

of the costs and expenses which may be incurred in respect of the survey of the ship, and of all compensation which may be payable for loss or damage caused by detention for the purpose of such survey, or otherwise in respect of such survey.

As to expenses and damage if complaint made without reasonable cause.

11. Where a ship has been surveyed under this Ordinance in consequence of a complaint made to the Governor, if upon such survey being made it appear that such complaint was made without reasonable cause, the expenses incurred in respect of the survey of the ship and the amount, if any, which may have become payable out of the general revenues of this Colony in respect of any loss or damage caused by her detention, shall be recoverable from such complainant by action at the instance of the Stipendiary Magistrate, which may in form be for moneys paid out of the Treasury of this Colony at the request of such complainant.

Expenses to be paid out of general revenues of Colony.

12. All moneys payable in respect or by reason of the survey or detention of a ship under this Ordinance shall in the first instance, and subject to the right by this Ordinance provided of recovering such moneys from the complainant or owner of the ship, be paid out of the general revenues of this Colony on the warrant of the Governor.

Definition.

13. The term ship in this Ordinance shall include the Colonial schooners and all decked vessels of whatsoever tonnage, and howsoever propelled, having a British or British-Colonial register.

Short title.

14. This Ordinance may be cited as "The Ships Ordinance, 1875."

LICENSING.

Ordinance No. 11 of 1882.

[1st December, 1882.]

Be it enacted by the Governor of the Falkland Islands and their Dependencies, with the advice and consent of the Legislative Council thereof, as follows :—

Licence already held to be subject to this Ordinance.

1. All licences held at the commencement of this Ordinance, and all licensed persons and licensed premises holding, or in respect of which a licence

shall be held at the commencement of this Ordinance, shall, except where otherwise specially provided, be under and subject to the provisions of this Ordinance.

Proviso:

2. Nothing in this Ordinance shall apply to any person selling any spirituous or distilled perfume, *bona-fide* as perfumery, nor to the prescription or administration of any liquor simply as medicine, or for medical purposes by or under the direction of any known or practising physician, surgeon or medical practitioner, nor to any person who holds a licence as auctioneer, selling liquor at public auction in quantities of not less than two gallons at any one time, nor shall any licence be required by the master or commander of any vessel for the supply of any allowance of liquor to the crew of such vessel.

Ordinance not to apply in certain cases.

3. No person shall sell or expose for sale any intoxicating liquor without being duly licensed to sell the same, or at any place where he is not duly authorised to sell the same, and any person who shall (except as the agent or servant of a licensed person, and then only in accordance with such person's licence) sell any liquor without a licence authorising such sale shall forfeit and pay for a first offence any sum not less than twenty-five pounds and not more than fifty pounds, or shall be liable to imprisonment for any term not less than one month, nor exceeding three months, and for a second and any subsequent offence shall be liable to imprisonment, with or without hard labour, for any term not less than three months nor exceeding six months, and shall also for a first as well as any subsequent offence forfeit all liquor in his possession, with the vessels containing the same.

No liquor to be sold without licence.

Penalties.

4. The following licences may be granted under this Ordinance :—

Kinds of licence.

- Publican's retail licences.
- Billiard table licences.
- Packet licences.
- Wholesale licences.
- Brewer's licences.

Such licences respectively shall be in such one of the forms in the Schedule as shall be applicable, and

Forms.

shall be in force for six months, with the exception of packet licences, wholesale licences and brewers' licences, which shall be in force for twelve months.

Publican's
licence.

5. A publican's retail licence shall authorise the licensee to sell and dispose of any liquor in any quantity less than two gallons on the premises specified, on any lawful day between the hours of eight in the morning and ten at night.

Billiard licence.

6. A billiard table licence shall authorise the licensee to keep and maintain billiard or bagatelle tables for hire on the premises thereon specified, and to allow such tables to be used between the hours of ten in the morning and ten at night.

Packet licence.

