

(Mr. Creighton.)

## The Licensing Act, 1871. 2

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| <p>80. Person mixing liquor with any substances in Schedule K liable to penalty not exceeding £100 or imprisonment for a period not exceeding three months.</p> <p>81. Notice of conviction under last clause to be affixed by police to licensed premises.</p> <p>82. Adulterated liquors to be destroyed.</p> <p>83. Governor in Council to make regulations &amp;c.</p> |
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## A BILL ENTITLED

## AN ACT to Regulate the Sale of Alcoholic Liquors.

Title.

Preamble.

WHEREAS it is expedient that amended provisions should be made for regulating the sale of Alcoholic Liquors

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows that is to say:—

Short Title.  
Interpretation of  
certain terms.

1. The Short Title of this Act shall be "The Licensing Act 1871." 5

2. The expression "Alcoholic Liquors" in this Act shall mean and include every description of distilled spirits wine ale beer cider perry or other fermented liquor of an intoxicating nature The words "Public Bars" shall be deemed to mean and include any room passage or lobby in any licensed public-house open immediately to any street highway or public thoroughfare wherein the public may enter and purchase any spirituous or fermented liquors The word "District" shall mean any Licensing District created or defined by the provisions of this Act. The words Resident Magistrate shall mean the Resident Magistrate appointed to hold Licensing Courts in any such District. 10 15

Repeal clause.

3. All Acts and Ordinances of the General Assembly or any Provincial Council for the regulation of the sale of spirituous liquors or the licensing of places for the sale thereof now in force in New Zealand are hereby repealed: Provided that every license lawfully issued previously to and subsisting at the time of coming into operation of this Act shall for the purposes of this Act be deemed to be a license under this Act and shall until the time of the expiration thereof but no longer be deemed a license of the same description under this Act and all fines and forfeitures incurred under the said repealed Acts may be sued for and recovered under the said Acts or ordinances and all legal proceedings commenced may be completed thereunder notwithstanding the repeal of the said Acts. 20 25

## DISTRICTS.

Governor may pro-  
claim Districts.

4. The Governor shall as soon as conveniently may be after the passing of this Act by Proclamation in the Government *Gazette* define such territorial divisions as he may think proper to be licensing districts for the purposes of this Act and from time to time may alter and redefine the boundaries of the same Such districts shall 30

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wherever practicable and convenient be identical with existing Municipal Wards and Road Board Districts or School Districts but if none of these can be conveniently adopted then the Licensing Districts shall be so defined as may be most convenient for the

5 carrying into effect the objects of this Act.  
 5. The provisions of this Act shall be carried into effect in every District by such Resident Magistrate as shall be appointed for the purpose by the Governor by warrant notified in the Government Gazette whether he be the Resident Magistrate acting within the

Resident Magistrate appointed to act.

10 District for other purposes or not.  
 6. The collectors of Borough Rates Road Rates or School Rates and the officers appointed for any other local purpose by any law of the General Assembly or any Provincial Council within the District or within any division of which such District is a part shall give every

Collectors and local officers to give assistance to Resident Magistrate.

15 such assistance to the Resident Magistrate as he may require towards carrying out the provisions of this Act and shall if convicted before any other Resident Magistrate of refusing or neglecting to give such assistance when required, pay such penalty not exceeding £20 for every such act of refusal or neglect as may be inflicted to be

20 recovered in a summary way.  
 7. If any certificate shall be applied for beyond the limits of any District defined under this Act, the application shall be made to, and disposed of by the Resident Magistrate of the nearest district in conformity in all respects with the provisions of this Act.

Application for certificate to be made to the Resident Magistrate of nearest District.

25 8. No person unless he shall be duly licensed under this Act shall sell any alcoholic liquors or permit or suffer the same to be sold by any other person on his behalf and any person who shall be convicted of doing so shall be liable to a penalty of not exceeding fifty pounds for every such offence: Provided that no license shall be

No person unless duly licensed to sell alcoholic liquors &c.

30 required for the sale of any alcoholic liquors as perfumery and not for drinking or for the sale by any chemist druggist or apothecary of spirits as medicine or for any *bona fide* sale at auction by a duly licensed auctioneer.  
 9. Licenses of the following kinds and designated as follows and

What licenses may be granted.

35 no other may be granted, namely:—Wholesale license Publican's license, and Packet license and such licenses shall be in force from the time of granting the same until the thirtieth day of June next ensuing and no longer.  
 10. The wholesale license shall be in the form in the Schedule

Wholesale license

40 B hereunto annexed, and shall authorise the holder thereof to sell and deliver alcoholic liquors in quantities of not less than two gallons of any one description of liquor to one person at any one time such liquors not to be consumed in or upon the vendor's house or premises.  
 11. The publican's license shall be in the form in the Schedule

Publican's license.

45 C hereunto annexed and shall authorise the holder thereof to sell and dispose of alcoholic liquors in any quantity in the house or on the premises therein specified.  
 12. No person, being the holder of a publican's license issued under this Act shall be entitled to have in or upon the premises in

Holder of publican's license to have only one public bar &c.

50 respect of which the said license shall have been issued more than one public bar opening on any public street or road or private way for the sale of spirituous and fermented liquors.  
 13. The packet license shall be in the form in the Schedule D hereunto annexed, and may be granted to the master or commander

Packet licenses may be granted to master of vessel.

55 for the time being of any steam packet or other vessel therein mentioned being a vessel making passages and carrying passengers from any place to any other place within the said Colony of New Zealand and such master or commander shall be thereby authorised while

such packet or vessel is actually being navigated between any port or harbour or on any river or lake within the limits of the said Colony, to sell and dispose of any alcoholic liquors on board such packet or vessel to any *bona fide* passengers by such packet or vessel.

