairman shall become vacant the Members shall, at the next meeting of the Bench after such vacancy occurs, elect, in manner aforesaid, another Chairman, who shall continue in office for the unexpired portion of the year.

(4.) Every such Chairman shall preside over every meeting of the Licensing Bench of which he is elected Chairman, and shall at every such meeting have a deliberative and a casting vote.

Deputy
Chairman.

18 The Members of every Licensing Bench shall, in the event of the Chairman of any such Bench being absent from any meeting thereof, elect one of their number as and to be Deputy Chairman: Provided that no such Deputy Chairman shall be competent to act in that capacity except only in the actual absence of the Chairman, but that in cases of such absence every such Deputy shall whilst so acting be deemed and taken to be the Chairman of such Bench for the time being within the intent and meaning of this Act, and to and for all other intents and purposes whatsoever.

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19 All acts and proceedings of every Licensing Bench or of any person acting as Chairman or Deputy Chairman of every such Bench shall, notwithstanding it is afterwards discovered that there was some defect in the election or appointment of the Members of the Bench or of any such person, or that any Member of the Bench was disqualified, be as valid and effectual as if the Bench or such person had been duly elected, appointed, or qualified.

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Acts and proceedings of Licensing Benches to be valid in certain cases.

20 It shall be lawful for any Licensing Bench to hold the Annual and Quarterly meetings of such Bench under and for the purposes of this Act although for any cause the full number of Members of such Bench may not have been appointed or elected.

Licensing Benches to act notwithstanding vacancies therein.

21—(1.) No person being a Malster or Brewer, Distiller or Importer of Liquor for sale, or Dealer in Liquor, or being in partnership with or acting as agent for any such person; or being a Shareholder in any company carrying on the business of manufacturing or selling liquor, or being beneficially interested as owner, mortgagee, part owner, or manager, in any house licensed or sought to be licensed in the District in which he resides, shall be elected or appointed or act as a Member of a Licensing Bench, or if elected or appointed, shall sit, vote, or act in any manner at any meeting of such Bench.

Interested persons not to be elected.

(2.) If any Mayor shall be disqualified from acting as a Member of a Licensing Bench, then the Municipal Council of which the Mayor so disqualified is a Member shall elect one of their number to be a Member of the Bench in the place and stead of such Mayor so long as such disqualification continues.

(3.) If any Police Magistrate shall be disqualified from acting as a Member of a Bench, then the Governor shall appoint some Justice to be a Member of such Bench in the place and stead of the Magistrate so disqualified; and the Justice so appointed shall hold office during the Governor's pleasure only.

22 Every Licensing Bench shall have all the powers of a Court of General Sessions of the Peace in relation to the summoning and compelling the attendance and examination of witnesses and the punishment of contempts; and the Clerk of Petty Sessions attending any meeting of a Licensing Bench shall, in respect to the powers aforesaid, exercise all the powers by law exercisable by a Clerk of the Peace attending any Court of General or Quarter Sessions of the Peace.

Licensing Bench to have powers of Court of General Sessions as to process and examination of witnesses.

23—(1.) No Justice shall be elected a Member of a Licensing Bench for any District other than the District in which such Justice shall reside, or, if elected, shall sit, vote, or act in any matter at any meeting of such Bench.

Justices to act in Districts where they reside.

(2.) No Justice shall vote in the election of the Members of any Licensing Bench at any sitting of the Court of General or Quarter or Petty Sessions, as the case may be, elsewhere than within the District in which such Justice shall reside.

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—
Governor may
make Regula-
tions.

24—(1.) The Governor may from time to time make, alter, and repeal Regulations prescribing the mode of conducting Elections of Members of Licensing Benches, and regulating the way in which the votes of the Members of such Benches shall be taken, and for any other purpose whatsoever connected with the execution of this Act, whether of the same kind as the purpose hereinbefore mentioned or not.

(2.) Every such Regulation shall, upon publication in the *Gazette* and while the same is in force, have the same effect as if it were enacted in this Act; and the production of a copy of such *Gazette* shall be conclusive evidence of the validity of such Regulations.

PART III.**LICENCES ISSUED BY AUTHORITY OF LICENSING BENCH.**

“Hotel Licence”
and “Public-
house Licence.”

25—(1.) An “Hotel Licence” or “Public-house Licence” shall authorise the licensee to sell liquor in any quantity in any house mentioned in such Licence, and in any bonding warehouse in any quantity of not less than Two gallons of any kind of liquor delivered at any one time.

“Packet
Licence.”

(2.) A “Packet Licence” shall authorise the sale of liquor on board of any vessel thereby licensed, being a vessel by which passengers are conveyed from any place within this State to any other place within this State, to any passenger being actually conveyed by such vessel, and to be consumed upon such vessel, and the master or other person in charge of such vessel for the time being shall be deemed for the purposes of this Act to be the lawful holder of the Packet Licence in respect of such vessel.

Railway Refresh-
ment room
Licence.

(3.) A “Railway Refreshment-room Licence” shall authorise the licensee to sell liquor within any house or room situate at or on any Railway Station, on any day other than *Sunday*, during the Thirty minutes immediately preceding, and the Thirty minutes immediately succeeding, the arrival or departure of any passenger train at the Railway Station at or on which such house or room is situate.

Accommodation
necessary for
Hotels.

26—(1.) No Certificate for an Hotel Licence shall be granted in respect to any house situate—

- (a) In any City which has less than Sixteen rooms, containing altogether not less than Sixteen thousand cubic feet of space :
- (b) In any Town unless such house has not less than Twelve rooms, containing altogether not less than Twelve thousand cubic feet of space :
- (c) Outside the boundary of any City or Town, unless such house has not less than Ten rooms, containing altogether not less than Ten thousand cubic feet of space.

(2.) In estimating the number of rooms under this Section no room having less than Seven hundred and Twenty cubic feet of space shall

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be included, and of such rooms at least one half shall be bedrooms, available and kept ready for the accommodation of lodgers, exclusive of inmates. A.D. 1902.

27 Any House which is licensed as a Public-house at the time of the commencement of this Act under any Act hereby repealed, and which has not the number of rooms required for an Hotel, may, subject to the provisions of this Act, be licensed as a Public-house. Accommodation for Public-house.

28 No Certificate for an Hotel or Public-house Licence shall be granted in respect of any house situate more than Two miles beyond the limits of any City which has not stabling accommodation attached thereto for at least Four horses, or provided within a reasonable distance of such Hotel or Public-house, except in the case of any house which the Licensing Bench shall decide does not require the provision of stabling accommodation as herein required. Stabling accommodation.

29 No Certificate for an Hotel or Public-house Licence shall be granted in respect of any house - Sanitary condition of house.

- I. Unless there are attached to such house and premises sanitary accommodation in accordance in all respects with the requirements of By-laws to be made for that purpose by the Central Board of Health ; or, if there are no such By-laws, unless such house and premises are provided with proper places of convenience for the use of the travellers, lodgers, customers, and inmates of such house, so as to prevent nuisances and offences against decency ; and
- II. Unless such house is provided with such fire-escapes and provisions for extinguishing fire as may be deemed necessary by the Licensing Bench ; and
- III. Unless Certificates are produced to the Licensing Bench from the Officer of Health (if any) of the District within the boundaries whereof such house is situate, and from the Superintendent of Police in charge of the District, that such Officer of Health and Superintendent of Police are satisfied with the sanitary condition and, in the case of hotels, with the accommodation of such house.

30—(1.) An Annual Licensing Meeting for the consideration of applications for Certificates for Hotel, Public-house, Packet, and Railway Refreshment Room Licences (in this part of this Act called "the said Licences") shall be held at each place appointed for that purpose as aforesaid on the First *Monday* in *December* in every year. Annual Licensing Meetings.

- (2.) A Quarterly Licensing Meeting for the consideration of—
- (a) Applications for Certificates for any of the said Licences :
 - (b) Applications for Certificates for the transfer of any of the said Licences :
- Quarterly Licensing Meetings.

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(c) Applications for Certificates of permission to continue to sell liquor under any of the said Licences.

shall be held at each such place as aforesaid on the First *Monday* in the months of *February, May, August, and November* in every year.

(3.) Any such Meeting may be adjourned from time to time for any time that may appear to be necessary, not exceeding Seven days for each adjournment.

(4.) No decision as to granting any such Certificate shall be given on any other than an original or adjournment day, and when the Licensing Bench is assembled for the consideration of such applications as aforesaid.

Licensing Bench
may grant
Certificate.

31—(1.) It shall be lawful for the Licensing Bench to grant a Certificate for—

(a) Any of the said Licences :

(b) A Transfer of any of the said Licences :

(c) A permission to continue to sell liquor under any of the said Licences.

(2.) Every such Certificate shall be signed by at least Two of the Justices present at the Licensing Meeting at which the same is granted, and shall be dated the day of granting the same, and shall be in one of the forms in the Schedule (3.).

Schedule (3.).

(3.) If a Certificate for permission to continue to sell liquor under any of the said Licences is not applied for at the First Licensing Meeting after a Justices' Permit to sell liquor has been granted, at which an application for a Certificate can be entertained, no such application shall be entertained.

Mode of deciding
applications for
Justices' Certi-
ficates of approval
in the case of
Public-house
Licences.

32 At every Licensing Meeting the Licensing Bench, in considering applications for Certificates for any of the said Licences, shall, unless the Bench otherwise determines, hear the applications—

Firstly, of persons who hold original Licences

Secondly, of persons who hold Licences by transfer from others :

Thirdly, of persons who do not hold original Licences, and who apply for Licences for houses, vessels, or rooms previously licensed:

Fourthly, for Licences for houses, vessels, or rooms to which Licences are not then attached :

Fifthly, for Provisional Certificates.

In the consideration of any application whatsoever, regard shall be had amongst other things, to the character of the applicant, the suitability of the premises, the locality of the house in respect of which such Licence is required, and the necessity for a Licensed house of the nature applied for in such locality.

Married women
not to hold
Licences except
on certain
conditions.

33 A married woman shall not be entitled to receive a Certificate for any of the said Licences unless—

I. Her husband is of unsound mind :

II. She has obtained a decree of dissolution of marriage : or

III. She has obtained a decree of judicial separation : or

Licensing.

- iv. She satisfies the Licensing Bench that she has been deserted by, and is living apart from, her husband. A.D. 1902.

34 No application for a Certificate for any of the said Licences shall be received or entertained at any Quarterly Meeting in any case in which a similar application by the same person has been rejected at the immediately preceding Annual Meeting, or any Quarterly Meeting subsequent to such Annual Meeting. Certain rejected applications not to be re-entertained at subsequent Quarterly Meetings.

35 No Railway Refreshment-room Licence, and no approval of the transfer of such Licence, shall be granted by any Licensing Bench unless the applicant shall produce to the Licensing Bench the consent and approval in writing of the General Manager or other person having for the time being the control and regulation of the Railway Station in respect of which such Licence or any transfer or renewal thereof may be sought. Permission not to be granted unless notice given and consent of Manager obtained.

36—(1.) Every person intending to apply at any Licensing Meeting for a Certificate for—
 (a) Any of the said Licences : or
 (b) A transfer of any of the said Licences : or
 (c) Permission to continue to sell liquor under any of the said Licences :
 Notice of application for Certificate to be given.

shall, not less than Twenty-eight clear days before the day appointed for holding such Meeting, give notice in one of the forms in the Schedule (2.).

(2.) Such notice shall be delivered to the Clerk of Petty Sessions of the District in which, in the case of—

- (a) An Hotel, Public-house, or Railway Refreshment-room Licence, the house or room licensed or sought to be licensed, is situate :
 (b) A Packet Licence, one of the starting points of the vesse. licensed, or sought to be licensed, is situate.

(3) The Clerk of Petty Sessions of each District shall give public notice of all applications for Certificates received by him by advertisement in One number of some newspaper generally circulating in the District, not less than Twenty-one days before the Licensing Meeting at which the applications are intended to be made, and also in One number of the *Gazette* published next before such Meeting.

(4.) If the applicant for a certificate shall die between the date of lodging his application and the date of the meeting of the Licensing Bench at which his application is intended to be made, the Licensing Bench may grant such Certificate to any adult member of his family, or his executor, or administrator, or some person appointed in that behalf by such member of his family, executor, or administrator, as the case may be, notwithstanding that no notice of his intention to apply for a Certificate has been given by such member of his family, executor, administrator, or other person.

Schedule (2.)

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Clerks of the Peace at *Hobart* and *Launceston* to attend Licensing Meeting.

Clerks of Petty Sessions to attend Annual and Quarterly Meetings.

37 The Clerk of the Peace at *Hobart* and the Clerk of the Peace at *Launceston* shall attend all Licensing Meetings at *Hobart* and *Launceston* respectively, unless prevented by sickness, absence, or other unavoidable cause.

38—(1.) The Clerk of Petty Sessions in each District shall—

- (a) Attend all Licensing Meetings, and make Minutes of the result of the proceedings thereat; and
- (b) After the granting of any Certificate for any of the said Licences, or for the transfer of any of the said Licences, forthwith notify the same to the Treasurer, and upon the expiration of Ten days after the granting of such Certificate, deliver the same to, or to the order in writing of, the person in whose favour the same has been granted or his attorney; and
- (c) After the granting of any Certificate of permission to continue to sell liquor under any of the said Licences, forthwith notify the same to the Treasurer.