7. A packet licence shall authorise the master of the vessel therein mentioned, being a vessel by which passengers are conveyed from any place within the Colony or its Dependencies, to any other place within or without the Colony, to sell and dispose of liquor during her passage between such places to any passenger on board such vessel :

Provided that no licence shall be necessary to authorise the granting of allowances of liquor to the crew of such packet or vessel.

Wholesale
licence.

8. A wholesale licence shall authorise the licensee to sell any liquor in quantities not less than two gallons on the premises specified in the licence, which, if more than one, must be contiguous to each other.

Brewer's
licence.

9. A brewer's licence shall authorise the licensee to brew beer on the premises specified in such licence, for sale in quantities of not less than nine gallons, and subject to such regulations as shall from time to time be prescribed by the Governor in Council. There shall be payable in respect of such beer upon every 36 gallons of worts of a specific gravity of 1,030 degrees, or upon any less quantity or gravity, a duty of 6s., and for every two degrees in excess of 1,030 degrees the sum of 3d.

10. The fees which shall be paid for licences shall be as follows :—

	£	s.	d.
For a publican's retail licence for six months	10	0	0
For a billiard table licence for six months, each table	2	10	0
For a packet licence for twelve months	5	0	0
For a wholesale licence for twelve months	20	0	0
For a brewer's licence for twelve months	2	0	0

Fees.

11. Any person may, by application to the Colonial Treasurer, obtain a "publican's," "billiard table," or "packet" licence, on production of a certificate of good character and fitness signed by two Justices of the Peace not holding licences under this Ordinance, and approved by the Governor, and on payment of the fee hereinbefore set forth :

Power of Treasurer to issue licences.

Provided always that every such application shall first have been published by the Treasurer for fourteen days in the official *Gazette*, and that the objections (if any) to such licence being granted shall have been heard and determined in manner hereinafter provided.

12. All objections to the granting or renewal of licences shall be heard and determined by the Governor in Council.

Objections to be heard by Governor in Council.

13. The objections that may be taken to the granting of an application for a licence may be one or more of the following :—That the applicant is of bad fame and character, or of drunken habits, or has within twelve months previously forfeited a licence, or that the applicant has been convicted of selling liquor without a licence within a period of three years, or that the premises in question have not reasonable accommodation, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situated will be disturbed if a licence be granted. The objections which may be taken to the renewal of a licence may be one or more of the following :—That the applicant is of bad fame and character, or of drunken habits, or that

Objections to
licences.

the premises in question are not maintained at the required standard, and also any other objection (whether or not of the same kind as any of the preceding objections) which appears to the Governor in Council to be sufficient :

Provided that at least three days' notice of such objections shall be given to the applicant before the day of hearing the same.

Renewal of
licences.

14. All licences held at the commencement of this Ordinance or granted during its operation may be renewed by the Colonial Treasurer on the terms and according to the provisions of this Ordinance without certificate, provided no objections be taken to such renewal. In any case where objections are taken the licence will not be renewed until such objections are heard and determined by the Governor in Council in favour of the licence.

Power of
Magistrate to
issue special
licence.

15. The Police Magistrate may, if in his discretion he thinks fit so to do, grant on any special occasion to the holder of a publican's retail licence a special licence authorising such publican to keep his premises open during the hours specified on such special licence, and there shall be paid into the Treasury, on the issue of such special licence, the following fees :—

In respect of a licence authorising premises to be kept open until midnight, the sum of ten shillings, and for every hour after midnight, the additional sum of three shillings.

Special billiard
licence.

16. The Police Magistrate may also, if in his discretion he thinks fit so to do, grant on any special occasion to the holder of a billiard table licence a special licence, authorising such licensee to keep his premises open during the hours specified on such special licence, and there shall be paid into the Treasury, on the issue of such special licence, the following fees :—

In respect of a licence authorising premises to be kept open until midnight, the sum of four shillings, and for every hour after midnight, the additional sum of one shilling.

17. It shall be lawful for the Police Magistrate, if he shall consider it conducive to public convenience, to grant to any person an "occasional licence" for the sale of intoxicating liquors at such place, in such quantities, and for such period of time not exceeding three consecutive days as may be specified in such licence, and on the issue of any such licence there shall be paid into the Treasury a fee at the rate of ten shillings per diem in respect of any place within three miles of a public-house, and five shillings per diem in respect of any other place :

Occasional
licence.