Provincial Treasurer to issue wholesale license on production of certificate.

14. The Provincial Treasurer of any Province or if there shall be no such person then any or other person or persons appointed by the Governor may and shall issue to any person a wholesale license for any house or premises within any town or borough or in any Licensing District on production of a certificate from the Resident Magistrate issued at any Licensing Court held under this Act Applications for wholesale licenses shall be lodged with the Clerk of the Court at the same time and in the same manner as hereinafter provided for the application for and granting of certificates for publican's licenses The fee to be paid for wholesale licenses for houses or premises within any borough or town shall be thirty pounds and for places elsewhere ten pounds But no such license shall be granted against the prohibitory veto hereinafter provided.

#### PUBLICANS' LICENSES.

Notice by applicants for publicans licenses.

15. Every person who shall desire to obtain a publican's license or the renewal of one under this Act shall on or before the first Tuesday in the month of March in every year cause to be delivered to the Clerk of the Resident Magistrate of the District a notice in writing signed by him in the form in Schedule E hereunto annexed.

Clerk of the Court shall post list of applicants.

16. The Clerk of the Court to whom any such notice shall have been given shall on or before the second Tuesday in the said month of March in each year cause a list of the names and places of abode of all such applicants to be posted on the door of the Court House or other conspicuous place in the District there to remain until the day whereon the licensing meeting hereinafter mentioned shall be held.

Meeting of Licensing Court.

17. On the third Tuesday in the month of April following or on some day to be fixed by the Resident Magistrate as soon thereafter as conveniently may be there shall be holden at the office of the Resident Magistrate or other place appointed by him a Court to be called the Annual Licensing Court for the purpose of taking into consideration applications for certificates.

Notice of Annual licensing Court to be published.

18. The Clerk of the Court shall cause a notice of such Annual Licensing Court to be inserted not less than three times in one or two newspapers published in the nearest town and usually circulating in the District at least one calendar month previous to the date of such Court and such notice shall set forth the names of all applicants in respect of premises previously or not previously licensed together with the situation of the premises in respect of which their applications have severally been made.

Adjournment of Court

19. If any cause shall prevent the Court being held on the day advertised or on any other day to which it may be adjourned the Court shall stand adjourned from day to day until the Resident Magistrate shall be able to hold such Court.

Court to be held by Resident Magistrate appointed thereunto.

20. Such Annual Licensing Courts shall be held on the days, and at the places appointed for the same, as herein before directed unless adjourned as aforesaid and shall consist of such Resident Magistrate as shall be thereunto appointed by warrant under the hand of the Colonial Secretary inserted in the Government *Gazette*.

Applicants and objectors not to appear by agents or solicitors.

21. All applications for certificates shall be supported by the applicant in person and not by any agent or solicitor and objections

made by any person to the issuing of any such certificate shall be supported in like manner only by the objector in person and such witnesses as he may produce. But this provision shall not in any way interfere with any action which may be taken under clauses of this Act under the head "Prohibitory". It shall not be necessary that any formal objection shall be lodged or made against the issuing of any certificate if it shall appear on the report of the police made at the sitting of the Licensing Court to the satisfaction of the Resident Magistrate that no such certificate ought to be granted.

22. The Resident Magistrate shall exercise his discretion in granting or refusing any certificate and shall not be obliged to grant the same merely because the requirements of the law as to accommodation or personal fitness of the applicant are fulfilled unless in his opinion there is a necessity for the public house or other establishment for the sale of spirituous liquors for which such application is made.

Resident Magistrate to exercise discretion in granting &c.

23. No certificate shall be granted unless the applicant for the same shall produce to the Resident Magistrate at the sitting of the Court a memorial in favor of the same signed by at least one-third of the residents in such District who shall be entitled to vote under the prohibitory clauses of this Act. The genuineness of such signatures to be verified on oath before the Resident Magistrate by the person or persons in whose presence the same may have been written.

Applicant to produce memorial signed by at least one third of the residents &c.

24. In testing the proportional number of the signatures to the whole population of the district the Resident Magistrate shall be guided by any returns made at the last General Government Census if such there are and the same are accessible to him or by the List of Rate-payers and the evidence of Collectors of Road Rates School Rates or other persons qualified to form an approximate estimate of the number of persons resident in the district. The decision of the Resident Magistrate on the point shall be final and not open to appeal to any other Court.

Testing number of signatures &c.

25. At such Annual Licensing Court it shall be the duty of the principal Officer of Police and any other police officers within the district to be present and report to the Justices assembled on the conduct of every licensed house within the district for which a renewal of license is desired and upon the accommodation provided in such houses and in any houses for which a new license is desired.

Police to attend Court and report &c.

26. At such Annual Licensing Court it shall be lawful for any householder within the district to appear in person and state objections to the granting or renewal of any license applied for: Provided however that any householder desiring to appear in opposition to any application shall give to the Clerk of the Court seven days' notice in writing of his intention to oppose such application and such notice shall set forth the grounds of opposition.

Householder may object to license being granted.

27. Upon the hearing of such applications report and objections if any it shall be lawful for the Resident Magistrate to grant to such persons as shall be approved by him certificates authorising licenses to be issued which certificates shall be in the form in Schedule G hereunto annexed.

Upon hearing Resident Magistrate to decide.

28. The fee payable on the issue of any certificate shall be £1 to be paid to the Resident Magistrate and by him to the Colonial Treasury and the fee payable on the issue of any license shall be fixed by Act or Ordinance of the Provincial Council of the Province in which the house for which such license is to be granted is situated and such fee shall be paid to the Provincial Treasury and until further provision shall be such amount as now payable by any Provincial Act.