(2.) If any application to state a Case for the opinion of the Supreme Court with respect to the determination of any Licensing Bench upon the application for any such Certificate shall be lodged with the Clerk of Petty Sessions as herein provided, such Clerk shall retain such Certificate until such Case has been heard and determined, or the application for the same has been withdrawn or otherwise dealt with.

Superintendent of Police may give notice to applicant to appear before Licensing Bench.

39 The Superintendent of Police or other Officer in charge of the District, or any division or part of the District, within which any house in respect of which any application shall be made for a Certificate or Provisional Certificate for an Hotel or Public-house Licence being granted is situate, or proposed to be erected, may at least Seven days before the Licensing Meeting at which such application shall be entertained, give notice in writing to the applicant to attend such Licensing Meeting, and answer such objections as such Superintendent of Police or other Officer may have to make against the granting of the Certificate, or Provisional Certificate, applied for by such applicant and as shall be stated in such notice; and such Superintendent of Police or other Officer shall be entitled to appear before the Licensing Bench and examine or cross-examine witnesses called in support of or in opposition to such application.

Applicant to appear at Licensing Meeting, unless he holds original Licence and is not objected to.

40 Every applicant for a Certificate, or a Provisional Certificate, shall attend personally, or by his attorney, at the Licensing Meeting at which such application is made, unless at the time of his making such application he is the holder of a Licence in respect of the same house, room, or vessel in respect of which he desires to obtain such Certificate, and no notice of any objection to the granting of such Certificate has been given to him in accordance with the provisions of this Act; but in such case the Licensing Bench may, or the Clerk of Petty Sessions at the request of any Member of the Licensing Bench shall, by giving

Licensing.

the applicant not less than Three days' notice, require his personal attendance before any such Certificate applied for by him is granted. A.D. 1902.

In any case in which the applicant is not required to attend personally, or by his attorney, at any Licensing Meeting, the notice of application delivered by him to the Clerk of Petty Sessions shall be deemed and taken to be an application to the Licensing Bench for a Certificate of the description mentioned in such notice.

41 The Treasurer shall—

i. Upon receipt of a Certificate for any of the said Licences, and of the fee payable therefor, forthwith issue a Licence to the person entitled to the same in the form provided for such Licence in the Schedule (4.):

Treasurer to
issue Licence.

ii. On receipt of a Certificate for the Transfer of any of the said Licences, and of the fee payable for such transfer, signify on the back of such Certificate his receipt of such fee; and until such receipt is endorsed by the Treasurer the Certificate for the Transfer shall have no force or effect whatever:

Schedule (4.).
To receive fees.

iii. Cause full particulars of every Licence issued by him under this Act, Transfer of a Licence, and permission to continue to sell liquor under any Licence, to be published in the *Gazette* within One month after the receipt by him of any such Certificate as aforesaid.

To publish
particulars in
Gazette.

42 The Treasurer shall not issue any of the said Licences by virtue of any Certificate after the expiration of Two months from the date of such Certificate, and, in the event of any of the said Licences not being issued within such Two months, the Treasurer shall publish notice thereof in the *Gazette* within Fourteen days after the expiration of such period.

Licences to be
issued within Two
months of date of
Certificate.

43 It shall be lawful for the Licensing Bench to correct and amend any inaccuracy, irregularity, or insufficiency in any application or notice made or delivered by virtue of this Act. But it shall not be competent for any Licensing Bench to receive or entertain any application or notice which has not been made or delivered to the Clerk of Petty Sessions within the time prescribed by this Act, and such application or notice, if received, shall be null and void.

Errors in applica-
tions, &c., may be
amended.

44 If there be Two or more applicants for a Certificate for a Licence in respect of the same house, the Licensing Bench may require the several applicants to establish their respective claims to possession of such house, and may grant a Certificate to such applicant as shall appear to the Bench to have the best claim to possession of such house.

Licensing Bench
to decide when
Two applicants
in respect of same
house.

45—(1.) Any person desiring that a Packet Licence may be issued in respect of any vessel, and who has deposited with the Clerk of Petty Sessions the fee payable for such Packet Licence, may, at any time

Interim Packet
Licence may be
granted.

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previous to the next Licensing Meeting at which the application for such Packet Licence can be entertained, apply to any Two Justices for an interim permission for liquor to be sold on board such vessel.

(2.) Such Justices may, upon payment of the fee herein mentioned, grant such interim permission.

(3.) Upon such permission being granted a Packet Licence shall be deemed to have been issued under this Act in respect of such vessel until such next Licensing Meeting, and for Fourteen days thereafter, but no longer.

Interim per-
mission may be
granted.

46—(1.) Any person desiring to sell liquor in any house or room at or on any Railway Station, and who has obtained the consent and approval in writing of the General Manager or other person for the time being having the control and regulation of such Railway Station, and who has deposited with the Clerk of Petty Sessions the fee payable in respect of a Railway Refreshment-room Licence, may at any time previous to the next meeting of the Licensing Bench for the District in which such house or room is situate at which the application of such person for a Railway Refreshment-room Licence can be entertained, apply to any Two Justices for an interim permission to sell liquor at such Railway Station.

(2.) Such Justices may, upon payment of the fee herein mentioned, grant such interim permission to the person applying for the same.

(3.) The person obtaining such interim permission may sell liquor at such Railway Station until such next Licensing Meeting and for Fourteen days thereafter, but no longer.

Member of family
or trustee, &c.,
may sell under
Licence till next
Quarterly
Meeting.

47—(1.) If the lawful holder of any of the said Licences—

(a) Dies; or

(b) Is adjudicated bankrupt; or

(c) Files a Petition in Bankruptcy for liquidation of his affairs by arrangement or composition with his creditors; or

(d) Becomes of unsound mind; or

(e) Departs from *Tasmania* with the intention of permanently residing out of *Tasmania* :

any Two Justices may, within One month after such event, if they see fit, grant permission, in writing, to some adult member of his family, or his executor or administrator, or the trustee or receiver of his estate for the time being, or some person appointed in that behalf by such member of his family, executor, administrator, trustee, or receiver, as the case may be (in this Section called "the substituted licensee"), to sell liquor under such Licence until the next Licensing Meeting, at which an application for a certificate of permission to continue to sell liquor under such Licence can be entertained.

(2.) The substituted licensee obtaining such permission from Two Justices shall be deemed to be the lawful holder of such Licence until such Licensing Meeting.

(3.) If the substituted licensee shall not obtain permission from Two Justices as aforesaid within One month of the happening of any of the

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events mentioned in Sub-section (1.) of this Section, every sale of liquor made or purporting to be made under such Licence shall, from the time of the happening of such event, be deemed and taken to be a sale of liquor by a person not being the holder of a Licence under this Act. A.D. 1902.

48 If the owner of any vessel in respect of which a Packet Licence is in force, desires such Packet Licence to be transferred to any other vessel, it shall be lawful for any Two Justices, upon production of the consent in writing of the master or owner of such vessel, to grant permission for liquor to be sold upon such other vessel under the provisions of such Packet Licence until the next Licensing Meeting at which the application for a Certificate for the transfer of such Packet Licence to such other vessel can be entertained, and for Fourteen days thereafter; and the Justices to whom application is made may, if they see fit, grant such permission as aforesaid, and such other vessel shall be deemed to be duly licensed until the expiration of such time, but no longer. Permission to sell under Packet Licence.

49 When the holder of any of the said Licences is about to discontinue selling liquor under such Licence, any Two Justices may, if they see fit, grant to the incoming tenant permission to continue to sell liquor under the provisions of the said Licence until the next Licensing Meeting at which application for a Certificate for the transfer of such Licence can be entertained, and for Fourteen days thereafter, and the person obtaining such permission shall be deemed to be the Licensee under such Licence until the expiration of such time, but no longer. Justices may grant permission to incoming tenant to sell liquor until next meeting of Bench.

50—(1.) If any application for a Certificate is refused by any Licensing Bench under this Act, on the ground of the character or conduct of the applicant, such Bench shall then and there publicly declare that the ground of such refusal is the character or conduct of the applicant. If character, ground of refusal of application, same to be stated.

(2.) If any application for a Certificate is refused on the ground aforesaid, it shall be lawful for the Bench, at any subsequent Licensing Meeting, subject to the provisions of this Act, to entertain the application of any *bonâ fide* new and different applicant for a certificate for a Licence in respect of the same house or room.

51—(1.) In case any house or room licensed under this Act or any Act hereby repealed, is destroyed or damaged by fire or any other cause, or is being rebuilt or enlarged, it shall be lawful for any Two Justices, if they see fit, to grant to the holder of the Licence permission in writing under their hands to continue to sell liquor under his said Licence in any portion of such house or room, or in any temporary building or structure erected on or near the site of such house or room, or at any house situate as nearly as may be to the site of the house which is so destroyed or damaged as aforesaid, until the next Licensing Where licensed house is burnt, &c., holder of Licence may, with approval of Justices, continue to sell liquor at another house until next meeting of Bench.

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Licensing Bench may grant permission to sell.

Permission only to continue until house rebuilt.

Public-house destroyed to have, when rebuilt, equal accommodation to destroyed house.

Removal of Licence to another house.

Schedule (5.).

Schedule (5.).

Meeting at which an application for a Certificate of permission to sell liquor under such Licence can be entertained.

(2.) At such Licensing Meeting, the holder of such Licence may make application for permission to continue to sell liquor during the continuance of the said Licence, in such portion of such house or room or in such temporary building or structure, or at such house so situate as aforesaid.

(3.) Any such permission to sell shall only continue till such house is repaired or rebuilt, as the case may be.

(4.) If any Public-house is wholly or partly destroyed by fire or any other cause, a Public-house Licence shall not be granted in respect of such house after it is rebuilt or reinstated unless such house shall contain—

(a) A number of rooms having not less cubic space than all the rooms contained in the Public-house before it was so destroyed :

(b) Such other accommodation as shall be at least equal to that which the Public-house was provided with before it was so destroyed.

52—(1.) If the holder of any of the said Licences desires to sell liquor under such Licence in any other house or room in the same District, he shall deliver to the Clerk of Petty Sessions a written notice in the form in the Schedule (5.) in the same manner in all respects as notice is required to be given of an intention to apply for a Certificate for any of the said Licences, and a copy of such notice shall be personally served upon or sent by registered letter to the owner of the house mentioned in such Licence.

(2.) The Licensing Bench to whom the application is made shall not approve thereof unless such Bench is satisfied that no objection to such application is made by the owner of the house or room mentioned in such Licence.

(3.) As far as applicable, the same objections may be taken, and the same procedure shall be followed, in respect to an application made under this Section as are herein mentioned with regard to the granting of a Certificate for a Licence for a house not previously licensed.

(4.) If the Licensing Bench shall approve of the application, an endorsement shall be made upon the Licence in the form in the Schedule (5.), and thereupon the Licence shall have the same effect as if the house or room in respect of which the application is made had been originally mentioned in such Licence, and the house or room in such Licence mentioned shall cease to be subject to the provisions of this Act. If the Licensing Bench shall not approve of the application, the effect of the Licence shall not be prejudiced.

(5.) A Public-house Licence shall not be transferred to any house unless an Hotel Licence could be issued in respect thereof under this Act.

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53—(1.) If the holder of any of the said Licences, in respect of any house or room—

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Provides for cases in which Licence is forfeited, &c.

- (a) Is convicted of any offence under this Act, in consequence whereof such Licence has become forfeited : or
- (b) Abandons or is no longer in the occupation of the said house as his usual place of residence or of the said room : or
- (c) Shall have omitted or neglected to apply at any Licensing Meeting for a Certificate in respect of the said house or room : or
- (d) Shall have had his application for a Certificate for a Licence or a Transfer of a Licence refused by the Bench at any Licensing Meeting.

it shall be lawful for the owner of the said house or room, or some person appointed by him, to apply to any Two Justices for permission to sell liquor in the said house or room until the next Quarterly Licensing Meeting and for Fourteen days thereafter; provided that if the event upon which such application is made happens within One month of the Quarterly Licensing Meeting, then such application as aforesaid may be made for permission to sell liquor as aforesaid until the next Quarterly Licensing Meeting but one to the happening of the event, and for Fourteen days thereafter.

2.) If the Licensing Bench shall refuse an application for a Certificate to continue to sell liquor under any of the said Licences, it shall be lawful for the owner of the house or room in respect of which such Licence is granted, or some person appointed by him, to apply to any Two Justices for permission to sell liquor in the said house or room until the next Quarterly Licensing Meeting at which an application for a Certificate to continue to sell liquor under the said Licence can be entertained.

(3.) Such permission may be granted accordingly to such owner or person appointed by such owner as aforesaid, and the person obtaining such permission shall, until such Quarterly Licensing Meeting, or Quarterly Licensing Meeting next but one, as the case may be, and for Fourteen days thereafter, be deemed to be the lawful holder of a Licence in respect of such house or room.

(4.) In any of the foregoing cases the owner or other person as aforesaid may, at such next Quarterly meeting of such Licensing Bench, or any subsequent meeting thereof, apply for a licence in respect of such house.

54 If the holder of any of the said Licences in respect of any house or room, is or intends to be temporarily absent from such house or room, for a longer period than One month, it shall be lawful for any Two Justices, in their discretion, to grant permission to any other fit and proper person to sell liquor in the said house or room for such period of time as they shall think fit, or until the return of the licensee to the said house or room, whichever shall first happen, and

Permission to sell during temporary absence of licensee.

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such person shall during the continuance of such permission be deemed and taken to be the holder of the Licence in respect of such house or room.

Provided, that no such permission shall be granted, or if granted, shall be of any effect, for any longer time than until the expiration of such Licence.