Provided that no such licence shall be granted except with the consent of the occupier of the place specified in such licence.

18. It shall be lawful for the Colonial Treasurer to grant to any person, company, or mercantile firm, or to the agent of such company or mercantile firm, a wholesale licence for twelve months, in the form in the Schedule to this Ordinance, on payment of the fee of twenty pounds.

Grant of whole-
sale licence.

19. Every licensed person shall cause to be painted or fixed, and shall keep painted or fixed on the front of the premises in respect of which his licence is granted, in a conspicuous place, and in letters at least three inches in length, his name, with the addition after the name of the word "licensed," and of words sufficient to express the business for which his licence has been granted, and no person shall have any words or letters on his premises importing that he is licensed in any way other than that in which he is in fact duly licensed. Every licensed person who acts in contravention of, or who fails to comply with the provisions of this section, shall be liable to a penalty not exceeding for the first offence five pounds, and not exceeding for the second and any subsequent offence ten pounds.

Name of
licensed person
to be affixed on
premises.

20. Every person duly licensed to sell liquors in Stanley, or in any township which may hereafter be proclaimed, shall keep books in form to be approved by the Governor in Council, and daily enter therein a true account of all liquors purchased or imported, as well as of all liquors sold by him; and such books

Licensed
persons to keep
account of
liquor obtained
and sold.

shall be open to inspection at any time by any constable. For any neglect of, or refusal to comply with, any of these provisions, the licensee will be liable to the forfeiture of his licence and to a penalty not exceeding twenty pounds.

Retail dealers
not to keep
store.

21. Any person licensed to sell liquor by retail in Stanley, or in any township which may be hereafter proclaimed, who shall directly or indirectly keep a store, or sell, or barter goods on the premises for which a retail licence has been issued under this Ordinance, shall on conviction be liable to forfeiture of his licence and to a penalty not exceeding fifty pounds.

Licensee may
supply meals.

22. The foregoing section shall not apply to any meals supplied by the licensee, nor to provisions consumed on the licensed premises, nor to the sale of tobacco where a licence for sale has been taken out under the provisions of Ordinance No. 10 of 1889.

Prohibition of
sale of spirits
of less strength
than 27 under
proof.

23. It shall not be lawful for any licensed dealer to sell by wholesale or retail any spirits of less strength than 27 under proof under a penalty upon conviction for each offence not exceeding twenty pounds.

Samples of
liquor may be
taken for test
purposes.

24. It shall be lawful for any constable to enter upon any premises where liquor is kept or stored for the purposes of sale and take samples of any such liquor to be tested, and any person refusing so to furnish liquor required with this object, or who may interfere with, impede, resist or obstruct the officer in the discharge of this duty shall be liable to a penalty for each offence not exceeding fifty pounds.

Penalty for
unlawful hire
of billiard table.

25. Any person who shall permit or allow a billiard or bagatelle table to be used for hire on any premises for which a billiard table licence has not been obtained shall be liable to a penalty not exceeding twenty pounds.

Outdoor lamp
to be kept
burning all
night.

26. Every licensed publican shall keep a lamp with white light affixed over the door of his premises, or within twenty feet thereof, lighted during the

whole of every night from sunset to sunrise, and every person who acts in contravention or fails to comply with the provisions of this section shall forfeit and pay for each offence a penalty not exceeding forty shillings.

27. Every holder of a publican's licence shall thoroughly cleanse and disinfect all the rooms, passages, stairs, floors, walls, ceilings, closets, cess-pools and drains of the licensed premises to the satisfaction of and as often as shall be required by or in accordance with the directions of any inspector appointed by the Governor.

Sanitary precautions.