Fees payable by licensed person

License not to be transferred to constable &c.

29. No such certificate or publican's license shall be granted or transferred to any constable or bailiff or in respect of any house or premises of which any constable or bailiff shall be owner or wherein any constable or bailiff shall be directly or indirectly interested.

Clerk of Court to transmit list to Provincial Treasurer

30. The Clerk of the Court at which any such meeting shall have been held shall within fourteen days of the sitting thereof on any adjournments thereof transmit to the Provincial Treasurer of the Province in which such District is a list signed by the Resident Magistrate specifying the names and residences of all the persons to whom such certificates as aforesaid shall have been granted. 5 10

Certificate to be presented at Provincial Treasury before certain date.

31. Every such certificate shall be void unless the same shall have been presented at the office of the Provincial Treasurer and the fee payable in respect of the license to be issued by him be paid in respect thereof on or before the thirtieth of June next following the Annual Licensing Meeting at which such certificate was granted and upon such presentation and payment the Provincial Treasurer shall issue a publican's license in the form in Schedule C hereunto annexed to the person named in such certificate. 15

#### PROHIBITORY CLAUSES.

Resident Magistrate may be required to take votes as to bringing prohibitory clauses into operation.

32. At any time after the coming into operation of this Act it shall be lawful for twenty or more persons entitled to vote as hereinafter provided by notice in writing under their hands to require the Resident Magistrate for the District to take the votes of the voters of such District as to the expediency of bringing into operation within such District the prohibitory clauses of this Act and the said Resident Magistrate shall within one month after receiving such requisition cause a public notice to be posted at the Court House or some other conspicuous place in such district and to be advertised not less than twice in some newspaper or newspapers generally circulating in such District specifying on what day not less than fourteen days nor more than thirty days from the last publication of such notice the voters of such District will be required to signify their votes for or against the adoption of the prohibitory clauses of this Act. 20 25

Qualification of voter.

33. Every person male or female of the age of 21 years or if married of the age of 18 years and upwards whose home is and for twelve months previous to the day of voting shall have been within the district shall be entitled to one vote for or against the adoption of the prohibitory clauses of this Act. 35

Form of voting.

34. The Resident Magistrate of such District shall cause voting papers in the form in the schedule J to this Act to be prepared and shall fourteen days before the day appointed for voting as aforesaid cause one of such papers to be delivered at the residence or sent by post to the address of each person entitled to vote as aforesaid and whose residence or address shall be known and each person so entitled to vote as aforesaid shall upon the voting paper so delivered or sent signify by writing the word "Yes" or "No" upon the said paper and by signing his or her name thereto whether he or she votes for or against the adoption of this Act: Provided always that if any such person cannot write he or she shall affix his or her mark at the foot of the voting paper in the presence of a witness who shall fill up the voting paper in the presence of the person so entitled to vote and shall attest and write the name of such person upon the same All such voting papers shall pass through the Post Office both ways free. 40 45 50

Voting papers to be collected.

35. The Resident Magistrate of such District shall cause the voting papers to be collected or sent in to him before or on the day appointed for the voting as aforesaid in such manner as he shall 55

direct: Provided always that if any person entitled to vote shall not have received a voting paper he or she shall on application on or before the day of voting be entitled to receive a voting paper and to fill up and sign the same in the presence of such Resident  
5 Magistrate and then and there deliver the same to him.

36. The said Resident Magistrate shall on the day immediately following the day of voting examine the said votes and shall declare as hereafter mentioned whether a majority as hereinafter provided of duly qualified votes has been given in favour of the adoption of the  
10 prohibitory clauses of this Act and the adoption or non-adoption of the prohibitory clauses within such District shall depend on such majority of votes and the decision of such Resident Magistrate as to the number of votes shall (except as hereinafter provided) be absolutely final and binding for all purposes: Provided always that the  
15 prohibitory clauses of this Act shall not be adopted within such District unless at least two-thirds of the aggregate number of votes so collected or sent in as aforesaid and admitted by the said Resident Magistrate be in favor of such adoption.

37. If any person fabricates in whole or in part or alters  
20 defaces destroys abstracts or purloins any voting paper or personates any person entitled to vote in pursuance of this Act or falsely assumes to act in the name or on behalf of any person so entitled to vote or interrupts the distribution or sending any voting papers or distributes or sends any voting paper or any document purporting to be a voting  
25 paper under a false pretence of being lawfully authorised so to do he shall for every such offence be liable on conviction before two Justices to be imprisoned for any period not exceeding six months.

38. If the prohibitory clauses of this Act shall have been adopted as aforesaid the Resident Magistrate aforesaid shall immediately make  
30 and sign a declaration to that effect and from and after the publication in the *Government Gazette* of such declaration as hereinafter provided the prohibitory clauses of this Act shall be and shall be deemed for all purposes whatsoever to be in force in such District and such declaration shall not be liable to be impeached or called in question in any Court  
35 or before any Justices for or by reason of any error defect omission or irregularity in the proceedings before or on the day of voting or for any other cause whatsoever save only such gross negligence or such wilful misconduct on the part of such Resident Magistrate as shall have caused the opinions of the majority as aforesaid of the persons  
40 entitled to vote in such District to be untruly represented by such declaration.

39. Such Resident Magistrate shall immediately cause a copy of his said declaration to be published not less than three times in a newspaper generally circulating in the District and shall forward a copy  
45 of his said declaration to the Colonial Secretary for publication in the *Government Gazette* and after such last-mentioned publication all Court and all Justices shall take judicial notice of such declaration and of the adoption of the prohibitory clauses of this Act in such shire road district city town or borough. If the persons entitled to  
50 vote in any District shall determine in manner aforesaid against the adoption of the prohibitory clauses of this Act it shall not be lawful within one year after such determination again to take the votes of the persons entitled to vote in such District as to the expediency of bringing into operation therein the provisions of the said Act.