Licence may be issued conditionally.

55—(1.) If on an application being made to any Licensing Bench for a certificate for any of the said Licences, the members of such Bench are of opinion that the house or room in respect of which such application is made does not comply with the provisions of this Act, or is not suitable for the purposes in respect of the Licence for which the application is made, but do not consider it advisable that a Licence should be absolutely refused in respect of such house or room, they may grant such certificate upon condition that if, at the next Licensing Meeting such house or room should not comply with the provisions of this Act, or the requirements of the Licensing Bench, the Licence issued in respect of such house or building shall be void.

(2.) At such next Licensing Meeting, if the applicant does not prove to the satisfaction of the Bench that such house or room complies with the provisions of this Act, or the requirements of the Bench, the Bench shall withdraw the Conditional Certificate issued in respect of such house or building and the Clerk of Petty Sessions shall notify the same to the Treasurer, who shall within Fourteen days after receipt of such notice, cause notice thereof to be published in the *Gazette*.

(3.) Upon the publication of such notice the Licence issued in respect of such Conditional Certificate shall become void and of no effect, and the fee paid in respect of such Licence shall become forfeited to the Crown.

Date and duration of Licences.

56 The said Licences shall, without regard to the date of any Certificate of approval thereof, be dated the day on which the fee payable for such Licence is actually paid, and shall, if not previously forfeited as hereinafter provided in the case of an Hotel or Public-house Licence, continue in force until the Thirty-first day of the month of *December* then next following inclusively, and no longer.

Provisional Certificate.

Application for Provisional Certificate.

57—(1.) Every person who desires to obtain an Hotel Licence in respect of any house which has not been licensed within the previous year whether such house shall be erected or completed or not, shall, at a Licensing Meeting prior to the meeting at which application for a Certificate in respect of such house shall be made, make a conditional application to the Licensing Bench for a Provisional Certificate for an Hotel Licence for such house.

(2.) Notice of such application shall be given and published as nearly as may be in the same manner and at the same times as are

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required by this Act in the case of applications for any of the said Licences. A.D. 1902.

(3.) The applicant shall deposit with the notice of such application complete plans of such house, showing exactly the site of the house and the boundaries of the land to be occupied therewith, and the situation of the front door of such house; such plans as aforesaid shall be open to inspection at the office of the Clerk of Petty Sessions at all reasonable times by any person without fee.

(4.) The applicant shall give notice of his intention to apply for such Provisional Certificate by advertisement published once a week for Three consecutive weeks in a newspaper generally circulating in the District in which such house is situate or intended to be erected, and the last of such advertisements shall appear not less than Twenty-one days, nor more than Twenty-eight days before the Licensing Meeting at which he intends to apply for such Provisional Certificate.

(5.) The applicant shall, between the time of lodging his application for such Provisional Certificate and the time of his applying for a Licence in respect of such house, post and keep posted on the front door or in a front window of such house a legibly written notice in the form given in the Schedule (2.), or to the like effect.

Provided, however, that such notice may, in the case of a house not then erected or completed, be affixed to a notice-board placed on a conspicuous part of the land upon which such house is being or intended to be erected.

58—(1.) At the hearing of such application, if the house and premises— Hearing of application.

- (a) Are already erected, evidence must be produced as to the fulfilment of the conditions of this Act as to the number and size of rooms, and condition of premises :
- (b) Require alteration to fit them to fulfil the conditions of this Act, evidence must be produced of the nature and extent of such proposed alterations :
- (c) Are not yet commenced, or are in course of erection and not yet complete, evidence, with plans and specifications, must be produced to show that when finished they will fulfil the conditions of this Act.

(2.) At the hearing of such application, the applicant must also prove to the satisfaction of the Licensing Bench that he is entitled to occupy the land upon which the house in respect of which the application is made is situate or intended to be erected, and the terms upon which he is so entitled.

(3.) The Licensing Bench after hearing any objections that may be made, may grant a Provisional Certificate, and may thereby impose such conditions as to the materials or construction, and, subject to the provisions of this Act. as to the arrangement of such house and premises as they may think fit, or may refuse the application. Conditions may be imposed.

(4.) A Provisional Certificate shall be in the form in the Schedule (6.) hereto, or to the like effect.

(5.) No fee shall be payable in respect of a Provisional Certificate.

Schedule (6.).

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Licensing Bench
may require
applicant to enter
into a Bond.

59 The Licensing Bench may, before granting such Provisional Certificate, require the applicant to enter into a bond, with or without one or more sureties approved by them, in favour of His Majesty, in a sum to be fixed by the Licensing Bench, conditioned to be void in case the premises are duly completed within the time specified by and to the satisfaction of the Bench, otherwise to be of full force and virtue.

On performance
of conditions
Licence may be
granted.

60 On the application of the holder of the Provisional Certificate, or of any other person, at any Licensing Meeting held within the time mentioned in such Certificate, or within such extended time as may from time to time be granted by the Bench, and on proof of the performance of such conditions, if any, as are imposed by the Certificate, and on proof of the fulfilment of the requirements of this Act no objections other than such as are specified in Sub-section (1.) of Section Seventy-three of this Act, shall be entertained by the Bench, and subject to such objections the applicant shall be entitled to a Certificate for a Licence in respect of such house. Subject to the provisions of this Act any such application shall be made in the same manner as applications in respect of new Licences, and the like procedure shall be observed as in that case.

PART IV.**LICENSES ISSUED BY JUSTICES IN PETTY SESSIONS.***Booth Licence.*

Booth Licence.

61 A "Booth Licence" shall authorise the Licensee, being also the holder of an Hotel or Public-house Licence, to sell liquor in an open booth at any race, fair, regatta, or other public amusement, or at any show of live-stock, or at any military or volunteer encampment, or camp of exercise, or rifle match, or at any sale by auction of live-stock.

Granting of
Booth Licence.

62—(1.) It shall be lawful for any two Justices upon payment of the fee herein provided, to grant to a holder of an Hotel or Public-house Licence, a Booth Licence to sell liquor at such place during such time, and subject to such conditions, as they shall deem fit: Provided that no Booth Licence shall be granted to sell liquor—

- (a) At any race, fair, regatta, or other public amusement, or at any show of live-stock, or sale in connection therewith, Management (if any) of such race, fair, regatta, show, without the consent and approval of the Committee of or other amusement, such consent and approval to be signified, in writing, under the hand of the Chairman or Secretary of such Committee:
- (b) In the vicinity of any military or volunteer encampment, or camp of exercise, or rifle match, without the consent and



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approval, in writing, of the Officer or other person in command of, or having control and regulation of, such encampment, camp, or rifle match : A.D. 1902.

(c) At any sale by auction of live-stock, except as provided in Sub-clause (a), without the consent, in writing, of the auctioneer conducting such sale.

(2.) Every Booth Licence shall be in the form in the Schedule (7.) hereto, or to the like effect. Schedule (7.).

Theatre Refreshment-room Licence.

63 A "Theatre Refreshment-room Licence" shall authorise the Licensee, being the holder of an Hotel or Public-house Licence, to sell liquor within a theatre duly licensed under the provisions of "The Police Act, 1865," during the hours of public performance and for the Thirty minutes immediately thereafter : Provided that only one such Licence shall be granted or be in force at any one time in respect of the same theatre. Theatre Refreshment-room Licence. 29 Vict. No. 10.

64—(1.) Any Two Justices, in any District in which any theatre duly licensed as aforesaid is situate, on payment of the fee payable as herein provided, may issue a Theatre Refreshment-room Licence to the holder of an Hotel or Public-house Licence in respect of a house situate within such District. How Theatre Refreshment-room Licence granted.

(2.) Every such Licence shall have effect only so long as the holder thereof continues the holder of such Hotel or Public-house Licence and shall be revocable by any Two Justices at their discretion ; and any Two Justices shall also have power on payment of the proper fee, to renew any such Licence, or to grant a like Licence to some other holder of an Hotel or Public-house Licence in respect of a house situate within such District, as such Justices think proper.

(3.) Every such Licence shall be in the form in the Schedule (8.) hereto or to the like effect. Schedule (8.).

Night Licence.

65 A "Night Licence" shall, notwithstanding anything contained in this Act, authorise the holder of an Hotel or Public-house Licence, to keep such hotel or public-house open, and permit ingress and egress to any person, and sell liquor in such hotel or public-house after such time at night, and before such time next morning on a week day, as shall be specified in such Licence. Night Licence.

66—(1.) Any Two Justices on payment of the fee payable as herein provided, may grant a Night Licence to the holder of the Hotel or Public-house Licence in respect of such house, to be in force during such hours and subject to such conditions as to such Justices shall seem fit, on any occasion of a dinner, ball, or other public entertainment taking place at such house, or in any adjacent place. How Night Licence granted.

(2.) A Night Licence shall be in the form in the Schedule (9.) hereto, or to the like effect. Schedule (9.).

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Temporary
Packet Licence.*Temporary Packet Licence.*

67 Any Two Justices may, on payment of the fee payable as herein provided, issue a temporary Packet Licence to the master or commander of any steamer or other vessel on the occasion of any excursion or trip by such steamer or vessel, to sell liquor on such steamer or vessel for a period not exceeding One day. And the person to whom such Certificate shall be granted may sell liquor on the said steamer or vessel to persons actually being conveyed as passengers on such steamer or vessel during the period therein mentioned

This Section shall not authorise the issue of a Temporary Packet Licence on the occasion of any excursion or trip on *Sunday*.

PART V.**LICENCES ISSUED BY THE TREASURER.**“Wholesale
Licence.”

68—(1.) A “Wholesale Licence” shall mean a Licence to sell liquor in any bonding warehouse, and in any store or on any premises mentioned in such Licence, in any quantity of not less than Two gallons of liquor delivered at any one time.

“Importer’s
Licence.”

(2.) An “Importer’s Licence,” shall mean a Licence to any person to sell any liquor in bond in any quantity of not less than One hundred gallons of any one kind of such liquor at any one time, and to sell in bond bottled wine or spirits in unbroken packages as imported in any quantity not less than Twenty of such packages at any one time.

Treasurer to grant
Wholesale, &c.,
Licences.

69 The Treasurer shall, upon the application in writing of any person, which application shall be accompanied by a Certificate of approval under the hand of any Two Justices, and shall set forth the place of residence of the applicant, and, in the case of a Wholesale Licence, shall also set forth the description of the store or premises in respect of which the applicant is desirous of obtaining such Licence, and upon receipt of the fee payable for the Licence applied for as herein provided, issue to such person a Wholesale or Importer’s Licence, as the case may be, in the form in the Schedule (10.).

Schedule (10.).

Wholesale, &c.,
Licences, the
holders whereof
have died, &c.,
may be continued.

70—(1.) If the lawful holder of a Wholesale or Importer’s Licence—

- I. Dies; or
- II. Is adjudicated bankrupt; or
- III. Becomes of unsound mind; or
- IV. Departs from *Tasmania* with the intention of permanently residing out of *Tasmania*;

the Treasurer may, on application made to him in that behalf by—

- (a) Any adult member of the family; or
- (b) The executor or administrator of such deceased person; or
- (c) By the assignee of the estate of such bankrupt;
- (d) By the manager for the time being of any company;

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grant to any such person or some person appointed in that behalf by such assignee, as the case may be, permission to continue to sell liquor under such Licence until the expiration thereof by effluxion of time; and every such permission shall be granted without payment of any fee, and may be in the form in the Schedule (11.).

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(2.) Until such permission as last aforesaid has been obtained every sale of liquor made, or purporting to be made, under any such Licence shall, as from the time of the happening of any of the events mentioned in Sub-section (1.) of this Section be deemed and taken to be illegal, and to be a sale of liquor by a person not being the holder of a Licence.

Schedule (11.).

(3.) Any person obtaining any such permission as last aforesaid shall be deemed to be the lawful holder of such Licence, and as such shall be liable to the provisions of this Act.

71 It shall be lawful for the holder of a Wholesale Licence, with the permission of the Treasurer, to substitute any other store or premises for the store or premises mentioned in such Licence: Provided that no such substitution shall be valid unless such permission, and a particular description of such new store or premises, is endorsed upon such Licence under the hand of the said Treasurer; and such Licence shall thenceforth be deemed to apply only to the store or premises referred to in such endorsement.

Premises mentioned in Wholesale Licence may be changed.

PART VI.

LOCAL OPTION.

72—(1.) Any person being a resident ratepayer of the District in which the house in respect of which an application for an Hotel or Public-house Certificate is intended to be made is situate, may (in manner hereinafter mentioned) oppose the granting of such Certificate before a Licensing Bench, either in person or by attorney, and may examine and cross-examine witnesses against or for the granting of such Certificate, whether it shall be—

Notice of opposition to be given.

- (a) A Certificate for an Hotel or Public-house Licence; or
- (b) A Certificate for the transfer of an existing Hotel or Public-house Licence; or
- (c) A Certificate of permission to continue to sell liquor under an Hotel or Public-house Licence; or
- (d) A Provisional Certificate for an Hotel Licence.

(2.) Every such person shall, Five clear days before the Licensing Meeting to which application for any such Certificate is intended to be made, give notice in writing to the Clerk of Petty Sessions, and also to the applicant, specifying in such notice the grounds of such opposition.

(3.) Upon the consideration of such application the person giving such notice shall not be allowed to offer any other ground of opposition

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than that specified in such notice ; but nevertheless such Bench in considering any such application shall be guided by the provisions of this Act, whether or not any notice of opposition to the granting of a Certificate has been given as hereinbefore provided.