28. If any licensed person shall permit any room or portion of his licensed premises or the appurtenances thereof to be used or occupied as a dancing, concert or theatrical saloon, or as a place of common resort to which persons may be admitted by ticket or otherwise, he shall be liable to forfeit his licence. But nothing herein contained shall extend to prevent private societies or assemblies of persons from hiring and using such room or place and keeping the exclusive control over admission to such room or place, independent of or unconnected with the proprietor or keeper of such house; and on every occasion of the hiring of such room or place special leave shall be applied for in writing by one or more of the persons desiring such leave, and such leave shall be obtained in writing from and under the hand of the Police Magistrate, countersigned by the Colonial Secretary; and the occasion on which and the name or names of one or more of the persons by or on behalf of whom such place is required shall be stated on the face of such written application and leave respectively :

Penalty for permitting room to be used as dancing saloon.

Provided that the Police Magistrate and the Colonial Secretary may, if they think fit, refuse to grant such application.

29. If any person who shall be duly licensed to sell liquor by retail shall be convicted of any offence against the laws for the proper regulation and good order of his house or against the conditions of the licence to him granted, such person, in addition to

Power to revoke licence if holder is convicted.

any punishment or penalty which may be awarded by the Court on account of such offence, may, at the option of the Court, be deprived of his licence and the said licence shall thereupon become null and void :

Provided that it shall be lawful for the Governor to remit any such forfeiture of a licence as aforesaid.

Penalty for
paying wages
in licensed
premises.

30. If any master employing journeymen, workmen, servants or labourers shall pay or cause any payment to be made to any such journeymen, workmen, servants or labourers in or at any licensed premises or in any house in which liquor shall be sold, he shall for every such offence forfeit and pay a sum not exceeding ten pounds :

Provided always that nothing herein contained shall extend to any licensed person paying his own journeymen, workmen, servants or labourers employed solely in his business as licensed person in his licensed house.

No debts for
liquor recover-
able.

31. No licensed person shall recover any debt or demand on account of any liquor supplied by him to any person for consumption on the premises; but such licensed person may sue for and recover the value of any liquor supplied in moderate quantity with meals to any person *bona-fide* lodging in the house.

Liquor to be
sold for money
only.

32. If any licensed person shall receive in payment or as a pledge for any liquor or entertainment supplied in or from his licensed premises anything except current money, he shall for each such offence pay a penalty not exceeding ten pounds. The person to whom belongs anything given as a pledge as aforesaid shall have the same remedy for recovering such pledge or the value thereof as if it had never been pledged.

No licensed person shall receive payment in advance for any liquor to be supplied; and any payment so made in advance may be recovered notwithstanding that any liquor may have been supplied subsequently to such payment.

33. Any licensed person who allows to be supplied in his licensed premises by purchase or otherwise to be consumed on the premises any description whatever of spirits or of wine, ale, beer or porter to any person apparently under the age of sixteen years, of either sex, not being resident on the premises as a *bona-fide* guest, lodger or traveller, shall, as well as the person who actually gives or supplies the spirits, wine, ale, beer or porter, be liable to a penalty not exceeding ten pounds for every such offence. Upon a conviction for a first offence against this section the convicted person (if licensed) shall be liable to have his licence suspended for six months; and in case of a second or any subsequent offence he shall be liable to forfeit his licence, and the premises in respect of which such licence is granted shall be liable to be declared disqualified for a period of not less than two years nor exceeding five years.

Penalty for supplying children with liquor.

34. Any person who sells or delivers any liquor to any child apparently under fourteen years of age, to be taken away from the premises, shall be liable to a penalty not exceeding five pounds.

Selling or delivering liquor to children.

35. If any licensed person knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty, or supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty, unless by the authority of some superior officer of such constable, or bribes or attempts to bribe any constable, he shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second or any subsequent offence twenty pounds.

Penalty for harbouring constable.

36. Where it shall be made to appear in open Court that any person by excessive drinking of liquor misspends, wastes or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the Police Magistrate or any two Justices

Supply of liquor to drunkards prohibited.

presiding in such Court shall, by writing under their hands, forbid any licensed person to sell to him or her any liquor for the space of one year, and such Police Magistrate or Justices or any other two Justices may, at the same time or any other time, in like manner prohibit the selling of any such liquor to the said drunkard by any such licensed persons of any other district to which such drunkard shall or may be likely to resort for the same.

