

A BILL INTITULED

AN ACT to amend an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury intituled "The Westland Public-House Ordinance 1867."

5 **W**HEREAS an Ordinance was passed by the Superintendent of the Province of Canterbury with the advice and consent of the Provincial Council of the said Province in the twenty-sixth Session of the said Council intituled "The Westland Public-House Ordinance 1867" And whereas it is expedient to amend the same which is hereinafter referred to as "the said Ordinance"

10 **BE IT THEREFORE ENACTED** by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Westland Public-House Ordinance Amendment Act 1868."

15 2. All licenses under the said Ordinance may be issued under the hand of the person in whom the powers formerly vested in the Superintendent of the Province of Canterbury under "The Westland Public-House Ordinance 1867" shall for the time being be vested and all Acts which under the said Ordinance were required to be or might be done by the Superintendent or by the Provincial Treasurer of the Province of Canterbury shall and may be done by such person as aforesaid.

20 3. If any person shall offend against any of the provisions of the said Ordinance imposed such person shall on conviction thereof forfeit and pay any sum not exceeding twenty pounds to be recovered in a summary way before two or more Justices of the Peace.

25 4. If any holder of a license shall under the provisions of the said Ordinance or of this Act be convicted twice within a period of twelve consecutive months the convicting Justices may if they think fit by an Order under their hands in the form in the Schedule hereto declare such license to be forfeited and the same shall thereupon be void.

30 5. Any two Justices may if any riot or tumult happen or be expected to occur direct any licensed person within the respective jurisdictions of such Justices where such riot or tumult shall happen

or may be expected to occur to close his house at and for any time for which the said Justices shall give any order and direction and any such person who shall keep his house open contrary to such order and direction shall forfeit and pay any sum not exceeding ten pounds.

6. If any holder of a license shall receive in payment or as a pledge for any liquor or entertainment supplied in or from such licensed house anything except current money or cheques on bankers or orders for payment of money he shall for each such offence pay a penalty not exceeding ten pounds.

7. If any holder of a license shall be convicted of felony perjury or of any other infamous offence or if holding a retail license he shall permit any person to manage superintend or conduct the business of such house during his absence for a longer period than twenty-eight days in any one year without the previous consent in writing of two Justices or shall whether present in such house or not permit any unlicensed person to be in effect the keeper thereof or shall allow such house to become ruinous or dilapidated then upon complaint thereof and proof of any of the facts aforesaid to the satisfaction of any two Justices such Justices shall by an order under their hands in the form in the Schedule declare such license to be forfeited and the same shall thereupon cease But if such house shall have become ruinous or dilapidated by reason of fire earthquake tempest or other cause beyond the control of the licensee the license shall not be forfeited until a reasonable time has elapsed for the rebuilding or reinstating of such house.

8. Every holder of a license shall on demand at his licensed house or premises produce his license to any Justice or in default thereof shall be liable to a penalty not exceeding ten pounds.

9. Any Justices declaring any license forfeited may if they think fit order the person whose license is forfeited to pay such costs to the person on whose complaint such forfeiture shall have been ordered and payment of such costs may be enforced under the provisions of any law now or hereafter to be in force relating to duties of Justices upon or relating to summary convictions or orders.

10. In all proceedings against any person for selling or allowing to be sold any liquor without a license such person shall be deemed to be unlicensed unless he shall at the hearing of the case produce his license.

11. The unlawful sale of liquor may be proved by any person although he may himself have purchased the same and such proof shall be sufficient to support a conviction for such offence and shall be held as such sufficient proof upon any appeal from such conviction.

12. The delivery of any liquor either by the owner or occupier of any house or place or by his or her servant or other person in the house or place shall be deemed sufficient prima facie evidence of money or other consideration given for such liquor so as to support a conviction unless proof to the contrary be given to the satisfaction of such Justices.

13. This Act shall be read and construed as part of "The Westland Public-House Ordinance 1867."

SCHEDULE.

BE it remembered that on the day of complaint was made before us of Her Majesty's Justices of the Peace that A.B. the holder of a license for the sale of fermented and spirituous liquors for that [here state the acts which have caused the forfeiture] [or proof was made to us] of Her Majesty's Justices of the Peace that A.B. being the holder of a license was twice within a period of twelve consecutive months convicted under the provisions of [here state the Title of the Act or Ordinance or both as the case may require] that is to say on the day of under the section of and on the day of under the section of And we do therefore adjudge that the said license of the said shall be forfeited.

Given under our hands this day of A.B. C.D.

licensors only to be paid for money.

forfeiture of license licensee convicted felony &c.

Schedule

licensee to produce license when lawfully demanded.

payment of costs by licensee on forfeiture license.

persons deemed unlicensed if not producing license.

unlawful sale of liquor provable by purchaser thereof

delivery of liquor evidence of sale for consideration.

Act to be read as part of "The Westland Public-House Ordinance 1867."