Objections to Licences, &c.

73—(1.) The objections that may be taken to the granting to any person of a Certificate for an Hotel or Public-house Licence, or the Transfer or continuance of such Licence, may be one or more of the following :—

- (a) That the applicant for such Certificate is of bad fame and character, or of drunken habits :
- (b) That the applicant has within the previous year been convicted of any offence for which an Hotel or Public-house Licence held by him has become forfeited :
- (c) That the applicant has been convicted of selling liquor without a Licence within a period of Three years :
- (d) That the house in respect of which the application is made does not afford the accommodation or comply with the requirements prescribed by this Act.

(2.) The objections that may be taken to the granting of a Provisional Certificate for an Hotel Licence may be one or more of the following :—

- (a) That the house in respect of which the application for the Certificate is intended to be made, does not afford the accommodation or comply with the requirements prescribed by this Act :
- (b) That an Hotel is not required in the neighbourhood, or the quiet of the place in which such house is situate or proposed to be erected will be disturbed if an Hotel is opened there.

Licensing Bench to entertain petitions.

74—(1.) Every Licensing Bench shall, at every meeting of such Bench, entertain any such petition as is hereinafter mentioned from the ratepayers resident in the District, objecting to the granting to any person of a Certificate for an Hotel or Public-house Licence or a Provisional Certificate for an Hotel Licence in respect of any house situate, or proposed to be erected, in the District.

(2.) If such petition shall be directed against the granting of a Provisional Certificate in respect of a house that has not been licensed within the previous year, and shall be signed by a majority of the ratepayers resident in the neighbourhood of such house, such Licensing Bench shall refuse to grant such Certificate.

(3.) When any such petition is directed against the granting of a Certificate in respect of a house which has been licensed within the previous year, or against the granting of a Provisional Certificate, the Licensing Bench may require such proof upon oath as they shall deem requisite of the truth of the allegations contained in such petition, and may grant or refuse the Certificate or Provisional

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Certificate in accordance with their opinion whether such allegations have been sufficiently established or not. A.D. 1902.

(4.) "The neighbourhood" referred to in this Part of this Act shall mean the space within a radius of Two hundred yards from the front door of the house in respect of which application is made for a Certificate, or Provisional Certificate if such house is situate or proposed to be erected within a City, and the space within a radius of Five hundred yards if situate, or proposed to be erected, within a Town, and if such house is not situate, or proposed to be erected, within a City or Town, then the space within a radius of One mile from the front door of such house Definition of "the neighbourhood."

75 Every such petition shall state the grounds upon which the persons signing the same object to the issue of the Certificate or Provisional Certificate therein mentioned, and every signature to any such petition from the ratepayers resident in any District shall be verified by statutory declaration of a person present at the making of such signature, and such declaration shall be in the form or to the effect in the Schedule (12.). Signatures to be verified by declaration.

76 Every such petition, together with a copy thereof, shall be left with the Clerk of Petty Sessions for the District not less than Fourteen days before the date of the Licensing Meeting at which such petition is to be entertained, and such Clerk shall forthwith, after the receipt of such petition, give notice to the applicant for the Certificate, or Provisional Certificate, therein mentioned that such petition has been left with such Clerk; and such applicant shall be entitled to inspect such petition at the office of such Clerk at any time between the hours of Ten o'clock in the forenoon and Four o'clock in the afternoon previous to the Licensing Meeting at which such petition is to be entertained, and to receive such copy thereof as aforesaid. Petition to be left with Clerk of Petty Sessions.

77 The ratepayers signing any such petition may, either by any one of them in person or by an Attorney, appear in support of such petition and examine or cross-examine witnesses called in support thereof or in support of the Certificate, or Provisional Certificate, therein mentioned. Ratepayers may appear in support of Petition.

78 Every applicant for a Certificate or Provisional Certificate of approval to be granted by any Licensing Bench shall be entitled to appear at the hearing thereof, either in person or by Attorney, and examine or cross-examine witnesses called in support of or in opposition to his application. Applicant may appear before Licensing Bench.

79—(1.) Any person applying for or notifying his intention to oppose the granting of a Certificate or Provisional Certificate shall, on application to the Superintendent of Police of the District wherein the house in respect of which he intends to apply for, or oppose the granting of a Certificate or Provisional Certificate, is situate, or proposed Certified lists of Ratepayers to be evidence.

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to be erected, be furnished by such Superintendent of Police with a list of the ratepayers residing in the neighbourhood of such house, certified under the hand of such Superintendent of Police to be a true list of such ratepayers; and such certified list or lists (if more than one) shall be *prima facie* evidence of the number and names of the ratepayers residing within the radius and qualified to sign such petition as aforesaid.

(2.) There shall be paid to such Superintendent of Police by the person applying for such list of ratepayers a fee of One Pound, if such list of ratepayers shall contain not more than Two hundred names, and an additional fee of Five Shillings for every additional Fifty names, or portion of Fifty, above Two hundred; and it shall not be necessary for such Superintendent of Police to furnish such list of ratepayers unless and until such fees are paid.

Seven ratepayers
may call for a
poll.

80—(1.) Any number of ratepayers, not being less than Seven, and resident in the neighbourhood of the house in respect of which a Provisional Certificate for an Hotel Licence has been applied for, may require, by petition, that a poll of the ratepayers resident in such neighbourhood be taken upon the question whether such Provisional Certificate shall be granted or not, and such poll shall be taken accordingly.

(2.) If a majority of the votes taken at such poll shall be against the granting of such Provisional Certificate, the Licensing Bench shall refuse to grant such Certificate.

(3.) A petition for a poll to be taken, together with a copy thereof shall be lodged with the Clerk of Petty Sessions not less than Fourteen days before the date of the Licensing Meeting at which the application for a Provisional Certificate is to be entertained; and such Clerk shall give notice of such petition to the applicant, and permit him to inspect the same and receive such copy thereof in the same way as is prescribed by Section Seventy-six of this Act for a petition against the granting of a Certificate.

Manner of taking
poll.

81 Such poll of ratepayers shall be taken not less than Three days before the Licensing Meeting at which the application for a Provisional Certificate is intended to be made, and shall be held before the Chairman of the Licensing Bench, or such other person as the Governor may appoint. Voting at such poll shall be by ballot, and each ratepayer voting at such poll shall have one vote only.

Regulations may
be made for
taking poll.

82—(1.) The Governor may make Regulations for regulating generally the mode and time of taking any such poll, and generally for the management and conduct of such poll, and to provide for the payment of the expenses of and attending upon any such poll.

(2.) All such Regulations shall be published in the *Gazette*, and shall, while in force, be valid in law as if the same were expressly enacted by this Act.

(3.) All such Regulations shall be laid before Parliament within One month after the making thereof, if Parliament be then in Session,

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or if not, then within Fourteen days after the commencement of the next Session of Parliament. A.D. 1902.

83 In every case in which a Certificate or Provisional Certificate for an Hotel or Public-house Licence has been refused by any Licensing Bench in response to any petition or poll of ratepayers, as hereinbefore provided, no subsequent application for a Certificate or Provisional Certificate of approval of a Licence being granted to any person in respect of the same house or of any other house situate or proposed to be erected within the same neighbourhood, and which has not been licensed within the immediately preceding year, shall be entertained by such Licensing Bench until the expiration of a period of Three years after the date of such refusal, unless such application shall be accompanied by a petition signed by a majority of the ratepayers of the neighbourhood in favour of such a Certificate or Provisional Certificate of approval being granted, and the signatures thereto are verified in the same manner as the signatures to any petition of ratepayers objecting to the granting of any such Certificate or Provisional Certificate of approval is hereinbefore required to be verified.

When application refused on petition, no new application to be received for Three years,

84 If the Licensing Bench shall refuse to grant any Certificate or Provisional Certificate they may order payment of a sum to meet the reasonable costs and expenses of the person who shall have objected successfully to the granting of such Certificate or Provisional Certificate to be paid to such person by the unsuccessful applicant. And if the opposition to any application for a Certificate or Provisional Certificate shall appear vexatious or malicious, the Licensing Bench may order payment of a sum to meet the reasonable costs and expenses of the successful applicant, to be paid to him by the person unsuccessfully opposing the granting of such Certificate or Provisional Certificate, and such costs may be recovered in the same manner as costs are recoverable under *The Magistrates Summary Procedure Act*.

Costs of application.

19 Vict. No. 8.

PART VII.

APPEAL FROM DECISION OF LICENSING BENCH.

85 After the hearing and determination by any Licensing Bench of any cause or matter which such Bench has power under the provisions of this Act to hear and determine, any person who is dissatisfied with the said determination as being contrary to the provisions of this Act or otherwise erroneous in point of Law may, within Ten days after the said determination, lodge with the Clerk of Petty Sessions an application in writing to the said Bench to state and sign a Case setting forth the facts and the grounds of such determination for the opinion thereon of the Supreme Court; and such person, hereinafter called "the Appellant," shall, within Ten days after receiving such Case, transmit the same to the Clerk of the said Court, first giving

Bench on application of a party aggrieved to state a Case for the opinion of the Supreme Court.

39 C.L.R. 595

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notice in writing of such Appeal, with a copy of the Case so stated and signed, to the other party to the proceeding in which the determination was given, hereinafter called "the Respondent."

Security and notice to be given by the Appellant.

86—(1.) The Appellant, before a Case is stated and delivered to him by the Licensing Bench shall—

(a) Enter into a Recognizance before such Bench or any One or more Members of such Bench, or any other Justice, with or without sureties, and in the sum of Twenty Pounds, with a condition to prosecute without delay such Appeal, and to submit to the Judgment of the Supreme Court, and pay such costs as may be awarded by the same; or

(b) In lieu of such Recognizance deposit in the hands of the Clerk of Petty Sessions the said sum on the like condition.

(2.) The Appellant shall at the same time, and before he is entitled to have the case delivered to him, pay to the Clerk of Petty Sessions the fees following :—

	s.	d.
For drawing Case and Copy, where the case does not exceed Five folios of Ninety words each	10	0
Where the Case exceeds Five folios, then, for every additional folio	1	0
For the Recognizance	5	0
For every enlargement or renewal thereof.....	2	6
For Certificate of Refusal of Case	2	0

(3.) All such fees shall be appropriated in the same way as fees payable to Justices in Petty Sessions assembled under the provisions of this Act.

Bench may refuse a Case where they think the application frivolous.

87 If the Licensing Bench be of opinion that the application is merely frivolous, but not otherwise, such Bench may refuse to state a Case, and shall, on the request of the Appellant, sign and deliver to him a certificate of such refusal: Provided that the Licensing Bench shall not refuse to state a Case where application for that purpose is made to them by or under the direction of His Majesty's Attorney-General for *Tasmania*.

Where the Bench refuse, the Court may by Rule order a Case to be stated.

88 Where the Licensing Bench refuses to state a Case as aforesaid, it shall be lawful for the Appellant to apply to the Supreme Court upon an affidavit of the facts for a Rule calling upon such Licensing Bench and also upon the Respondent to show cause why such Case should not be stated; and the Court may make the same absolute or discharge it, with or without payment of costs, as to the Court may seem meet, and the Licensing Bench, upon being served with such Rule Absolute, shall state a Case accordingly, upon the Appellant entering into such Recognizance as is hereinbefore provided.

Supreme Court to determine on the Case.

89 The Supreme Court shall hear and determine the question or questions arising on the case so transmitted, and shall thereupon

Licensing.

reverse, affirm, or amend the determination in respect of which the Case has been stated, or remit the matter to the Licensing Bench with the opinion of the Court thereon, or may make such other Order in relation to the matter, and as to costs, as to the Court may seem fit; and all such Orders shall be final and conclusive on all parties.

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Its decision to be final.

39 Clk. 595.

90 The Supreme Court shall have power, if it thinks fit, to cause the Case to be sent back for amendment, and thereupon the same shall be amended accordingly, and Judgment shall be delivered after it has been amended.

Case may be sent back for amendment.

91 The authority and jurisdiction vested in the Supreme Court under this Act may, subject to any Rules and Orders of such Court in relation thereto, be exercised in Vacation by a Judge of such Court sitting in Chambers.

Powers of Court may be exercised by a Judge in Chambers.

H-

92 After the decision of the Supreme Court in relation to any Case stated for its opinion under this Act, the Licensing Bench in relation to whose determination the Case has been stated, or any other Justice or Justices, shall have the same authority to enforce any Order which may have been affirmed, amended, or made by the Supreme Court, as the Licensing Bench who originally decided the case would have had to enforce their determination if the same had not been appealed against; and no action or proceeding whatsoever shall be commenced or had against the Justice or Justices for enforcing such Order by reason of any defect in the same respectively.

After the decision of Court, Justices may enforce orders.

93 No Writ of *Certiorari* or other Writ shall be required for the removal of any Order or other determination in relation to which a Case is stated under this Act, or otherwise, for obtaining the Judgment or determination of the Supreme Court on such Case under this Act.

Certiorari not to be required for proceedings under this Act.

94 The Judges of the Supreme Court may, from time to time, and as often as they see occasion, make and alter Rules and Orders to regulate the practice and proceedings in reference to the cases hereinbefore mentioned; and until any such Rules and Orders are made as aforesaid the Rules and Orders of the Supreme Court now in force under *The Magistrates Stated Cases Act, 1860*, shall be the Rules and Orders under this Act.

Court may make Rules for proceedings.

24 Vict. No. 5.

PART VIII.

FEES FOR LICENCES.