Prohibition
renewable.

37. The said Police Magistrate or Justices or any two of them shall in like manner, from year to year, renew any such prohibition as aforesaid as to all such persons as have not in their opinion reformed within the year; and if any licensed person shall during any such prohibition, after service of a copy thereof upon him or her or with a knowledge thereof in other manner acquired, sell to any such prohibited person any liquor, he or she shall forfeit, upon conviction for every such offence, a sum not exceeding ten pounds.

Penalties.

38. Any person—

(a) against whom an order of prohibition has been made under Section 36 or renewed under Section 37 of this Ordinance who shall, within one year of the making or renewal of such order, be in any place where liquor is sold by retail; or

(b) who, being the holder of any retail liquor licence, shall suffer any such prohibited person to be in the place so licensed; or

(c) who sells, supplies or distributes intoxicating liquor or authorises such sale, supply or distribution to any such prohibited person,

shall be liable on conviction for a first offence to a penalty not exceeding five pounds :

Provided.

Provided that the Magistrate hearing any charge under this Ordinance, upon being satisfied that the person charged did not wilfully contravene the provisions of this section, or used every effort to prevent a prohibited person from being or remain-

ing on his premises and immediately gave information thereof to the police, may dismiss the charge against such person.

39. When any person against whom a prohibition order has been made or renewed under Sections 36 or 37 of this Ordinance shall—

- (a) send or in any way influence any person to procure him liquor; or
- (b) be found in possession of any liquor;
- or
- (c) be found drunk in Stanley,

he shall be liable to a fine not exceeding five pounds or to imprisonment not exceeding one month.

40. Any person convicted under Section 38, Sub-Section (c), or Section 39 of this Ordinance shall be liable on a second or subsequent conviction to imprisonment not exceeding six months.

Penalty on second conviction.

41. No licensed person shall permit any sale by auction to be made on his premises under a penalty not exceeding five pounds for each offence.

Sales by auction forbidden on licensed premises.

42. If any licensed person suffers any unlawful game or any raffle, lottery or betting to be carried on in his premises, or opens, keeps or uses or suffers his premises to be opened, kept or used for the purpose of fighting or baiting any dog, cock or other kind of animal, whether of domestic or wild nature, he shall be liable for the first offence to a penalty not exceeding ten pounds, and not exceeding for the second or any subsequent offence twenty pounds. The penalties in this section mentioned shall be irrespective of and in addition to any other penalties to which any person may be liable under any law relating to gaming or cruelty to animals respectively.

Penalty for permitting gaming.

43. If any licensed person is convicted of permitting his premises to be a brothel, he shall be liable to a penalty not exceeding twenty pounds and shall forfeit his licence, and he shall be disqualified

Forfeiture of licence for permitting house to be a brothel.

for ever from holding any licence for the sale of liquors.

Power to exclude persons from premises and to refuse liquor.

44. Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is drunken or who is violent, quarrelsome or disorderly, whether drunken or not, and any person whose presence on his premises would subject him to a penalty under this Ordinance, and may refuse to serve any such person with liquor if demanded only as a pretext for remaining on the premises.

Penalty for refusing to quit premises on demand.

45. Any such person who, upon being requested by such licensed person or his agent or servant or any constable to quit such premises, refuses or fails to do so, shall be liable to a penalty not exceeding five pounds; and all constables are required on the demand of such licensed person, agent or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

Closing hours for licensed premises.

46. All premises in which intoxicating liquors are sold by retail shall be closed as follows:—

On Saturday night, from ten o'clock until noon on Sunday.

On all other nights from ten o'clock until eight o'clock the following morning.

On Christmas Day and Good Friday as if Christmas Day and Good Friday were respectively Sunday:

Provided that it shall be lawful for the Governor in Council, at any time, by order to vary the aforesaid hours.

Penalty for sale of liquor at unauthorised times.