55 40. If the persons entitled to vote in such District shall determine in manner aforesaid in favour of the adoption of this Act it shall be lawful after the expiration of three years but not before from the time of the said adoption for any fifty persons resident in

Resident Magistrate to declare result of voting.

Penalty for fabricating, altering &c. voting papers.

If Act adopted Resident Magistrate to sign declaration and after publication in *Gazette* &c. Act to be in force, &c.

Declaration to be published in newspaper.

After three years Resident Magistrate may be again required to take votes.

such District again to require the Resident Magistrate of the said District again to take the votes of the voters of such District in like manner as hereinbefore provided for the adoption of the prohibitory clauses of this Act and the continuance or otherwise of the operation of such clauses within such District shall be determined by a majority as aforesaid of the votes so given. 5

After prohibitory clauses come into operation no license to be issued &c.

41. From and after the coming into force of the prohibitory clauses of this Act in any district as hereinbefore provided no certificate or license whatsoever shall be granted or renewed for the sale of alcoholic liquor within such district and any person selling or disposing of or allowing to be sold or disposed of any alcoholic liquor within such district shall be dealt with as selling without a license and subject to all the penalties and all liquors found in his possession or control shall be seized and forfeited in the manner provided by any law now or hereafter in force regulating the sale of alcoholic liquors: Provided nevertheless that nothing herein contained shall affect any right or privilege conferred or enjoyed by virtue of any license current or in force at the time of the said coming into force of this Act during the currency of the said license. 10 15

Payment of expenses.

42. All expenses incurred by the Resident Magistrate in carrying into effect all or any of the provisions of the prohibitory clauses of this Act shall be chargeable upon and shall be paid out of the fees payable into the Provincial Treasury for publicans and other licenses. 20

Penalty for divulging the vote of any individual voter.

43. If the Resident Magistrate his clerk or any other person who may assist in the examination of such voting papers as aforesaid shall divulge the vote of any individual voter except he be required to do so by and in any Court of Law he shall be liable to a penalty of £20 for every such offence. 25

Voting papers to be kept for the period of six months after the election.

44. All such voting papers as aforesaid shall be kept in some safe places by the Resident Magistrate for the period of six months after the election at which they shall have been taken unless proceedings may have been taken in some Court of Law which may require the production of such papers or any of them and notice thereof shall have been given to such Resident Magistrate after which period of six months they shall be burnt by such Resident Magistrate. 30 35

The Governor in Council may make regulations for the prosecution of enquiries &c.

45. The Governor in Council may from time to time make regulations for the prosecution of any enquiry into offences under Section 37 of this Act and direct prosecutions for the same to be undertaken in such manner and by such persons as he may think proper. But no such enquiry or prosecution shall operate to reverse the declaration made by the Resident Magistrate as to the adoption or non-adoption of the prohibitory clauses as aforesaid. 40

#### TRANSFERS.

Transfer of license.

46. Any publican's license may be transferred by indorsement in the form in Schedule H hereunto annexed to any other person than the original grantee thereof upon an application in writing by the grantee his executor or administrator to the nearest Resident Magistrate of the District: Provided that not less than seven days' previous notice of such application for transfer shall have been given to the Clerk of the Court and in two newspapers published in the Province and circulating in the District and that in support of such application a certificate from the Chief Officer of Police in the District shall be produced to the Court approving of the proposed transferee and of the premises in respect of which such transfer is desired. 50



47. Whenever any person to whom a certificate shall have been granted authorising the issue to him of a publican's license as this Act directs shall neglect or fail to take out such license in the manner and within the time directed by section twenty-six of this Act it shall  
 5 be lawful for the Provincial Treasurer to issue such license to the owner in fee or for a lesser estate of the premises in respect of which such license shall have been granted upon proof of such ownership being given by statutory declaration or otherwise to the satisfaction of the said Provincial Treasurer if application for such license be made  
 10 by such owner on or before the third day of July: Provided that such owner shall forthwith make application for the transfer to him of such license to the Resident Magistrate's Court of the District the same notice being given as is required in the case of an application for a transfer of a license with the consent of the grantee and that such  
 15 application shall have annexed thereto a certificate in the terms or to the effect of Schedule G of this Act: Provided further that upon the hearing of such application a memorial may be presented by the same persons and subject to the like limitations provisions and conditions as this Act provides in the case of an application for a license or certificate at any Annual Licensing meeting.

On failure of person holding certificate to take out license, Provincial Treasurer may grant license to owner &c.

48. The widow next of kin executors or administrators of any licensed publican deceased may carry on the business of deceased until next annual licensing meeting subject to all the duties responsibilities and liabilities of the original grantee: Provided that notice be first  
 25 given to the Resident Magistrate of the District of the intention so to carry on such business.

In case of death widow next of kin &c. may carry on business.

49. If any licensed house shall be destroyed or rendered untenable by fire tempest or other inevitable accident it shall be lawful for the Resident Magistrate of the District by indorsement on  
 30 the license to authorise the transfer of the license to any other house or premises then in existence and affording proper accommodation for such time within the currency of such license as may be necessary for the repairing or rebuilding such premises and upon such repair or rebuilding to re-transfer such license.

In certain cases Resident Magistrate may authorise transfer of license to other house.

50. Every transfer authorised under this Act shall within fourteen days after such transfer be reported to the Provincial Treasurer by the Clerk of the Court by which such transfer shall be authorised.

Transfer to be reported &c.