95 The sums in this Section mentioned shall respectively be payable and paid to the persons therein mentioned as the fees prescribed by this Act in respect of the Licences in that behalf mentioned,

Fees for Licences, &c.

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Fees payable to the Treasurer.

For every—

- Hotel Licence, the sum of Twenty-five Pounds:
- Public-house Licence, the sum of Twenty-five Pounds.
- Packet Licence, the sum of Ten Pounds.
- Railway Refreshment-room Licence, the sum of Five Pounds.
- Wholesale Licence in respect of any One Store or Premises, the sum of Twenty-five Pounds.
- Wholesale Licence in respect of more than One Store or Premises, the sum of Twenty-five Pounds in addition for each Store or Premises after the First.
- Importer's Licence, the sum of Ten Pounds.
- Transfer of a Public-house Licence, the sum of Five Pounds.
- Transfer of an Hotel Licence, the sum of Five Pounds.
- Transfer of a Packet Licence, the sum of Two Pounds.
- Transfer of a Railway Refreshment-room Licence, the sum of Ten Shillings.
- Certificate of Registration of Club, the sum of Five Pounds.

Fees payable to Clerk of Petty Sessions.

For every :—

- Theatre Refreshment-room Licence, or any renewal thereof, the sum of Five Pounds.
- Night Licence, the sum of Five Shillings.
- Booth Licence, the sum of Five Shillings.
- Interim Permission to sell liquor at a Railway Refreshment-room, the sum of Ten Shillings.
- Interim Permission to sell liquor on board any vessel, the sum of Ten Shillings.
- Temporary Packet Licence, the sum of One Pound.

Fees for Hotel and Public-house Licence may be reduced in certain cases.

96—(1.) If it appears to any Licensing Bench that the house in respect of which an Hotel or Public-house Licence is applied for is actually required for the accommodation of travellers, but that the custom to be expected at such Hotel or Public-house will be very inconsiderable as compared with the average custom of other Hotels or Public-houses in the same District, which are not situate in any Town in such District, and will be comparatively of small profit and advantage to the holder of the Licence, it shall be lawful for such Bench, if they think fit, to reduce the Fee payable for such Licence to such sum not less than Fifteen Pounds as such Justices think reasonable.

(2.) The provisions of this Section shall not apply to any house which is accessible by any roadway to any Hotel or Public-house situate within Three Miles of such house.

(3.) No such reduction shall be allowed in any case unless the approval thereof by such Bench, stating fully the aforesaid particulars, is specially endorsed under the hands of any Two of the Members thereof on the Certificate for the Licence.

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97 The Fee payable to the Treasurer in respect of any Licence issued by the authority of any Licensing Bench held on the first *Monday* in the month of *May* in any year shall be Two-thirds of the Fee payable in respect of such Licence; and the Fee payable to the said Treasurer in respect of any Licence granted upon Certificate given by any Licensing Bench held on the first *Monday* in the months of *August* or *November* in any year shall be One-half of the Fee payable in respect of such Licence.

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Fees payable in respect of Licences granted at Meetings.

98 In case any Wholesale or Importer's Licence is issued after the Thirtieth day of *June* in any year, there shall be paid in respect of every such Licence One-half only of the Licence Fee now payable in respect thereof.

Half Fee in respect of certain Licence issued after 30th *June*.

99 The fee payable to the Treasurer for any Licence to be issued upon Certificate, obtained at the Annual Licensing Meeting in any year, shall be paid to the Treasurer on or before the Thirty-first day of *December* in such year: Provided that it shall be lawful for the Treasurer to grant a Licence on any such Certificate after the Thirty-first day of *December* in any year, and not later than the Thirty-first day of *January* in any succeeding year, upon payment of Two Pounds Ten Shillings, if paid within the first seven days of *January* and thereafter, upon payment of Five Pounds, over and above the amount of the Licence fee, by the person applying for such Licence, and not otherwise.

Licence Fee to be paid before end of *December* in each year.

100 All fees and other moneys received by virtue of this Act shall be paid into the Treasury, and form part of the Consolidated Revenue Fund.

Appropriation of Fees.

PART IX.

REGISTRATION OF CLUBS.

101 In this Part of this Act, unless the context otherwise requires— Definitions.

“Club” means a number of persons associated together for social, literary, political, sporting, or other lawful purposes, and the lands, houses, and buildings occupied by them for the purposes of the club.

“Certificated Club” means a club which has obtained a Certificate according to the Form in the Schedule (14.) to this Act, which certificate is in force and not cancelled. Schedule (14.).

“Member” means and includes an ordinary and honorary member of a club.

102 Nothing in this Act contained shall apply to any person who sells or supplies liquor in a certificated club to a member of the club, for the use or consumption of such member or other members of the club, or his or their guests. Act not to apply to Clubs.

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Application for
Certificate.
Schedule (13.)
Schedule (14.).

103—(1.) Any club may, by its secretary, apply in writing to the Treasurer in the form in the Schedule (13.) hereto, for a Certificate according to the form in the Schedule (14.) hereto.

(2.) Such application shall be accompanied by a copy of the rules of the Club and a list of the members.

(3.) The Treasurer may, before the issue of any such Certificate, in the case of any Club in existence at the time of the passing of this Act, and from time to time after the issue of any such Certificate, call upon the Secretary of any Club to produce for his inspection the balance-sheet and accounts of the Club for the previous financial year of the Club.

Conditions of
grant of Certif-
cate.

104 Upon such application, the Treasurer shall require proof to his satisfaction—

- I. That the club consists of not fewer than Twenty ordinary members :
- II. That the club is established for the purpose of providing accommodation for and conferring privileges and advantages upon the members thereof, upon premises of which such club is the *bonâ fide* occupier :
- III. That the accommodation is provided and maintained from the joint funds of the club, and no member is entitled under its rules or otherwise to derive any profit, benefit, or advantage from the club which is not shared equally by every ordinary member thereof :
- IV. That the premises of the club are suitable for the purpose :
- V. That a subscription fee of not less than Ten Shillings and Sixpence for each member has been paid by not less than Twenty ordinary members :
- VI. That the rules of the club—
 - (a) Provide for the management of the club by a committee of its members, and for the appointment of a secretary, and set forth how such committee and secretary are respectively to be appointed, and the powers and duties of the committee :
 - (b) Provide for the payment of an entrance fee of not less than One Guinea, and a subscription fee of not less than One Guinea per annum, payable half-yearly in advance, by every ordinary member :
 - (c) Provide that notice of every candidate for election as an ordinary member shall be posted in the club premises at least Seven days before the day of election :
 - (d) Provide for the mode and conduct of elections of ordinary and honorary members, and state the privileges to be accorded to the latter, and the period for which the same are to be enjoyed.

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105—(1.) Upon such proof as aforesaid being made to his satisfaction, the Treasurer shall deliver to the secretary of the club a Certificate in the form in the Schedule (15.) to this Act. A.D. 1902.

(2.) If the Treasurer shall refuse such application, the fee shall be returned to the secretary of the club, otherwise it shall be paid into the Treasury, and form part of the Consolidated Revenue Fund. Certificate for club.

106 Upon the complaint of any member of the Police Force the secretary, manager, or the chairman, or any member of the Committee of management of any certificated club may be summoned before the Treasurer, to show cause why the certificate granted in respect of such club should not be cancelled; and, upon the hearing of the complaint unless it be proved to the Treasurer that the conditions mentioned in Section One hundred and four of this Act continue to be fulfilled with respect to the club, and that the rules of the club have been duly observed in the particulars in such Section mentioned, the certificate shall be cancelled, and the exemption aforesaid shall no longer extend or apply to persons selling or supplying liquor in such club, and the fee paid on the registration of the club shall be forfeited to the Crown. Certificate to be cancelled.

PART X.

PROHIBITION OF SALE OF LIQUOR.

107—(1.) When it shall be made to appear to any Two Justices by evidence on oath of any two persons, that any person is, by excessive drinking of liquor, mis-spending, wasting, or lessening his estate, or greatly injuring his health, or endangering or interrupting the peace and happiness of his family, such Justices may, by notice under their hands in the form in the Schedule (15.), prohibit any person holding a Licence under this Act who has been served with a copy of such prohibition, or who has acquired a knowledge thereof in any other manner, from selling or supplying to such first-mentioned person any liquor for the space of One year from the date of such notice, and any Two Justices may, in like manner renew from time to time, for any period not exceeding One year, any such prohibition as aforesaid as to all such persons as have not in their opinion reformed within the year. Supply of liquor to drunkards prohibited. Schedule (15.) Prohibition renewable.

(2) If any person holding a Licence under this Act shall, during any such prohibition, after service of a copy thereof upon him, or with a knowledge thereof in any other manner acquired:—

- (a) Sell or supply to any such prohibited person any liquor; or
- (b) Allow in his licensed house or premises any such person to be supplied with liquor by purchase or otherwise by any person whatsoever; or

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(c) Allow any such prohibited person to loiter about or enter his licensed house or premises ;
he, as well as the person who actually gives or supplies the liquor, shall forfeit upon conviction for every such offence a penalty not exceeding Fifty Pounds.

(3.) Provided that in any prosecution under this Section, if the licensee shall prove to the satisfaction of the Bench that he did not know the person who is the subject of the prohibition order, and had no reasonable means of knowing him, the Bench may, at their discretion, dismiss the case against the licensee.

Holder of Licence
liable to penalty
for supplying
liquor after
notice.

108—(1.) The husband, wife, parent, child, or other relative or guardian of any person who has, or may hereafter have, the habit of drinking liquor to excess, may apply in writing to the Commissioner of Police, or to the Superintendent of Police for the District in which such person resides, to give notice in writing signed by him to any person who is the holder of any Licence under this Act, requesting such person as last aforesaid not to sell or deliver any liquor to the person having such habit.

(2.) The Commissioner of Police or Superintendent of Police as aforesaid, upon being satisfied of the propriety of so doing, may give such notice as aforesaid to any person who is the holder of any Licence under this Act.

(3.) If any holder of any Licence under this Act, shall, within Twelve months after receiving such notice, sell or deliver any liquor to the person mentioned in such notice, or permit such person to loiter in the licensed house or other building in which such holder of any Licence under this Act sells or keeps any liquor, the holder of such Licence shall in every such case be liable, upon conviction, to forfeit and pay a penalty not exceeding Ten Pounds.

(4.) The word "child" used in this Section shall mean and include any person of the age of Twenty-one years who is a son or daughter, or a grandson or granddaughter, of any person in respect of whom any such notice as aforesaid shall be given.

Procuring liquor
for prohibited
persons.

109 Whenever Justices or the Commissioner of Police, or any Superintendent of Police, shall, in execution of the foregoing provisions, have prohibited the sale of liquor to any such person, if any other person shall, with a knowledge of such prohibition, give, sell, purchase, or procure for or on behalf of such first-mentioned person or for his use, any such liquor, he shall forfeit, upon conviction, for every such offence, a sum not exceeding Five Pounds.

If drunkard
obtain liquor,
liable to penalty.

110 Whenever Justices or the Commissioner of Police, or any Superintendent of Police, shall, in execution of the foregoing provisions, have prohibited the sale of liquor to any such person, a copy of such notice of prohibition shall be served on such person ; and if such person, after service of such notice as aforesaid, shall during such prohibition purchase or procure, or attempt to purchase or procure, any

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such liquor for his own use, or shall loiter about or enter any licensed house or premises for the purpose of obtaining liquor, he shall be liable to a penalty not exceeding Five Pounds for the first offence, and for every subsequent offence shall be liable to a penalty not exceeding Ten Pounds, or to be detained in such place as the Governor may from time to time appoint for a period not exceeding Three months.

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PART XI.

OFFENCES AND PENALTIES.

111 If any person, not being the holder or the agent or representative of the holder of any licence to sell liquor under this Act, shall sell or offer for sale, or having sold, shall deliver any Liquor to any person, or shall solicit or receive from any person any order for the supply or delivery of any liquor, the person so selling or offering for sale or delivering or so soliciting or receiving any order for the supply or delivery of any liquor shall, upon conviction, forfeit and pay for every such offence a penalty of not less than Twenty Pounds nor more than Fifty Pounds; and upon a second or any subsequent conviction, shall forfeit and pay a penalty of not less than Fifty Pounds nor more than One hundred Pounds.

Penalty for selling liquor by unlicensed persons.

112 If any person, being the lawful holder of a Licence under this Act sells, or having sold delivers, liquor in any less quantity or in any other place or manner than is authorised by the terms of his Licence, he shall for every such offence forfeit a penalty of not less than Five Pounds nor more than Fifty Pounds.

Penalty for holder of a Licence selling liquor contrary to the terms thereof.

113 Any person not being the holder of any of the Licences mentioned in Part III. of this Act, and being a dealer in other things by retail, who gives away or delivers liquor or medicinal liquor to any person coming or sending to his house for any other thing, under the pretence of such person being a customer, or under any other pretence whatever, and any person being the holder of a Wholesale Licence who sells liquor in a quantity equal to or more than Two gallons with an understanding that part thereof shall be returned, and the quantity so sold or delivered after deducting the part returned or to be returned is under Two gallons, shall be liable as for selling liquor not being the holder of a Licence under this Act.

What shall be deemed selling.

114 If any person shall at any time after the First day of *March*, One thousand nine hundred and three, sell or offer for sale, or having sold, shall deliver any liquor to any person in or on behalf of any club in respect of which a Certificate has not been issued under this Act, he shall be liable as for selling, offering for sale, or delivering liquor not being the holder of a Licence under this Act.