47. Any person who, during the time at which licensed premises are directed to be closed by or in pursuance of this Ordinance, sells or exposes for sale on such premises, any liquor, or opens, or keeps open such premises for the sale of liquors, or allows any liquors, although purchased before the hours of closing, to be consumed on such premises, or during

such aforesaid time allows any one whomsoever to play at billiards or bagatelle, or any other game on such premises, shall, for the first offence, be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

48. Nothing in this Ordinance shall preclude a person who is licensed to sell liquor, to be consumed on the premises, from selling such liquor at any time to *bona-fide* travellers, or to persons lodging in his house.

Saving as to
bona-fide
travellers and
lodgers.

49. If, in the course of any proceedings which may be taken against any licensed person for infringing the provisions of this Ordinance, relating to closing, such person (in this section referred to as "the defendant") fails to prove that the person to whom the liquor was sold (in this section referred to as "the purchaser") is a *bona-fide* traveller, but the Magistrate or Justices are satisfied that the defendant truly believed that the purchaser was a *bona-fide* traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the Magistrate or Justices shall dismiss the case against the defendant; and if they think that the purchaser falsely represented himself to be a *bona-fide* traveller, it shall be lawful for the Justices to direct proceedings to be instituted against such purchaser under the next following section of this Ordinance.

Onus of proof
in such cases.

A person, for the purpose of this Ordinance, shall not be deemed to be a *bona-fide* traveller unless he shall reside at least five miles from the licensed premises where he shall be supplied with liquor or refreshment, or shall have travelled at least that distance on the day when he shall be so supplied.

50. Every person who, by falsely representing himself to be a traveller or lodger, buys or obtains, or attempts to buy or obtain at any premises, any liquor during the period during which such premises are closed, in pursuance of this Ordinance, shall be liable to a penalty not exceeding five pounds.

Penalty for
false repre-
sentation as a
traveller.

Occupier of
unlicensed
premises liable
for the sale
of liquor.

51. The occupier of any unlicensed premises on which any liquor is sold, or, if such premises are occupied by more than one person, every occupier thereof, shall, if it be proved that he was privy or consenting to the sale, be subject to the penalties imposed upon persons for the sale of liquors contrary to licence.

Seller liable for
drinking on
premises
contrary to
licence.

52. If any purchaser of any liquor from a person who is not licensed to sell the same, to be drunk on the premises, drinks such liquor on the premises where the same is sold, the seller of such liquor shall, if it shall appear that the drinking was with his privy or consent, be subject to the following penalties, that is to say :—

For the first offence he shall be liable to a penalty not exceeding ten pounds.

For the second or any subsequent offence he shall be liable to a penalty not exceeding twenty pounds.

For the purposes of this section the expression “premises where the same is sold” shall include the premises adjoining, or near the premises where the liquor is sold, if belonging to the seller or under his control, or used by his permission.

A record of every conviction for an offence against this section shall be endorsed on the licence of the person convicted.

Evasion of law
as to drinking
on premises
contrary to
licence.

53. If any person having a licence to sell liquors, not to be drunk on the premises, himself takes or carries, or employs or suffers any other person to take or carry any liquor out of, or from the premises of such licensed person, for the purpose of being sold on his account, or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, belonging to such licensed person, or hired, used, or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person with his privy and consent,

and such licensed person shall be punished accordingly in manner provided by this Ordinance.

A record of every conviction for an offence against this section shall be endorsed on the licence of the person convicted.

In any proceeding under this section it shall not be necessary to prove that the premises, or place or places to which such liquor is taken to be drunk, belonged to or were hired, used, or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case, that such liquor was taken to be consumed thereon or therein, with intent to evade the conditions of his licence.

54. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises, and any unlicensed premises which are used for public entertainments or resort, or as a refreshment house, shall be liable to a penalty not exceeding ten pounds for every day during which such communication remains open.

Penalty on
internal com-
munication
with unlicensed
premises.

In addition to any penalty imposed by this section, any person convicted of an offence under this section shall, if he be the holder of a licence, forfeit such licence.