51. Every house for which a publican's license shall be granted shall from the time of granting the same contain at least two moderately sized sitting-rooms and three bed-rooms actually ready and fit for public accommodation independent of the apartments occupied by the household of such license-holder and shall also be provided with a privy or water-closet and urinal on or near the premises for the use of the customers thereof in order to prevent nuisances or offences against  
 40 decency and if not within the limits of any Town or Borough shall also be provided with stabling sufficient for four horses at least with a sufficient supply of wholesome and usual provender for the same.

Accommodation of licensed house.

52. Any person being the holder of a publican's license may apply in open Court to any Resident Magistrate and if such Resident Magistrate think fit he may on payment of a fee of one pound for every day to be forthwith transmitted to the Provincial Treasurer by  
 50 writing under their hands in the form in Schedule I hereunto annexed permit such license-holder to sell and dispose of alcoholic liquors at any fair races games regatta rowing-match cricket grounds or other places of public amusement for any period not exceeding seven days from the date thereof subject to any special conditions which such  
 55 Resident Magistrate may in each case attach to such permission.

Licenses for sale of spirits at fairs races &c.

## PACKET LICENSES.

Packet licenses to be granted by Provincial Treasurer &c.

53. Packet licenses may be issued in respect of any vessel at any time by the Provincial Treasurer upon the authority of the Superintendent and Provincial Executive and on payment of a fee not exceeding ten pounds: Provided that no such license shall authorise the sale of alcoholic liquors on board of such vessel whilst moored at any pier wharf or jetty except within thirty minutes after her arrival thereat or thirty minutes before her departure therefrom and such licenses shall attach to the vessel notwithstanding any change of master and shall authorise the sale of liquor on board of such vessel by the steward or other person authorised by the master for the time being. 5 10

## CLUBS.

No spirits &c. to be sold at Clubs without license.

54. And whereas doubts may arise as to whether Clubs formed for the purpose of establishing places for the accommodation of certain persons who may be members of such Clubs and providing at such Clubs alcoholic liquors for the use of the members thereof should be deemed to be public houses and whether persons supplying alcoholic liquors therein without a license ought to be subject to the provisions of this Act. Be it enacted that any person whether Secretary Treasurer Agent or other servant of any such Club supplying to any person whether a member or not any alcoholic liquors without being duly licensed shall be deemed to have committed an offence against this Act. 15 20 25

## GENERAL PROVISIONS.

No drinking to take place on premises between 10 p.m. and 6 a.m. &c.

55. No person holding a license under this Act shall sell or supply any alcoholic liquor or suffer the same to be drunk in or upon his house or premises between the hours of ten o'clock at night and six o'clock next morning or on Sundays except to or by *bona fide* travellers and persons resident thereat and sleeping therein: Provided that the Resident Magistrate authorising the granting of any license as aforesaid may at the time of so authorising also authorise the extension of time for selling from ten o'clock till eleven o'clock on Saturday night and till midnight on other ordinary nights upon payment of an extra fee of ten pounds. 30 35

Licensee's name &c. to be painted conspicuous on part of house.

56. Every holder of a publican's license under this Act shall keep his name painted at length in legible letters at least three inches long with the words "Licensed to retail alcoholic liquors" on some conspicuous part of his house and shall also keep a lamp affixed over the principal door of his house and on the outside thereof burning every night from sunset to sunrise. 40

No pledges to be taken in payment of liquor.

57. No person holding a publican's license shall take anything whatsoever in pledge for any liquor sold or supplied nor shall any person take in payment for the same anything whatever except coined or paper money or a cheque or order for payment of money on demand. 45

Wages not to be paid in licensed house

58. No person holding a publican's license shall permit any wages to be paid in his house or upon his premises save only the wages of persons employed as servants therein.

No gambling allowed.

59. No person holding a publican's license shall permit or suffer gambling or playing of any game of chance in or upon his house or premises. 50

No music or dancing allowed without an order from the Resident Magistrate.

60. No person holding a publican's license shall suffer or permit any music or dancing in any part of his licensed house or premises which is open to public resort without an order from the Resident Magistrate of the District granted in open Court upon an application lodged before the Clerk of the Court before whom such application 55

is to be made at least twenty-four hours before such application shall be heard and such Resident Magistrate shall hear any objections thereto by any householder in the District or officer of police.

61. Such order shall be granted only for some special occasion to be stated in such application and also in any such order so to be made and shall remain in force only for the hours mentioned in such order.

Such order to be for special occasion only.

62. No holder of any license under this Act shall in or upon his vessel house or premises or any of the appurtenances thereto supply or give or permit or suffer to be supplied or given any alcoholic liquor to any person any of whose faculties whether mental or physical are affected by alcoholic liquors. It shall not be necessary to prove that the person supplying such liquors did so knowingly if the fact of the person receiving the same being under such influence be proved.

Liquor not to be supplied to person affected by alcoholic liquors.

63. No holder of a publican's license shall to the extent to which he is required to find accommodation by this Act if there be accommodation in his licensed premises refuse to receive any traveller as a guest into his house or to supply him with food or lodging or to receive his horse or horses or to provide any such horse with sufficient provender whether the owner lodge in his house or not unless such traveller be under the influence of liquor or a known disreputable person.

No traveller to be refused accommodation.

64. Every person holding a publican's or packet license shall on demand at his licensed house or packet produce the same or any permission granted under sections forty-three and forty-four to any Justice of the Peace or constable.

License to be produced on demand.

65. Any constable may demand entrance into any licensed house or packet at any hour and any unnecessary delay in giving admission to such constable shall be an offence against this Act.

Constable may demand entrance.

