

PROVINCE OF NELSON.



GOLD-FIELDS LICENSING ACT.

IN THE THIRTY-FIRST YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION XVIII., No. 6.

ANALYSIS:

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An ACT to Regulate the Sale of Spirituous Liquors, Ale, Beer, Porter, and Wine, in the Gold-Fields of the Province of Nelson. Title.

[Assented to 20th June, 1868.]

BE it enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

1. "The Nelson Gold Fields Licensing Act, 1867," is hereby repealed, except as much thereof as repeals any former Act, or Ordinance, and except as to proceedings now pending under the said Act, and all licenses issued there-under and unexpired at the passing hereof Repeal clause.

hereof shall be deemed and taken to be licenses under this Act, and every holder of such license shall be subject to all the regulations, penalties, and other provisions of this Act.

Licenses to be divided into two classes.

2. Licenses for the sale of spirituous liquors, ale, beer, porter, and wine, within any district in the Province of Nelson already proclaimed or hereinafter to be proclaimed a gold-field, or within three miles of the limits of such gold-field, shall be classified under two heads: namely, Ordinary Licenses, and Accommodation Licenses.

Ordinary Licenses.

3. Ordinary Licenses shall authorize the sale of spirituous liquors, ale, beer, porter, and wine, in any quantities, and the fee shall be thirty pounds for a yearly license, and seventeen pounds for a half-yearly license.

Accommodation Licenses.

4. Accommodation Licenses shall authorize the sale of spirituous liquors, ale, beer, porter, and wine, in any house which by reason of its being situated at a distance from any other licensed house, or in consequence of the occupier thereof undertaking to keep a ferry and provide good accommodation for travellers, or for other special reasons shall, in the opinion of the Resident Magistrate for the district, be entitled to the grant of an Accommodation License. Such license shall be granted on such terms and conditions, and either with or without any payment (other than a fee of ten shillings) as to such Resident Magistrate shall seem meet, and shall be in force for six months only, and a list of all licenses issued under this section, with full particulars of the conditions under which the same shall have been granted, shall be sent to the Superintendent half-yearly.

Licenses to be granted by Resident Magistrate.

5. All licenses under this Act shall be granted by the Resident Magistrate acting for the district within which the applicant proposes to carry on business, and shall commence from the issue thereof.

Notice of application for License to be given.

6. All applications for licenses shall be made in writing at least seven days prior to the same being granted, and notice of such application shall be posted in some conspicuous place outside the Court-house, and on the premises to which such application refers, for a period of seven days prior to the granting of the same.

Licenses may be transferred at any time.

7. Licenses other than those for Accommodation-houses may be transferred by a Resident Magistrate from person to person, or from house to house, on payment of a fee of one pound for a yearly license, and ten shillings for a half-yearly license: Provided always, that notices of application for such transfer shall be posted in some conspicuous place outside the Court House, and on the premises to which such application refers, for a period of three days previous to the same being granted.

8. No

8. No license shall be granted or transferred to any constable or bailiff, or in respect of any house or premises in which any constable or bailiff shall be directly or indirectly interested.

No License to be granted to a Constable, or Bailiff.

9. Any Resident Magistrate may grant a special permit to holders of ordinary licenses to sell spirituous liquors, ale, beer, porter, and wine, at race-courses and other places of public recreation, or on the occasion of any ball or public entertainment, at the licensed house of the holder of an ordinary license, may grant to such holder a permit to sell such liquors beyond the hours prescribed by this Act, on payment of a fee of ten shillings for each permission in either case: Provided that not more than six of such last-mentioned permits shall be granted to the same person in one year.

Special Permit.

10. The holder of a license under this Act shall not absent himself from his licensed house for more than seven consecutive days without the permission of a Resident Magistrate.

Licenseholder not to absent himself from Licensed House.

11. No person holding a license under this Act shall sell or supply any liquor, or suffer the same to be drunk in or upon his house or premises, or permit the bar of his house to be kept open, or allow any light to be kept burning in such bar, except between the hours of six in the morning and eleven at night on any working-day (unless a permit under Section 9 shall have been obtained), or except between the hours of one in the afternoon and seven in the evening of any Sunday: Provided that it shall be lawful for any Resident Magistrate to grant an extension of the time hereinbefore provided for the sale or supply of such liquors as aforesaid, until twelve of the clock at night on any working-day, on payment of a further fee of ten pounds for a yearly license, and five pounds for a half-yearly license.