55. After the grant of a publican's licence, no bar, beyond the number stated on the licence, shall be opened or used in or upon the licensed premises, except with the consent of the Police Magistrate and the Colonial Secretary, which consent shall be endorsed on the licence.

Penalty on
using bars
beyond the
number
licensed.

If any person shall open or use any such bar for the sale of liquors, or shall knowingly permit the same to be opened or used for such sale, without such consent as aforesaid, and the payment of a licence fee at the rate of five pounds per annum for every additional bar, and the endorsement of the same upon the licence, he shall be deemed to have been guilty of selling without a licence.

Fees for
additional bars.

56. In proving the sale or consumption of liquor for the purpose of any proceeding relative to

Evidence of sale
or consumption
of liquor.

any offence under this Ordinance, it shall not be necessary to show that any money actually passed or any liquor was actually consumed, if the Court hearing the case be satisfied that a transaction in the nature of a sale actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor, on premises to which a licence is attached by some person other than the occupier of or a servant in such premises, shall be evidence that the liquor was sold to the person consuming, or being about to consume, or carrying away the same by or on behalf of the holder of the licence.

Unlawful sale of liquor provable by purchaser thereof.

57. The evidence of any person shall be admitted in proof of unlawful sale of liquor, although he may have himself purchased the same, and such evidence, if otherwise good, shall be sufficient to support a conviction for such offence.

Persons deemed unlicensed if not producing licence.

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

Prima facie evidence of unlicensed premises.

The fact of any person, not being a licensed person, keeping up any sign, writing, painting, or other mark in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that any is sold or served therein, or of there being on such premises more liquor than is reasonably required for the use of the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale of liquor by such person.

Forging, counterfeiting licence, etc., felony.

59. Every person shall be guilty of felony who shall forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, any licence, or any seal or signature to any licence, or shall use or tender in evidence any such forged, counterfeited, or altered licence, or seal or signature, knowing the same to be forged, counterfeited or altered.

60. If any licensed person permits drunkenness or any violent, quarrelsome, or riotous conduct to take place on his premises, or sells any liquor to any person already in a state of intoxication, or by any means encourages and incites any person to drink, he shall be liable to a penalty not exceeding for the first offence twenty pounds, and not exceeding for the second or any subsequent offence fifty pounds.

Penalty for
permitting
drunkenness.

61. Every house for which a publican's licence shall be granted shall be considered as a common inn, and no goods or chattels whatsoever *bona-fide* the property of any lodger or stranger, and being in such licensed house, or the appurtenances thereof, or any place used and occupied therewith in the ordinary course of resort at such licensed house, shall be subject to be distrained or seized for or in respect of any claim of rent for such licensed house or appurtenances, or in respect of any other claim whatsoever against the said house or appurtenances, or the owner thereof.

Protection of
property of
guests.

62. If any such goods or chattels shall be distrained or seized for rent, or in any other manner contrary to the provisions of this Ordinance, it shall be lawful for the Police Magistrate, or any two Justices, to inquire into any complaint made in such respect in a summary manner, and to order such goods or chattels to be restored to the owner or proprietor thereof, and to order the payment of such reasonable costs as shall be incurred by such summary proceedings.

Remedy in case
of distress.

63. No publican shall be liable to make good to any lodger or guest any loss of or injury to goods or property brought to his licensed premises to a greater amount than the sum of thirty pounds, except in the following cases, that is to say:—

Limit of
liability of
landlord for
property.

(1) Where such goods or property shall have been stolen, lost, or injured through the wilful act, default, or neglect of such licensee, or any servant in his employ.

(2) Where such goods or property shall have been deposited expressly for safe custody with such licence:

Provided always, that in the case of such deposit it shall be lawful for such licensee, if he think fit, to require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

Money lent to lodgers or customers not recoverable by law.

64. No claim for money lent or goods sold to any lodger or customer shall be recoverable by any publican before any Magistrate or Court.

To provide accommodation for at least one traveller.

65. Every licensed publican is required to provide suitable accommodation, with bed and board, for at least one traveller, under a penalty of at least five pounds for every default.