66. If the holder of any licensed house shall permit women of the town to reside therein or to use the same for immoral purposes he shall on conviction before a Resident Magistrate be liable to a penalty of twenty pounds for the first offence and for a second offence shall forfeit his license which shall not be open thereafter to transfer to any other person during the current year.

Penalty for permitting licensed house to be used for immoral purposes.

67. If any person licensed under this Act shall be convicted of felony or misdemeanour in any Criminal Court and be sentenced to penal servitude or imprisonment or being the holder of a license shall abandon voluntarily or otherwise the occupation of his licensed house as his usual place of residence for more than thirty consecutive days then or in either of the said cases upon complaint thereof in open Court and proof of the fact to the satisfaction of any Resident Magistrate the license of such house shall become and be absolutely void and such house or place shall thenceforth be held to be unlicensed and no transfer of such license shall in any such case be allowed.

In case of holder of license being convicted of felony &c or abandoning the house license to be void.

68. If any person shall offend against any of the provisions of this Act for which a special penalty is not provided or fail to observe any of the conditions attached to any license or permission granted under the provisions of this Act he shall forfeit and pay for every such offence a sum not exceeding twenty pounds.

Penalty for non-fulfilment of conditions.

69. It shall be lawful for any Justice of the Peace police officer or constable to seize and take away or cause to be seized and taken away and to convey or cause to be conveyed to the nearest police station all such alcoholic liquors as he or they shall have reasonable cause to suspect are being carried about or exposed for sale in any street road or footpath or in any booth tent store shed or other place whatever by any person not licensed or authorised to sell the same in such place and the vessels containing the same and it shall be lawful for any one or more Resident Magistrates or Justice of the Peace or Justices

Justice of the Peace police officer &c. may seize all alcoholic liquors exposed for sale in any public place.

of the Peace in a summary way on his or their own view or on confession of the party or on proof of such offence by the oath of one or more credible witness or witnesses to convict any person so offending of carrying a bout or exposing for sale such liquors without a license and on conviction such person shall forfeit and pay any sum not exceeding fifty pounds and it shall be lawful for the convicting Justice or Justices to adjudge such liquors and the vessels and utensils containing the same to be forfeited and to order and direct the same to be sold and the proceeds thereof after deducting the expenses of sale shall be applied as penalties for offences recovered on summary conviction are now by law applied or in the discretion of such Justice or Justices to order and direct that such liquor vessels and utensils so adjudged to be forfeited shall be destroyed and in all cases where any person shall be charged with carrying about or exposing for sale any alcoholic liquors without being licensed the burden of proving that such liquors were not so carried about or exposed for sale shall be cast on the party or parties so carrying or exposing them.

In selling refreshment liquor not to be supplied on premises without a license.

70. If any person not being duly licensed under this Act shall sell or permit to be sold in or upon his house or premises or elsewhere any bread meat or thing whatsoever and shall supply or permit any other person to supply to the person buying such bread meat or other thing whatsoever any alcoholic liquor the person so supplying or wilfully or knowingly or negligently permitting any unlicensed person to supply such alcoholic liquors in his said house or premises shall be deemed and adjudged to have sold such alcoholic liquors within the meaning and contrary to the provisions of this Act.

Proceedings for offences recovery of penalties &c.

71. All proceedings for offences against the provisions of this Act shall be had and taken in a summary way and all fines and penalties hereby imposed shall be recovered in the manner directed by the Act of the Legislature of New Zealand intituled "The Justices of the Peace Act 1866."

Person convicted may appeal.

72. Any person who shall feel himself aggrieved by the judgment or conviction under this Act may appeal from such judgment or conviction in manner prescribed by "The Justices of the Peace Act 1866."

In all proceedings defendant to be deemed unlicensed unless license is produced.

73. In all proceedings against any person for selling or permitting 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.

Delivery of liquor to be proved *prima facie* evidence of payment for same.

74. The delivery of any liquor either by the owner or occupier of any house or premises or by his servant or other person in the house or premises shall be deemed to be 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 the Court.

Penalty for drunkenness

75. Any person convicted of drunkenness before any Justice of the Peace shall forfeit and pay a sum of not less than ten shillings nor more than forty shillings and in default thereof shall be imprisoned for any period not exceeding forty-eight hours.

Subsequent conviction.

76. Any person who shall have been so convicted three times within three calendar months shall upon such third and every subsequent conviction be imprisoned for any period not exceeding seven days with hard labour and shall for the space of one year thereafter be held to be an habitual drunkard within the meaning of this Act.

Action with respect to habitual drunkenness.

77. If any person shall be convicted of being an habitual drunkard of which fact the record of three convictions shall be

conclusive proof without further trial the name and description of such person shall be furnished by the police to every holder of a publican's or bush license within the district and any holder of such license who shall thereafter knowingly supply or permit or suffer to be supplied in or upon his premises any alcoholic liquor to such habitual drunkard shall on conviction forfeit and pay a sum not exceeding five pounds for each offence.

78. Any holder of a license under this Act who shall be convicted three times of any offence or offences against any of the provisions of this Act shall upon such third conviction forfeit his license and be thereafter incapable of being licensed.

79. Every husband wife widow child orphan 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 against the person who may have sold liquor to the person by whose act the plaintiff shall have been injured under the influence of which liquor the injury may reasonably be presumed to have been inflicted and may sue for damages in respect thereof in any Court of competent jurisdiction Any judgment for damages in such action against the keeper of any licensed public house shall be a lien on the house in which the liquor was sold and may be levied thereon by sale or otherwise or an order of the Court in which such damages were recovered.

Upon conviction for three offences against Act license to be forfeited.

Relatives of intoxicated persons if injured to have right of action against the person supplying the liquor.

