

PROVINCE OF NELSON.

L I C E N S I N G .

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN
VICTORIA.

SESSION I., No. 5.

AN ORDINANCE TO REPEAL THE LICENSING AMENDMENT
ORDINANCE, AND TO MAKE OTHER PROVISIONS IN LIEU
THEREOF, AND TO MAKE PROVISIONS FOR PREVENT-
ING DRUNKENNESS AND DISORDERLY CONDUCT
IN HOUSES LICENSED TO SELL FERMENTED
AND SPIRITUOUS LIQUOURS.

A N A L Y S I S .

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Recited Ordinance repealed. 2. Superintendent may license Houses not being within Seven Miles of the Town of Nelson. | <ol style="list-style-type: none"> 3. Fees for Licenses to be paid to Provincial Treasurer. 4. Punishment for allowing Drunkenness, &c. in Licensed Houses, 5. Construction of Clause 4 in the Ordinance. 6. Commencement of Ordinance. |
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“An Ordinance to repeal the Licensing Amendment Ordinance, and to make other Provisions in lieu thereof, and to make Provisions for preventing Drunkenness and Disorderly Conduct in Houses licensed to sell Fermented and Spirituous Liquors.”

WHEREAS an Ordinance was passed in the Third Session of the Legislative Council of New Zealand, No. 21, intituled “An Ordinance to amend an Ordinance for regulating the Sale of Fermented and Spirituous Liquors:” And whereas it is expedient that the said recited Ordinance should be repealed, so far as regards the Province of Nelson, and other provisions made for licensing houses in the interior of the country, as well as on the sea coast: And whereas it is also expedient to make provisions for preventing drunkenness and disorderly conduct in houses licensed to sell fermented and spirituous liquors within the said Province, under or by virtue of this Ordinance, or of any existing Ordinance: *Be it therefore enacted*, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof as follows:—

1. The said recited Ordinance, so far as regards the Province of Nelson, shall be and the same is hereby repealed.

Recited Ordinance repealed.

2. It shall be lawful for the Superintendent, with the advice of his Executive Council, to license any house in the Province of Nelson for the sale of fermented and spirituous liquors, upon such terms and conditions, and at such times and in such manner, and either with or without any annual payment, as to the said Superintendent and Council may seem meet: *Provided* that no house to be licensed under the authority of this Ordinance shall be within seven miles from the nearest limit of the Town of Nelson.

Superintendent may license, houses not being within seven miles of the town of Nelson.

3. All fees and sums of money payable on account of any such license shall be received by the Treasurer of the Province and shall be applied to the public uses of the province and the support of the Government thereof.

Fees for Licenses to be paid to Provincial Treasurer.

4. Any person having a license for the sale of fermented and spirituous liquors within the said province, who shall wilfully or knowingly permit drunkenness or disorderly conduct, or knowingly suffer gambling, or any unlawful games, in the house or premises mentioned in such license, shall for every such offence forfeit the respective sums following, to be recovered in a summary way before any two Justices of the Peace that is to say, for the first offence, any sum not less than Twenty

Punishment for allowing Drunkenness, &c., in Licensed Houses.

Shillings, nor more than Five Pounds, as the Justices before whom such person shall be convicted of such offence shall adjudge; and for the second such offence, any sum not less than Five Pounds, nor more than Ten pounds; and for the third such offence, any sum not less than Ten pounds, nor more than Twenty Pounds: and it shall be lawful for the Justices before whom any such conviction for such third offence shall take place, to adjudge, if they shall so think fit, that such offender shall be disqualified from holding any such License for the space of two years next ensuing such conviction.

Construction
of Clause 4 in
the Ordinance.

5. That in the construction of this ordinance, any person holding any license granted under the authority of the Licensing Ordinance, Session II., No. 12, shall be deemed to be guilty of a second offence against the provisions of this Ordinance only in case he shall, within the period of three years next preceding such last-mentioned conviction, have been convicted of a first offence against the provisions of this Ordinance; and shall be deemed to be guilty of a third offence against the provisions of this Ordinance only in case he shall, within the period of three years next preceding such third conviction, have been convicted of two separate offences against the provisions of this Ordinance.

Commence-
ment of Ordi-
nance.

6. This Ordinance shall come into operation from and after the day of passing hereof.

E. W. STAFFORD,

Superintendent.

Passed the Provincial Council, on the Thirtieth day of December, in the year of our Lord One thousand eight hundred and fifty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Nineteenth day of January, in the year of our Lord One thousand eight hundred and fifty-four.

DONALD SINCLAIR,

Speaker.

GEORGE WHITE,

Clerk of the Council.