Hours at which Licensed Houses may be open.

12. Any private-room, billiard-room, skittle-alley, or other building or apartment connected with the premises, whether detached or otherwise, shall be deemed part of the licensed house, and be subject to the provisions of this Act.

Premises connected with House to be deemed part of House.

13. Admission to any part of the house or premises shall be given on demand to constables at any hour.

Constables to be admitted.

14. No liquor shall be supplied to constables on duty, or to any person in a state of intoxication.

No Liquor to be supplied to Constables.

15. No drunkenness or disorderly conduct, gambling, or playing at any game of chance, shall be permitted in any licensed house, nor shall notoriously bad characters or reputed thieves be knowingly permitted there.

No Gambling, &c., to be permitted.

16. All

Licenses to be posted up.

16. All licenses granted under this Act shall be posted up in a conspicuous place in the bar, and the name of the holder of the license painted in legible characters over the principal entrance to the house.

Lamp to be kept burning.

17. A lamp shall be kept burning over the principal door from sunset to sunrise.

No pledge to be given, nor Debts recoverable, for Liquors supplied.

18. Nothing shall be taken in pledge for liquors supplied, nor anything except good and lawful ready-money taken in payment for the same, by or on behalf of the holder of any ordinary or accommodation license: and no person holding a license under this Act shall in any suit or action recover any debt or demand for spirituous liquors, wine, ale, beer, or porter consumed upon the premises, unless supplied to a *bona fide* lodger.

License may be cancelled.

19. If any holder of a license under this Act shall be proved to be an habitual drunkard, or be convicted of any infamous crime, or be three times convicted of any offence under this Act, the license may be cancelled by the Resident Magistrate.

Penalty for selling Liquors without License.

20. If any person upon any proclaimed gold-field, or within three miles of the limits of any proclaimed gold-field, not being duly licensed shall sell, or offer, or expose, or keep for sale, any spirituous liquors, wine, ale, beer, or porter, or permit any such liquors to be sold, or offered, or exposed, or kept for sale upon his house or premises, in quantities less than two gallons, such person shall forfeit and pay, on conviction for every such offence, any sum not exceeding fifty pounds; and all spirituous liquors, wine, ale, beer, or porter found on the premises of any person so convicted, shall be forfeited, and may be seized and sold for the use of her Majesty.

Penalty for breach of Act by holders of Licenses.

21. If any person duly licensed shall offend against any other of the provisions of this Act, such person shall forfeit and pay, on conviction for any such offence, a sum not exceeding twenty pounds.

Penalty for Drunkenness.

22. If any person shall be convicted of drunkenness, such person shall forfeit and pay a sum of not less than ten shillings, nor more than twenty shillings, and in default of payment thereof be imprisoned for a term not exceeding forty-eight hours.

Persons convicted three times not to be supplied with Spirits.

23. If any person shall have been so convicted three times within the space of six calendar months, the Justice before whom such third conviction shall take place shall cause the name and description of such person to be forwarded to all holders of licenses under this Act in the neighbourhood, together with a notice not to supply such person with spirituous liquors, wine, ale, beer, or porter, for the period of one year from the date of such notice.

24. Any

24. Any person after receipt of such notice who shall within such period knowingly supply such person with any spirituous liquors, wine, ale, beer, or porter, shall, on conviction thereof, forfeit and pay any sum not exceeding five pounds.

Penalty for supplying same.

25. All license and transfer fees received under this Act shall be paid to the Treasurer of the Province.

License Fees to be paid to Provincial Treasurer.

26. This Act shall come into operation in the gold-fields already proclaimed, or hereafter to be proclaimed, in the Province of Nelson, and in such other parts of the Province as are situated within three miles of the boundary of any such gold-field.

Limits of Act.

27. All penalties incurred under this Act may be recovered in a summary manner as prescribed by the "Justices of the Peace Act, 1866."

Recovery of Penalties.

28. The short title of this Act shall be "The Nelson Gold-fields Licensing Act, 1868."

Short Title.