#### ADULTERATION.

80. Every person who mixes or causes to be mixed with any liquor sold or exposed for sale by him or kept in any licensed house or premises any of the substances mentioned in Schedule K to this Act or any other substance injurious to health or who sells or exposes for sale any liquor mixed with such substances or who being a licensed vendor of alcoholic liquors has in his possession any of the said substances shall be liable in the discretion of the Court to a penalty of not less than £10 nor more than £20 for the first offence for a second or third not less than £20 or more than £100 or to imprisonment in each case for a period not exceeding three months and in case of a third conviction shall forfeit his license and be incapable afterwards of holding one.

Person mixing liquor with any of the substances in Schedule K liable to penalty not exceeding £100 or imprisonment for a period not exceeding three months.

81. When a person is convicted under any of the provisions of the last clause it shall be the duty of the chief police officer in the District under a penalty of five pounds for neglect under an order to be issued by the Resident Magistrate on sight of such conviction to affix to some one or more conspicuous parts of the licensed premises a placard printed in large print stating the fact and the cause of such conviction and the licensed person shall keep such placard in the place where it is put for six months from the date of its being so fixed.

Notice of conviction under last clause to be affixed by police to licensed premises.

82. All adulterated liquors and all such substances as aforesaid may be seized and destroyed by the police on an order specifying the same issued by the Resident Magistrate.

Adulterated liquors to be destroyed.

83. The Governor in Council may by Proclamation make all such regulations as to him shall seem fit for enabling and authorising the police or other persons to inspect all licensed houses and every outbuilding or other part thereof and to demand and purchase any liquors for the purpose of subjecting the same to analysis and for analysing and testing the same and the cost of such proceedings.

Governor in Council to make regulations &c.

## SCHEDULES.

## SCHEDULE A.

## FORM OF CERTIFICATE BY RESIDENT MAGISTRATE TO AUTHORISE THE GRANTING OF A LICENSE.

Province of \_\_\_\_\_ } At the Annual Licensing Court (or an adjournment of the  
to wit. \_\_\_\_\_ } Annual Licensing Court) in and for the District of  
holden at \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one  
thousand eight hundred and \_\_\_\_\_, pursuant to "The Licensing Act, 1871,"  
or the purpose of considering applications made to us for Publican's Licenses  
pursuant to the said Act, We being the majority of the Justices assembled at  
the said meeting, do in virtue of the power vested in us hereby authorise the Provincial  
Treasurer to deliver to A.B. of \_\_\_\_\_ the License in the said Act called a Pub-  
lican's License for (here state the house, sign, and district) the year commencing from  
the first day of July next.

Given under our hands and seals \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at the  
place aforesaid.

G.H., J.P. (L.S.)  
J.K., J.P. (L.S.)

## SCHEDULE B.

## FORM OF WHOLESALE LICENSE.

Province of \_\_\_\_\_ } KNOW ALL MEN by these presents that A. B. of \_\_\_\_\_,  
to wit. \_\_\_\_\_ } [Merchant, as the case may be] is hereby licensed pursuant to  
"The Licensing Act, 1871," to sell any quantity of alcoholic liquors provided the same  
be not sold in quantities less than two gallons of any description of liquor, and to be  
delivered at one time from the \_\_\_\_\_ day of \_\_\_\_\_ until the thirtieth day of June  
next, the said A.B. having this day paid the sum of \_\_\_\_\_ pounds into the Provincial  
Treasury.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

N.O.,

Provincial Treasurer.

## SCHEDULE C.

## FORM OF A PUBLICAN'S LICENSE.

Province of \_\_\_\_\_ } WHEREAS A.B., of \_\_\_\_\_, hath deposited in this office a certificate  
to wit. \_\_\_\_\_ } from the \_\_\_\_\_ at the Annual Licensing Court held under "The  
Licensing Act, 1871," at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one  
thousand eight hundred and \_\_\_\_\_, authorizing the issue to the said A.B. of the License  
in the said Act, called a Publican's License, for the house known [or to be known] by  
the sign of \_\_\_\_\_, situated at \_\_\_\_\_ in the district of \_\_\_\_\_ in the said Province of \_\_\_\_\_  
And whereas the said A. B. hath paid into my office the sum of \_\_\_\_\_ pounds sterling  
as the duty on the License, Now I the Treasurer of the Province, in pursuance of and  
by the virtue of the powers vested in me by the said Act, do hereby license the said  
A. B. to keep a Public House, and to sell Alcoholic Liquors in any quantity in the  
house in which he [or she] now dwelleth [or is about to dwell] being the sign of  
situated at \_\_\_\_\_, aforesaid, and the apurtenances thereto belonging, but not  
elsewhere, and this License shall commence upon the first day of \_\_\_\_\_ next, and  
continue in force till the 30th day of June then next ensuing, both days inclusive,  
provided it be not forfeited in the meantime according to the provisions of the said Act.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight  
hundred and \_\_\_\_\_

N.O.,

Provincial Treasurer.

## SCHEDULE D.

## FORM OF PACKET LICENSE.

WHEREAS A.B., master or commander of the steam packet named [or if any other kind of vessel, describe it] conveying passengers between places within the Province of \_\_\_\_\_ hath deposited in my office a certificate from the Superintendent and Provincial Executive authorising the issue to the said A. B. of a Packet License within the meaning of "The Licensing Act, 1871," and hath paid into my office the sum of £ \_\_\_\_\_ as the fee on such license, pursuant to the provisions of "The Licensing Act, 1871." Now I the Provincial Treasurer, by virtue of the powers in me vested by the said Act, do hereby license the said A. B. to sell by retail alcoholic liquors to any passengers on board of such vessel during any part of the actual passage of such vessel, as is made within the limits of the said Province. This license shall commence on the date hereof and shall continue in force until the thirtieth day of June next ensuing, both inclusive.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

N.O.