Person selling in unregistered club deemed to be illegally selling.

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Provisions as to
selling liquor to
apply to bartering,
&c.

Justices may
determine fact of
selling.

115 The provisions of this Act relating to selling or the sale of liquor shall extend to and include directly or indirectly selling, bartering, exchanging, or otherwise disposing of, or permitting the selling, bartering, exchanging, or otherwise disposing of liquor; and it shall be lawful for the Justices sitting at or on the hearing of any information or complaint under this Act for selling liquor without a Licence, or contrary to any provision of this Act, to determine the fact of selling according to the circumstances of or attending each particular case, without direct evidence of money or value having been given for the liquor alleged to have been sold, or of any particular person having sold such liquor.

Unlicensed stores,
&c., wherein
liquor is suspected
to be sold may be
searched.

116—(1.) Upon information in writing and on oath made before a Justice by any creditable person that he suspects and believes that liquor is or has been illegally sold in or on any unlicensed store, house, premises, or place, and is kept in or on such store, house, premises, or place for the purpose of being illegally sold, which information shall set forth and show reasonable grounds for such suspicion and belief, it shall be lawful for such Justice, in his discretion, to grant his warrant to a constable to enter and search such store, house, premises, or place by day or by night; and such constable may break open any door of such store, house, premises, or place if not opened within a reasonable time after demand, and may seize all liquor which he finds in or on such store, house, premises, or place, and all vessels containing the same, and shall convey any such liquor and vessels so seized, or cause the same to be conveyed to some Police Office or usual place of holding Petty Sessions, there to be detained in safe custody.

Liquor and vessels
seized may be
forfeited and
sold.

(2.) If it is shown to the satisfaction of any Two Justices—

- (a) That no owner of such liquor can be found; or
- (b) That the owner or reputed or supposed owner of such liquor cannot be found; or
- (c) That the owner or reputed or supposed owner of such liquor after having been summoned to appear before such Justices and claim such liquor does not attend in pursuance of such summons; or
- (d) That the owner or reputed or supposed owner attending before such Justices, whether on summons or otherwise, does not claim such liquor, or claims such liquor but does not satisfy such Justices how and for what purpose he became possessed of such liquor, and that the same was not in or on the said store, house, premises, or place for the purpose of being illegally sold;

then such Justices shall order the liquor and vessels so seized to be forfeited, and the same shall be sold within One month after forfeiture by public auction by any constable or other person directed so to do by such Justices, and one half of the net proceeds thereof shall be paid to the use of His Majesty, and the other half to the party informing; but if in any such case, before forfeiture of such liquor and vessels, it is shown to the satisfaction of such Justices that such liquor was not in

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or on the said store, house, premises, or place for the purpose of being illegally sold, then such liquor and the vessels so seized shall be restored to the owner thereof on his making application for the same. A.D. 1902.

117 Every person to whom liquor is sold contrary to the provisions of this Act shall forfeit a penalty not exceeding Twenty-five Pounds, unless he informs against the seller of such liquor, or becomes a witness against him in respect of such act of selling. Penalty for purchasing liquor from unlicensed persons.

118 Every person holding an Hotel or Public-house Licence under this Act shall have— Penalty for not having name and licence on front of house.

i. His name at length, or his initials and surname ; and

ii. The words “Licensed as an Hotel,” or “Licensed as a Public-house,” as the case may be ;

legibly painted on some conspicuous part of the front of the Hotel or Public-house. In default of his so doing he shall be liable to a penalty not exceeding Two Pounds.

119 Any person holding an Hotel or Public-house Licence who is guilty of any of the following offences shall, on conviction, forfeit a penalty not exceeding Ten Pounds :— Penalty of £10 for certain offences committed by Licensee.

- (a) Selling or supplying, or allowing to be sold or supplied, any liquor to any person under the age of Sixteen years :
- (b) Having or keeping, directly or indirectly, any retail store or shop in any manner internally communicating or admitting of a communication with the licensed house—the penalty in this case is to be incurred for every day during which the store or shop is so had or kept :
- (c) Not measuring and delivering Liquor of the quantity of half a pint and upwards in a lawful measure, or refusing to re-measure any such quantity of Liquor in the same measure, or in any other lawful measure which may be procured by the person purchasing such Liquor if requested so to do by such person :
- (d) Supplying any intoxicated person with Liquor, or failing to prevent any such person, not being a traveller, lodger, or inmate of the house, entering or remaining in the licensed house or on the premises except for safe custody :
- (e) Not managing or conducting the licensed house and premises, or the business, peaceably and quietly, and maintaining and preserving good order and rule :
- (f) Failing to prevent cock-fighting, dog-fighting, boxing, or wrestling in the licensed house or on any part of the premises :
- (g) Not affording aid and assistance in the licensed house or on the premises to any member of the Police Force if required so to do :
- (h) Being drunk or permitting his servants to be drunk in the licensed house or on the premises :

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- (i) Supplying Liquor, or permitting Liquor to be supplied, to any member of the Police Force whilst on duty and in uniform :
- (j) Employing any person to sell Liquor excepting as a servant under his immediate superintendence or control :
- (k) Failing to prevent prostitutes or persons of known bad character remaining in the licensed house or on the premises, or to prevent any immoral, disorderly, indecent, or improper conduct whatever in the licensed house or on the premises.

Exception.

Provided that it shall not be necessary to remeasure Liquor which has been removed to any other room or place, or which has been partly consumed before a remeasurement is demanded.

Penalty of £10 for certain offences committed by holders of Hotel or Public-house Licences.

120 (1.) Any person holding an Hotel or Public-house Licence who is guilty of any of the following offences shall, on conviction, forfeit a penalty not exceeding Ten Pounds :—

- (a) Taking or receiving in payment, or as a pledge, or in barter or exchange, for any Liquor or entertainment supplied to any person, any cheque or money order on himself, or anything except coin commonly current, or a bank note, or cheque, or money order payable on others than himself :
- (b) Failing to prevent any riot, fighting, affray, tumult, nuisance, annoyance, disorder, or disturbance taking place or continuing in the licensed house or on the premises :
- (c) Not keeping the licensed house closed, except for the purpose of permitting ingress or egress to travellers, lodgers, or inmates of the licensed-house, or suffering any person not being a traveller, lodger, or inmate of the House, to enter therein on a *Sunday, Good Friday, or Christmas Day* :
- (d) Not clearing the licensed house of all persons other than travellers, lodgers, or inmates of the licensed house, and closing every outer door thereof, at half-past Eleven of the clock at night of every week day :
- (e) Failing to prevent any outer door of the licensed house being opened after such time at night and before Six of the clock next morning on a week day, except for the purpose of permitting ingress or egress to travellers, lodgers, or inmates of the licensed house :
- (f) Failing to prevent any music or dancing or gambling or the exercise of any game of chance in any bar-room, or in any room opening out of any bar-room in a house licensed as an Hotel :
- (g) Failing to prevent any music or dancing or gambling or the exercise of any game of chance in any Public-house, except in some portion of the house or premises used exclusively by his family :
- (h) Selling or supplying Liquor, on any week-day, between the hours of half-past Eleven of the clock at night and Six

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of the clock next morning, or at any time on *Sunday*, A.D. 1902.
Good Friday, or *Christmas Day* :

- (i) Employing any female, or permitting any female, to assist in or about any bar, or in or about the sale of liquor in the house or premises—

i. For a longer period than Fifty-four hours in any one week, exclusive of such time as may be allowed for meals ; or

ii. After the hour for closing the house on any night.

- (2.) Provided nevertheless that the holder of any such Licence may— Exceptions.

(a) Sell and supply Liquor to persons being travellers, lodgers, or inmates of the licensed house, at any hour on a *Sunday*, *Good Friday*, or *Christmas Day* ; and

(b) Keep the licensed house open and permit ingress and egress to any person, and sell and supply Liquor at any time after Half-past Twelve of the clock in the afternoon on *Good Friday* and *Christmas Day* as on any other week-day ; and

(c) Sell and supply Liquor after such time at night and before any such hour next morning as aforesaid on a week-day to persons being travellers, lodgers, or inmates of the licensed house ; and

(d) Being the holder of a Night Licence keep the Licensed house in respect of which such Night Licence is granted open and sell and supply Liquor to any persons during the hours in which such Night Licence is in force.

121 Nothing in this Act contained shall make it compulsory on the holder of a Public-house or Hotel Licence to keep open his Licensed House after Ten of the clock at night, except for the admission of *bonâ fide* travellers. Licensed House may be closed at Ten o'clock.

122—(1.) Every Hotel and every Public-house situate outside a City shall be considered as a common inn. Penalty for holder of Hotel Licence refusing to receive and provide for a traveller, &c.

(2.) Any person holding an Hotel Licence, or a Licence for any such Public-house, who shall refuse, without sufficient cause, to receive and provide for—

(a.) A traveller ; or

(b.) A traveller and his horse ; or

(c.) The horse of a traveller not becoming a guest at the Hotel ; shall, on conviction, forfeit a penalty not exceeding Five Pounds.

(3.) Provided, that such person shall not be bound to receive and provide for any horse if the Hotel or Public-house does not require to be furnished with stabling accommodation.

123 If any person is convicted of any offence against Section One hundred and twenty of this Act, and shall within a period of Two years from such conviction be afterwards twice convicted of a like offence, the Licence held by such person shall thereupon become abso- Persons incapable of holding Licences.

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lutely void, and he shall for a period of Two years be incapable of holding a Licence under this Act.

Penalty of £50 and temporary or absolute forfeiture of Licence for certain offences committed by holders of Public house Licences.

124 If any person holding an Hotel or Public-house Licence is guilty of any of the following offences he shall, on conviction, forfeit a penalty not exceeding Fifty Pounds; and it shall also be lawful for the convicting Justices in any such case either to suspend such person's Licence for a certain time, to be specified, or to declare such Licence to be absolutely forfeited, in which event the operation of such Licence shall be temporarily suspended, or such Licence shall become and be absolutely void, as the case may be:—

- i. Committing or being guilty of any of the offences specified in Sections One hundred and nineteen and One hundred and twenty of this Act, having been twice previously convicted of any of such offences within a period of Five years:
- ii. Refusing or wilfully delaying admittance to any Justice, or to the Commissioner of Police, or to any Superintendent or Sub-Inspector or Sergeant of Police, or to any Constable authorised, either generally or specially, by a Justice, or the Commissioner or a Superintendent of Police, when demanded at any time of the day or night:
- iii. Selling, or having in the Hotel or Public-house or on the premises other than good and wholesome liquor, or selling, or having in the Hotel or Public-house or on the premises, liquor adulterated or mixed with any deleterious ingredient, or having any such ingredient in the Hotel or Public house or on the premises for the purpose of adulterating liquor:
- iv. Abandoning the occupation of the Hotel or Public-house as his usual place of residence, or allowing any person to manage, superintend, or conduct the business of the Hotel or Public-house, or to appear to the public as the holder of the Licence, or to become virtually or in effect the keeper of the Hotel or Public-house.

Penalty for selling unwholesome liquor.

125 Any person holding a Licence under this Act, other than an Hotel or Public-house Licence, who —

- i. Sells or has in his possession or on his premises other than good and wholesome liquor; or
- ii. Sells or has in his possession or on his premises liquor adulterated or mixed with any deleterious ingredient; or
- iii. Has any such ingredient in his possession or on his premises for the purpose of adulterating Liquor,

shall, upon conviction thereof, forfeit and pay a penalty not exceeding Fifty Pounds.

*Licensing.***126** If any person--

- i. Not being a traveller, lodger, servant, or inmate of any Hotel or Public-house is found in or upon such house at any time during which the person holding the Licence of such house is not permitted to open the outer door of such house; or
- ii. Not being a passenger being actually conveyed in any vessel in respect of which a Packet Licence has been issued, shall purchase liquor on board such vessel,

he shall, on conviction, forfeit a penalty not exceeding Five Pounds: Provided always, that no person shall be liable to conviction under this Section who shall satisfy the Court that his presence in such Hotel or Public-house was not in contravention of the provisions of this Act with respect to the closing of licensed houses.

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Penalty on persons being in house after hours or buying liquor unlawfully on vessel.

127 If any person shall falsely represent himself to be a traveller, with intent to contravene or occasion the contravention of any of the provisions of this Act, he shall forfeit a penalty not exceeding Ten Pounds.

Penalty on person falsely representing himself to be a traveller.

128 Any person holding an Hotel or Public-house Licence, except in respect of a house in any city, who is guilty of the following offence shall, on conviction, forfeit a penalty not exceeding Two Pounds:—

Penalty for not having light burning at night.

Not having a sufficient light constantly burning every night from sunset to sunrise over the door of the licensed house, or if on the outside within Twenty feet of it, without sufficient excuse.

129—(1.) If any person—

- (a.) Shall bring any liquor on board any of His Majesty's ships or vessels without the previous consent of the officer commanding such ship or vessel; or
- (b) Shall approach or hover about any such ship or vessel for the purpose of bringing any liquor on board the same without such previous consent, or for the purpose of giving or selling, without such previous consent, liquor to men in His Majesty's Service,

Penalty of offenders.

he shall, upon conviction, forfeit and pay a penalty not exceeding Ten Pounds for every such act or offence.

(2.) It shall be lawful for any officer in His Majesty's service, or warrant or petty officer of the Navy, or non-commissioned officer of Marines, with or without seamen or persons under his command, to search any boat or vessel hovering about or approaching, or which may have hovered about or approached any of His Majesty's ships or vessels, and if any liquor be found on board such boat or vessel, to seize such liquor, and the same shall be forfeited to His Majesty.

