

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Friday, the 23rd Day of October, 1903.

LICENSING ACTS AMENDMENT BILL.

Mr. BEDFORD, in Committee, to move the following new clauses:—

Liability of licensee.

A. Any person holding any license to sell intoxicating liquors, and any other person who is pecuniarily interested in such sale, shall be liable, as hereinafter provided, to pay compensation or damages for any injuries defined by this Act.

For injuries inflicted by intoxicated person.

B. Any husband, wife, widow, child, parent, guardian, employer, or other person who shall be injured in person, property, or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, shall have a right of action in his or her own name, jointly or severally, against any licensed person who shall by himself or by his servant or agent have sold or supplied to such person for consumption on the premises any intoxicating liquor which shall have caused in whole or in part the intoxication of such person or persons resulting in any of the injuries aforesaid, or who shall have sold to such person while in a state of intoxication any intoxicating liquor, and also against any other person who is pecuniarily interested in the sale of intoxicating liquor by such licensed person.

For suicide under influence of intoxicants.

C. Whenever any person while in a state of intoxication has come to his death by accident, or by suicide, or has committed crime for which he has suffered death by due process of law, any licensed person who shall by himself or by his servant or agent have sold or supplied to such person for consumption on the premises any intoxicating liquor which shall have caused in whole or part the intoxication of such person resulting in death as aforesaid, or who shall have sold to such person while in a state of intoxication any intoxicating liquor, shall be liable to an action at the instance of the personal or legal representatives of the deceased person, and such representatives may recover by such action any sum, not exceeding *three* hundred pounds, as may be awarded by the Court.

For imprisonment due to intoxication.

D. If any person be imprisoned by reason of intoxication, or be imprisoned for any criminal act committed while in a state of intoxication, any licensed person against whom an action would lie under section *B* hereof shall be liable to pay to the wife, if any, of such convicted person, or, if the wife be dead, to his minor child or children, if any, or if such convicted person be unmarried and contribute to the support of either or both of his parents, or contribute to the support of any other members of his family, then to such parent or parents or other members of his family, as the case may be, such sum, not exceeding *five* shillings each day throughout the period of such imprisonment, as may be awarded in the Court.

For selling to
habitual
drunkards.

E. If any person by reason of habitual intemperate drinking of intoxicating liquor be at times dangerous to himself or herself, or to others, or is incapable of managing himself or herself, or his or her affairs, the husband, wife, parent, brother, sister, guardian, or employer of such person, or the guardian of any child or children of such persons, may apply to a Court of summary jurisdiction to have such person declared to be a habitual drunkard. If the Court declares such person to be a habitual drunkard, then such relative or guardian as aforesaid, or employer of such person, may give notice in writing, signed by him or her, to any licensed person or persons requiring such licensed person or persons not to sell or supply any kind of intoxicating liquor whatsoever to such habitual drunkard; and if any licensed person so notified, by himself or by his servant or agent, shall at any time within a year after receiving such notice sell or supply any intoxicating liquor to such habitual drunkard for consumption on or off the premises, the person who has given such notice shall have a right of action against such licensed person, and may recover any such sum as the Court may award, not less than *ten* pounds nor more than *one hundred* pounds, as compensation or damages.

Liability of
brewer.

F. In any case of injury provided for by this Act where any licensed person is the manager of the licensed premises for any brewer, brewery company, or wine and spirit merchant, or is the tenant of the brewer or of a brewery company or of a wine and spirit merchant, or is the mortgagor of the premises to such person or company, and where such brewer, company, or merchant supplies in whole or in part to the said licensed person or persons, directly or indirectly, intoxicating liquors to be sold on such premises by such licensed person, such brewer, merchant, or company as aforesaid shall be liable jointly with such licensed person for any damages or compensation under this Act; and any damages or compensation awarded by the Court under this Act shall be paid by such licensed person, and by such brewer, company, or merchant respectively, in shares proportionate to the interests which the Court, after the examination of witnesses or documents, shall determine that each of the parties respectively may have in the licensed premises and business carried on thereat.

Liability under
other Acts
reserved.

G. Nothing in this Act shall affect any existing right or remedy as against the intoxicated person actually committing the injuries or damages complained of.