Provincial Treasurer.

## SCHEDULE E.

## FORM OF NOTICE OF APPLICATION FOR A PUBLICAN'S LICENSE FOR AN INN OR PUBLIC HOUSE.

To the Resident Magistrate of the District of \_\_\_\_\_ in the Province of \_\_\_\_\_, in the Colony of New Zealand.

I, A.B. [state trade or occupation], now residing at \_\_\_\_\_, in the Parish, City, or District of \_\_\_\_\_ do hereby give notice that it is my intention to apply at the next Annual Licensing Court to be holden for this District for a Publican's License for the sale of alcoholic liquors in the house and appurtenances thereunto belonging, situated at \_\_\_\_\_ [Here describe the house proposed to be licensed, specifying the situation of it, the person of whom rented, the present occupier, whether now licensed, and if so, under what sign], and which I intend to keep as a public house. [If previously licensed add] That I now hold a publican's license within the meaning of "The Licensing Act, 1871."

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_ A.B.

## SCHEDULE F.

## FORM OF HOUSEHOLDER'S CERTIFICATE TO BE APPENDED TO THE ABOVE.

We, the undersigned ten householders residing in the immediate neighbourhood of the above-mentioned house, do hereby certify that the above A.B. is a person of good fame and reputation, and fit and proper to be licensed to keep an inn or public house for the sale of alcoholic liquors therein.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

## SCHEDULE G.

## FORM OF CERTIFICATE BY RESIDENT MAGISTRATE TO AUTHORISE THE GRANTING OF A LICENSE.

Province of \_\_\_\_\_, ) At the Annual Licensing Court (or an adjournment of the  
to wit. ) Annual Licensing Court in and for the District of \_\_\_\_\_  
holden at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand  
eight hundred and \_\_\_\_\_, pursuant to the "Licensing Act, 1871," for the purpose of  
considering applications made to us for Publicans' Licenses pursuant to the said Act,  
and the Resident Magistrate of the said District, do, in virtue of the power,  
vested in me, hereby authorise the Provincial Treasurer to deliver to A.B., of \_\_\_\_\_  
the license in the said Act, called a Publican's License for [Here state the house,  
sign, and district], the year commencing from the first day of July next.

Given under my hands and seal the \_\_\_\_\_ day of \_\_\_\_\_, at the place aforesaid.  
A.B., Resident Magistrate.

## SCHEDULE H.

## FORM OF TRANSFER OF LICENSE.

Province of \_\_\_\_\_, ) BE IT REMEMBERED that I, the undersigned, being Resident  
to wit. ) Magistrate for the district of \_\_\_\_\_ do hereby  
upon the application of the within named transfer \_\_\_\_\_ the rights and  
privileges of the within license to G.H., for the period of \_\_\_\_\_ from this date, the  
said G.H. having first exhibited the certificate and given the notices required by law.  
A.B., R.M.

## SCHEDULE I.

I, being Resident Magistrate] for the district of \_\_\_\_\_, do hereby permit A.B., a  
duly licensed publican within the said district, to sell and dispose of alcoholic liquors  
at [place and nature of amusement] on the day [or days] of [month], subject to the  
following conditions, viz., [Here insert conditions].  
[Date.]

A.B., R.M.

## SCHEDULE J.

## VOTING PAPER.

A REQUISITION signed by \_\_\_\_\_ persons entitled to vote under the prohibitory  
clauses of the Licensing Act having been presented to me requiring me to take the votes  
of those duly qualified according to the terms of the said Act, you are hereby desired to  
signify your vote for or against the adoption of the said prohibitory clauses of the said  
Act within the district of \_\_\_\_\_ thus:—

	In favour of	Against.
Do you vote in favour of or against the adoption of this Act in this _____?		

N.B.—The ratepayer will write “Yes” or “No” under the heading “In favour of” or  
“Against,” according as he votes for or against the adoption of the prohibitory clauses  
of the above-named Act. He is also required to subscribe his name and address at full  
length. If a voter cannot write he or she must make his or her mark, and such mark  
must be attested by a witness, and such witness must write the initials of the voter  
against his mark. This paper is to be returned to me either by post or delivered at the  
office of my Court (if sent by post no postage stamp need be affixed) on or before the  
day of \_\_\_\_\_ [or will be collected on the \_\_\_\_\_ day of \_\_\_\_\_].

Take Notice.—If any person wilfully commits any of the acts following, that is to  
say, fabricates in whole or in part alters defaces destroys abstracts or purloins any  
voting paper, or personates any person entitled to vote in pursuance of this Act, or  
falsely assumes to act in the name or on behalf of any person so entitled to vote, or  
interrupts the distribution or sending of any voting papers or distributes or sends any  
voting papers or any document purporting to be a voting paper, under a false pretence  
of being lawfully authorised so to do, he shall for every such offence be liable on con-  
viction before two Justices to be imprisoned for any period not exceeding six months.

(Signed in writing or print by the Resident Magistrate.)

## SCHEDULE K.

## SUBSTANCES REFERRED TO IN CLAUSES.

COCCULUS INDICUS ; Faba Arabica; Digitalis, or Foxglove; Copperas, or any other metallic  
or mineral poison; Hartshorn Shavings; Henbane, or Aconite; Jalap; Lime; the substances  
known among publicans as “Mulum;” Nut Galls; Nux Vomica, or Strychnine;  
Opium in any form; Oil of Vitroil; Potass; Quassia; Tobacco; Wormwood; Yew  
Tops; and any other substances capable of being used for adulteration injurious to human  
health.