Liquor not to be brought on board His Majesty's ships without the Commander's consent. [16 & 17 Vict. c. 69, s. 12.]

(3.) It shall be lawful for any officer in His Majesty's service, or any such warrant or petty officer, or non-commissioned officer as aforesaid, or for any constable, with or without any warrant or other process, to apprehend, or cause to be apprehended, any such offender or person so acting, and to bring him, or cause him to be brought, before any

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Two Justices for the purpose of having such offender dealt with according to law.

Certain persons not to act as Justices in matters relating to Licences.

130 No person being a maltster, brewer, or distiller, or importer of liquor for sale, or dealer in liquor, or being in partnership with any such person, or being a shareholder in any company carrying on the business of manufacturing or selling liquor, or directly or indirectly beneficially interested as owner, trustee, manager, or agent in any house licensed or about to be licensed as an hotel or public-house, shall sit, vote, or act as a Justice in the District in which he carries on business if disqualified on account of business, or in the District in which the house is situate if disqualified on account of property, in any matter relating to any Licence or conviction under this Act, under a penalty not exceeding Fifty Pounds.

Member of Police Force not to be interested in a licensed house.

131 If any member of the Police Force shall be, directly or indirectly, interested in any Hotel or Public-house, he shall forfeit a penalty not exceeding Fifty Pounds.

Wages not to be paid in liquor.

132 Any master or employer who, directly or indirectly, agrees with any person hired or employed by or for him to pay such person, or who in fact pays such person, for or on account of wages, hire, or reward for work or service, either wholly or in part, in liquor, or who makes any deduction from such wages, hire, or reward for or in respect of liquor, shall for every such offence forfeit a penalty not exceeding Fifty Pounds; and every person so hired or employed shall be entitled to his whole wages, hire, or reward, any agreement to the contrary notwithstanding.

Wages not to be paid at licensed houses.

133 Any master or employer, other than the holder of an Hotel or Public-house Licence, who pays or causes any payment to be made on account of wages, hire, or reward for work or service, to any person in his service or employ in or at any Hotel or Public-house, shall for every such offence forfeit a penalty not exceeding Five Pounds.

Proof of Licence to rest with Defendant.

134 In all proceedings under this Act against any person for selling Liquor without a Licence, such person shall, for all purposes connected with those proceedings, be deemed unlicensed unless at the hearing of the case he exhibits his Licence to the sitting Justices, or produces other satisfactory proof of his being licensed.

Recovery of penalties.

135 Subject to all provisions of this Act all offences against this Act shall be heard and determined, and all penalties be recovered in a summary way by and before any Two Justices, in the mode prescribed by *The Magistrates Summary Procedure Act*.

19 Vict. No. 8.

Gazette evidence of issue of Licences.

136 A copy of the *Gazette* shall, on production only, and without any proof be deemed sufficient *prima facie* evidence that any person named in an official notification inserted in such *Gazette* as having had



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a licence issued to him has had such licence issued to him, and that such licence was in the form prescribed by this Act. A.D. 1902.

137 Where any person may be adjudged to pay a penalty under this Act, such person in case of non-payment thereof may, without any warrant of distress, be committed to prison for any term, with or without hard labour, not exceeding the period specified in the following scale, unless such penalty shall be sooner paid:—

<i>For any Penalty</i>	<i>The imprisonment not to exceed</i>
Not exceeding Twenty Pounds	Three Months.
Exceeding Twenty Pounds and not exceeding Fifty Pounds	Six Months.
Exceeding Fifty Pounds and not exceeding One hundred Pounds	Twelve Months.

138 For the prevention of frivolous and unnecessary prosecutions, it shall be lawful for the Justices hearing any complaint or information under this Act to dismiss such complaint or information, which dismissal shall be a bar to any other proceeding whatever against the same person for the same matter. Justices may dismiss frivolous complaints.

139 No conviction shall be had under this Act in any case happening more than One month before the time of filing the information or complaint. Informations to be laid within One month of offence.

140 All convictions under any Act of Parliament hereby repealed shall be deemed to be convictions under this Act. Convictions under Acts hereby repealed.

PART XII.

INSPECTION OF LICENSED HOUSES.

141 Two or more Members of the Licensing Bench appointed by the Bench may at least once in every year inspect every Hotel and Public-house and report upon the accommodation provided therein. Two Members of Bench may inspect Licensed Houses.

142 The Governor may appoint such officers of the police, not being below the rank of sergeant, to be Inspectors under this Act, and may remove any person so appointed. It shall be the duty of every such Inspector to carry out the provisions of this Act, and whenever necessary to appear, either by himself, or by his attorney before the Licensing Bench, or any Court of Petty Sessions. Inspectors may be appointed.

143 Inspectors may from time to time, enter upon and examine all hotels and public-houses, and serve an order upon every licensee Powers of Inspectors.

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whose premises require cleansing, or are in a state of disrepair, or are not in a good sanitary condition, to take steps to at once cleanse, to repair, or to take the necessary sanitary precautions, and otherwise comply with the provisions of this Act, and shall also serve upon the owner of such licensed premises (or if he cannot be found, shall post upon the front or principal doors of such premises), a duplicate of the order addressed to such owner, and served as aforesaid upon such licensee. If after the expiration of a reasonable period, not exceeding Six months from the date of any such order, any such Inspector is of opinion when he again examines any such licensed premises that such order has not been complied with, he shall summon such licensee and owner to appear before the Licensing Bench to show cause why such licensed premises should not be closed. Upon proof of the serving of such order, and of the non-compliance therewith, the Licensing Bench shall order such licensed premises to be closed forthwith.

Provided that, if such licensee neglect or refuse to comply with such order, the owner of such licensed premises may, after a reasonable time has elapsed, and before the expiration of Six months from the date of service or of posting of such duplicate order as aforesaid, enter in and upon the said licensed premises, and by himself, his agent, or his workmen, do all things required of the said licensee by such order, and such entering shall not be deemed a trespass or affect in any manner the rights (if any) of such owner as against such licensee.

Inspector may
take samples of
liquor.

144—(1.) Inspectors may at all times during business hours, enter any Hotel or Public-house, and 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 on such premises; such samples shall be sealed by such Inspector in the presence of the licensee or other person in charge of the premises, and if such licensee or other person so desires, with the seal of such licensee or other person, and on paying, or tendering payment for such samples of liquor, may remove the same for the purpose of analysis or otherwise, and duplicates of such samples shall be securely sealed and left with such licensee or other person.

(2.) If any licensee or other person in charge of any premises refuses or fails to admit any such Inspector demanding to enter in pursuance of this Section, or refuses to permit any such Inspector to select or obtain such samples, or refuses or fails to furnish him with such light or assistance as he may require, or obstructs such Inspector, or causes or permits him to be obstructed or delayed in the discharge of his duty, such licensee or other person shall be liable to a fine not exceeding Twenty Pounds.

(3.) Any expenses incurred in analysing any liquor of a licensee or other person in pursuance of this Section shall, if such licensee or other person be 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 ingredient in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly.

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PART XIII.

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MISCELLANEOUS.

145 No goods or chattels whatsoever *bonâ fide* the property of any stranger, and being in or on any Hotel or Public-house, or the appurtenances thereof, or any place used or occupied therewith in the ordinary course of resort at such licensed house, shall be subject to be distrained or seized for rent for such house or appurtenances, or in respect of any other claim whatsoever against the said house or appurtenances, or the owner or occupier thereof; and if any such goods or chattels are distrained for rent, or in any other manner seized contrary to the provisions of this Act, it shall be lawful for any two Justices to enquire into any complaint made in respect of such distress or seizure, in a summary manner, and to order such goods or chattels to be restored to the owner or proprietor thereof.

Lodger's goods exempt from seizure for rent of Licensed house.

146 The holder of an Hotel or Public-house Licence shall not be held responsible for any lodger's goods or valuables, lost during his stay in the licensed house, over and above the sum of Ten Pounds unless they are deposited with such holder and a receipt is given for the same.

Licensee only liable for lodger's goods up to £10.

147 Every Bar-room of every Hotel or Public-house and every room adjoining any such Bar-room, and every approach thereto, and every part of such house and premises to which the general public have access, shall be deemed and taken to be a public place within the meaning of "The Police Act, 1865," or any Act amending the same.

Application of 29 Vict. No. 10 to Hotels and Public-houses.

148 Any person holding an Hotel or Public-house Licence 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 is using disgusting, profane, or foul language, or any person whose presence on the premises would subject such licensee 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, his agent, or servant, to expel, or assist in expelling, any such objectionable person or persons from such premises, and may use any reasonable degree of force for such purpose.

Licensee may eject certain persons from Licensed House.

149 It shall be lawful for any holder of an Hotel or Public-house Licence, for the time being in that behalf authorised by the Joint Committee appointed to regulate the arrangements for the use in common by the Members of both Houses of the Legislature of the Refreshment-rooms to sell and supply Liquor in such Refreshment-rooms at any time, by day or by night, during the continuance of the Session of Parliament.

Sale of liquor in the Refreshment-rooms of the Houses of Parliament.

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Licensee may,
by public auction,
dispose of goods
left with him
after Six weeks.

150—(1.) The holder of any Hotel or Public-house Licence shall, in addition to his ordinary lien, have the right absolutely to sell and dispose of, by public auction, any goods, chattels, carriages, horses, wares, or merchandise which may have been deposited with him or left in the house he keeps, or in the coach-house, stable, stable-yard, or other premises appurtenant or belonging thereunto, where the person depositing or leaving such goods, chattels, carriages, horses, wares, or merchandise shall be or become indebted to the said licensee either for any board or lodging or for the keep and expenses of any horse or other animals left with or standing at livery in the stables or fields occupied by such licensee.

Provided that no such sale shall be made—

- (a) Until after the said goods, chattels, carriages, horses, wares, or merchandise shall have been for the space of Six weeks in such charge or custody, or in or upon such premises without such debt having been paid or satisfied ; and
- (b) Unless the licensee desiring to make such sale shall have previously produced before the Mayor, or Warden, or Stipendiary Magistrate of the City, or Municipality, or District in which such sale is to take place, or before any Two Justices, a statement in detail of the claim in respect of which he desires to make such sale, and shall have made and declared before such Mayor, or Warden, or Stipendiary Magistrate, or such Two Justices, a declaration that the charges constituting such claim are fair and reasonable, and that the full amount of such claim is justly due and owing to him by the person who left or deposited the goods, chattels, carriages, horses, wares, or merchandise which he desires to sell ; and
- (c) Unless the debt for the payment of which a sale is made is not other or greater than the debt for which the goods or other articles could have been retained by the licensee under his lien ; and
- (d) Unless at least One month before any such sale the licensee shall cause to be inserted in one newspaper generally circulating in the district where such goods, chattels, carriages, horses, wares, or merchandise, or some of them, shall have been deposited or left, an advertisement containing notice of such intended sale, and giving, shortly, a description of the goods and chattels intended to be sold, together with the name of the owner or person who deposited or left the same where known.

(2.) Such licensee, after having out of the proceeds of such sale paid himself the amount of any such debt, together with the costs and expenses, including any advertising charges, of such sale, shall forthwith pay to the Treasurer the surplus (if any) remaining after such sale ; but the owner shall be entitled to have the said surplus paid to him if he



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shall make his claim for payment within Twelve months from the date of such sale. A.D. 1902.

(3.) The provisions of this Section shall not apply to the goods, chattels, carriages, horses, wares, or merchandise of any ratepayer resident in *Tasmania*. Not to apply to householders in *Tasmania*.

151 The several Forms in the Schedule to this Act contained, or such Forms varied to suit the circumstances of the case, or Forms to the same or the like effect, shall be deemed good, valid, and sufficient in law. Forms in the Schedule deemed valid.

152 Nothing in this Act contained shall extend to any duly qualified and practising Medical Practitioner or Chemist selling liquor simply as medicine or for medicinal purposes; nor to any Auctioneer selling liquor in any quantity by *bonâ fide* public and open sale by auction; nor shall any Constable or other person selling liquor after the forfeiture of the same under Section One hundred and sixteen of this Act be held to thereby incur any penalty imposed by this or any other Act. Act not to extend to Medical Practitioners, &c.

153 Nothing in this Act contained shall be held to require any person to obtain a Licence for the purpose of manufacturing Cider, Perry, or Wine from fruit other than grape, and selling the same in quantities not less than Two gallons. Nor to manufacturers of Cider, &c.

154—(1.) The holder of a Public-house Licence issued under the provisions of any Act hereby repealed may, at any time before the expiration of such Licence, apply to the Licensing Bench at any Licensing Meeting to declare such Public-house to be deemed to be an Hotel. Public-house licensed under the repealed Act may be declared an Hotel under this Act.

(2.) The Licensing Bench, on being satisfied that the Public-house contains the accommodation required for an Hotel under the provisions of this Act, shall endorse upon the Licence for such house that the same shall be deemed to be an Hotel, and thereupon such house shall, until the expiration or sooner determination of the Licence for such house, be deemed to be licensed as an Hotel within the meaning and for the purposes of this Act.

(3.) If no such application shall be made to the Licensing Bench, or if the Bench shall refuse the application, the house shall, until the expiration or sooner determination of the licence for such house, be deemed to be licensed as a Public-house within the meaning and for the purposes of this Act.

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SCHEDULE.

(1.)

Sect. 4.

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
23 Vict. No. 15	<i>The Auction Amendment Act.</i>	Section Two.
53 Vict. No. 37.	"The Licensing Act, 1889."	The whole Act.
54 Vict. No. 10.	"The Licensing Act, 1890."	The whole Act.
58 Vict. No. 15.	"The Innkeepers' Relief Act, 1894."	The whole Act.
62 Vict. No. 44.	An Act to further amend "The Licensing Act, 1889."	The whole Act.

(2.)

Sect. 36.

NOTICE OF APPLICATION FOR AN HOTEL, PUBLIC-HOUSE, OR RAILWAY REFRESHMENT-ROOM LICENCE, OR PROVISIONAL CERTIFICATE FOR AN HOTEL LICENCE, OR FOR A TRANSFER OR CONTINUATION OF A LICENCE.

To the Licensing Bench of the District of

I *A.B.* of [*here insert residence and trade or calling*] hereby give notice that it is my intention to apply at the next Annual [*or Quarterly*] Meeting of the Licensing Bench to be holden at _____ for the District of _____ for a Justices' Certificate [*or Provisional Certificate*] approving of my receiving an Hotel, [*or Public-house, or Railway Refreshment-room*] Licence in respect of the house situate [*or proposed to be erected*] at _____ and known [*or intended to be known*] by the sign of the

[*Or in the case of a Transfer.*]

at the next Quarterly Meeting of the Licensing Bench, &c., for a Justices' Certificate approving of my receiving a Transfer of the Hotel [*or Public-house, or Railway Refreshment-room*] Licence now held by one *C.D.* in respect of the house situate at _____ and known by the sign of the _____

Or in the case of an application to continue to sell Liquor under a Public-house Licence the holder whereof has died, &c.

at the next Quarterly Meeting of the Licensing Bench, &c., for a Justices' Certificate of permission to continue to sell Liquor under the Hotel [*or Public-house, or Railway Refreshment-room*] Licence held by one *C.D.* deceased [*or who has been adjudicated bankrupt, &c. as the case may be*] in respect of the house situate at _____ and known by the sign of the _____

Dated this

day of

19

A.B.

Licensing.

NOTICE OF APPLICATION FOR A PACKET LICENCE, OR FOR A TRANSFER OF A PACKET LICENCE. A.D. 1902.

To the Licensing Bench of the District of

Sect. 36.

I *A.B.* of [*here insert residence and trade or calling*] hereby give notice that it is my intention to apply at the next Annual [*or Quarterly*] Meeting of the Licensing Bench, to be holden at _____ for the District of _____ for a Justices' Certificate approving of a Packet Licence being granted in respect of the Steam Vessel [*or other Vessel as the case may be*] called the _____ conveying Passengers between _____ in the District of _____ in this State and

[*Or in the case of a Transfer.*]

at the next Quarterly Meeting of the Licensing Bench, &c., for a Justices' Certificate approving of a Transfer of the Packet Licence now held in respect of the Steam Vessel [*or other Vessel as the case may be*] called the _____, conveying Passengers between _____ in the District of _____ in this State and _____ being granted in respect of the Steam Vessel [*or other Vessel as the case may be*] called the _____, conveying Passengers between _____ in the District of _____ in this State and

Dated this _____ day of _____ 19

A.B.

(3.)

CERTIFICATE FOR AN HOTEL OR PUBLIC-HOUSE LICENCE. Sect. 31.

WE, the undersigned Members of the Licensing Bench for the District of _____ present at a Licensing Meeting held on the _____ day of _____ do hereby authorise the Treasurer to issue an Hotel [*or Public-house*] Licence to *E.F.* of [*here insert residence and trade or calling*] in respect of the house situate at [*describing same fully*].

Given under our hands this _____ day of _____ 19

A.B.
C.D.

NOTE.--No liquor shall be sold by virtue of this Certificate until the fee for the Licence has been paid into the Treasury.

CERTIFICATE FOR A RAILWAY REFRESHMENT-ROOM LICENCE. Sect. 31.

WE, the undersigned members of the Licensing Bench for the District of _____ present at a Licensing Meeting held on the _____ day of _____, do hereby authorise the Treasurer to issue a Railway Refreshment-room Licence to *E.F.* of [*here insert residence and trade or calling*] in respect of the house [*or room*] situate at [*describing same fully*].

Given under our hands this _____ day of _____ 19

A.B.
C.D.

NOTE.--No liquor shall be sold by virtue of this Certificate until the fee for the Licence has been paid into the Treasury.

CERTIFICATE FOR A PACKET LICENCE. Sect. 31.

WE, the undersigned Members of the Licensing Bench for the District of _____ present at a Licensing Meeting held on the _____ day of _____ do hereby authorise the Treasurer to issue a Packet Licence in respect of the Steam

Licensing.

A.D. 1902
 Vessel [or other Vessel as the case may be] called the _____ conveying
 Passengers between _____ in the District of _____ in this State and
 Given under our hands this _____ day of _____ 19 .

A.B.
 C.D.

NOTE.—No liquor shall be sold by virtue of this Certificate until the fee for the
 Licence has been paid into the Treasury.

Sect. 31. CERTIFICATE FOR THE TRANSFER OF AN HOTEL, PUBLIC-
 HOUSE, RAILWAY REFRESHMENT-ROOM, OR PACKET
 LICENCE.

WE, the undersigned Members of the Licensing Bench for the District of _____
 present at a Licensing Meeting held on the _____ day of _____
 grant this Certificate for the Transfer
 to A.B. of [here insert residence and trade or calling] by C.D. of the existing Hotel
 [or Public-house, or Railway Refreshment-room] Licence held by the said C.D. in
 respect of the house situate [describing same fully]:

[Or in the case of a Transfer of a Packet Licence.]

for the Transfer to the Steam Vessel [or other Vessel as the case may be] called
 the _____ conveying passengers between _____ in the District of _____
 in this State and of the existing Packet Licence issued in respect of the Steam Vessel
 [or other Vessel as the case may be] called the _____

Given under our hands this _____ day of _____ 19 .

E.F.
 G.H.

NOTE.—No liquor shall be sold by virtue of this Certificate until the fee for the
 Transfer has been paid into the Treasury.

Sect. 31. CERTIFICATE OF PERMISSION TO CONTINUE TO SELL LIQUOR
 UNDER AN HOTEL, PUBLIC-HOUSE, OR RAILWAY RE-
 FRESHMENT-ROOM LICENCE.

WE, the undersigned members of the Licensing Bench for the District of _____
 , present at a Licensing Meeting held on the _____
 day of _____ do grant this Certificate of permission to A.B. of [here insert
 residence and trade or calling] to continue to sell liquor under the Public-house
 Licence held by C.D. deceased, [or who has been adjudicated Bankrupt, &c., as the
 case may be], in respect of the house situate [describing same fully] until the expiration
 thereof by effluxion of time.

Given under our hands this _____ day of _____ 19 .

E.F.
 G.H.

(4.)

Sect. 41. HOTEL, PUBLIC-HOUSE, OR RAILWAY REFRESHMENT-ROOM
 LICENCE.

WHEREAS I have received a Certificate under the hands of Two Members of the
 Licensing Bench for the District of _____ present at a Licensing Meeting held
 on the _____ day of _____ authorising me to issue an Hotel [or
 Public-house, or Railway Refreshment-room] Licence to E.F. of [here insert residence
 and trade or calling] in respect of the house situate at [describing same fully]: And
 whereas I have this day also received the Fee payable for such Licence: I do therefore
 hereby grant to the said E.F. an Hotel [or Public-house, or Railway Refreshment-
 room] Licence to sell liquor in the said house.

Given under my hand this _____ day of _____ 19

B.S.B.
 Treasurer.

Licensing.

PACKET LICENCE.

A.D. 1902.

WHEREAS I have received a Certificate under the hands of Two Members of the Licensing Bench for the District of _____ present at a Licensing Meeting held on the _____ day of _____ authorising me to issue a Packet Licence in respect of the Steam Vessel [*or other vessel as the case may be*] called the _____ conveying passengers between _____ in the District of _____ in this Island and _____ :

And whereas I have this day also received the Fee payable for such Licence: I do therefore hereby grant a Packet Licence in respect of the said vessel.

Given under my hand this _____ day of _____ 19

B.S.B.
Treasurer.

(5.)

NOTICE OF APPLICATION TO SELL IN A HOUSE OTHER THAN THAT MENTIONED IN THE LICENCE. Sect. 52.

I *A.B.*, [*here insert residence, &c.*] hereby give notice that it is my intention to apply at the next Annual [*or Quarterly*] Licensing Meeting, to be holden at _____ for the District of _____ for the approval of the Licensing Bench of my selling liquor under the Licence held by me in the house situate at _____ containing _____ rooms exclusive of those required for the use of the family, in place of the house known as _____ situate at _____

Dated the _____ day of _____ 19

A.B.

WE, the undersigned, being Two Members of the Licensing Bench assembled at the Meeting holden at _____ on the _____ day of _____ the requisite Notice having been proved before us to have been duly served and posted, do hereby declare that the within licence 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 _____ 19

(6.)

PROVISIONAL CERTIFICATE.

Sect. 58.

WE, the undersigned, two Members of the Licensing Bench for the District of _____, present at a Licensing Meeting held on the _____ day of _____ do hereby certify that the house and premises of *A.B.*, [*here insert residence and trade or calling*] situated [*or about to be erected or in course of erection*] at _____ in accordance with the plans and specifications exhibited by the said *A.B.*, will be a fit and proper place for an Hotel, and upon application being duly made by a fit and proper person for the issue of an Hotel Licence in respect of the said house, within _____ months from the date hereof, such application shall be granted upon proof being given that the said house and premises are in accordance with such plans and specifications, and that the following conditions have been complied with. This Certificate is granted subject to the following conditions:—

[*Here set out the conditions, if any.*]

Dated this _____ day of _____ 19 .

F.F.
G.H.

Licensing.

IMPORTER'S LICENCE.

A.D. 1902.

WHEREAS *A.B.* of [*here insert residence*] has applied to me in writing for an Importer's Licence, such application being accompanied by a Certificate of approval under the hands of *E.F.* and *G.H.*, Two Justices of the Peace: And whereas I have this day also received the Fee payable for such Licence: I do therefore hereby grant to the said *A.B.* licence to sell any liquor in Bond in any quantity not less than One hundred Gallons of any one kind of liquor at any one time, and to sell in Bond bottled wine or spirits in unbroken packages as imported in any quantity not less than Twenty of such Packages at any one time.

Sect. 69.

Given under my hand this day of 19

B.S.B.
Treasurer.

(11.)

PERMISSION OF TREASURER TO CONTINUE TO SELL LIQUOR UNDER A WHOLESALE OR IMPORTER'S LICENCE. Sect. 70.

WHEREAS *A.B.* of [*here insert residence*] has applied to me for permission to continue to sell Liquor under the Wholesale Licence [*or Importer's Licence, as the case may be*] held by *C.D.* deceased [*or who has been declared insolvent, as the case may be*]* in any Bonding Warehouse, and in the Store [*or Premises as the case may be*] situate [*describing same fully*]* I do therefore hereby grant permission to the said *A.B.* to continue to sell Liquor under the Wholesale Licence [*or Importer's Licence, as the case may be*] held by the said *C.D.* deceased, [*or who has been adjudicated bankrupt, as the case may be*]* in any Bonding Warehouse and in the said Store or premises [*or as the case may be*] situate [*describing same fully*]* until the expiration thereof by effluxion of time.

Given under my hand this day of 19 .

B.S.B.
Treasurer.

[*In the case of an Importer's Licence omit the portions between the *.*]

(12.)

DECLARATION AS TO SIGNATURES.

Sect. 75.

I, *A.B.* of do solemnly and sincerely declare that I was present at the making of all the signatures [*or, if the case shall require, such and such signatures, describing them as initialled or otherwise marked by each declarant*] affixed to the said petition that they are the genuine signatures of the persons whose signatures they purport to be, and that such persons are resident ratepayers in the district therein referred to [*or as the case may be*].

(Signed) *A.B.*

Signed and declared by the said declarant }
in my presence.

J.P.

Licensing.

A D. 1902.

(13.)

Sect. 103.

APPLICATION FOR CLUB CERTIFICATE.

I, _____ being the Secretary of the _____ Club,
 established in _____, do hereby make application for a certificate
 for the said Club, under "The Licensing Act, 1902." The premises occupied by the
 Club are situate in _____ Street, in
 aforesaid (*or, as the case may be*), and the number of members of the Club at present
 is _____

Dated at _____, this _____ day of _____, 19

Secretary of the _____ Club.

(14.)

Sect. 103.

CERTIFICATE FOR CLUB.

I HEREBY certify that the Society or Association known as
 established and occupying premises at [*describe the locality*] is a Club within the
 meaning of "The Licensing Act, 1902," and that the said premises are suitable for
 the purposes of a Club.

B.S.B.
Treasurer.

(15.)

Sect. 107.

PROHIBITION AGAINST SUPPLY OF LIQUOR.

WHEREAS it has been made to appear to us, two of His Majesty's Justices of the
 Peace, that *A.B.* is addicted to excessive drinking of liquor: we do therefore, in
 accordance with the provisions of "The Licensing Act, 1902," prohibit any person
 holding a Licence under such Act who shall be served with a copy of this notice, or who
 shall acquire knowledge thereof in any other manner, to sell or supply to the said *A.B.*
 any liquor for the space of One year from the date of this notice.

Dated this _____ day of _____ 19

NOTE.—If any person acts contrary to this notice he will be liable to a penalty
 not exceeding Ten Pounds.