Licensed publicans to act as special constables and warders of the gaol.

66. All licensed publicans shall be liable upon the order of the Governor, or of the Police Magistrate, confirmed by the Governor, to act as special constables and warders of the gaol, and to perform all duties necessary for the preservation of order and in aid of the administration of justice as shall be required of them, under a penalty of five pounds for each neglect, omission or default.

Accurate description of premises to be given.

67. No publican's retail licence shall be issued to any person until an accurate description of the premises in writing, with a diagram or plan of the same attached thereto, shall have been furnished by the applicant, and approved by the Police Magistrate and the Colonial Secretary, and should the description so furnished by such applicant be found to be false or inaccurate, the party making such false or inaccurate statement shall be liable to a penalty of ten pounds, and shall also forfeit any licence which may have been granted to him by reason of such false or inaccurate description.

The description given by the applicant shall in all cases be endorsed on or embodied in the licence.

Change or alteration of premises.

68. If any person holding any retail licence as aforesaid shall be desirous of removing from the premises described in the licence, to any other premises, or of altering the bar, or external doors or

premises, it shall be lawful for the Police Magistrate and the Colonial Secretary to authorise such removal or alteration should they see fit, provided that all the conditions of the last preceding section be first complied with:

Provided also that objections to the removal of any licence may be made in manner provided herein in respect to objections to the granting of licences.

69. No publican's retail licence shall be transferred to any person except with the consent in writing of the Police Magistrate and the Colonial Secretary, and on the production of the person to whom the licence is proposed to be transferred of a certificate of good character and fitness as provided in Section 11 of this Ordinance.

Transfer of
retail licences.

70. Where any person holding a publican's retail licence employs any other person as his manager or agent, such manager or agent must first be approved by the Police Magistrate and the Colonial Secretary, which approval must be in writing, signed by them, and the name of such manager or agent must be endorsed upon the licence.

Managers or
agents to be
approved.

Any person acting in contravention of this section shall be liable to a penalty of ten pounds for every breach thereof.

71. In case of the death of any person holding a publican's retail licence, his widow, or any executor or administrator, or person appointed by them may, if approved by the Police Magistrate and the Colonial Secretary, carry on the business of the deceased on the licensed premises until the expiration of the licence:

Provision in
case of the
death of
licensee.

Provided always, that such approval must be endorsed upon the licence, and be signed by the Police Magistrate and the Colonial Secretary.

72. It shall be lawful for the Governor, the Police Magistrate, or any two Justices of the Peace, when any riot, tumult, breach of the peace or disorderly conduct shall happen, or be expected to take place, to order any person holding a publican's

Governor or
Justices may
order licensed
houses to be
closed.

retail licence, or transfer thereof, to close his house at any time, which the Governor, the Police Magistrate, or the Justices shall direct; and if any such licensed person shall keep his house open during such time he shall pay a fine not exceeding one hundred pounds.

Magistrate or constable may enter and search.

73. It shall be lawful for any Justice or constable from time to time, and at all times by day or night, to enter and search any house or premises licensed as aforesaid; and if any person shall cause any unnecessary delay in giving admission to such Justice or constable, or to any Justice either alone or with any constable entering any unlicensed house as hereinafter mentioned, or any person duly executing a warrant to search any unlicensed house as hereinafter mentioned, or shall obstruct or use any abusive language or conduct towards such Justice or constable duly searching in compliance with this Ordinance, such person shall pay a fine not exceeding twenty pounds.

74. Upon reasonable cause of suspicion that any liquor is in or upon any house, premises, vessel or boat, which has been illegally sold, or is there for the purpose of illegal sale, or that any person is there illegally purchasing liquor, it shall be lawful for any Justice alone, or with any constable or constables, to enter and search any such house, premises, vessel or boat, or any part thereof at any hour; and it shall be lawful for any Justice to grant a warrant to search any such house, premises, vessel or boat, and such Justice either alone or with any constable or constables, or such person to whom such warrant may be addressed may and shall seize and remove to the police office all such liquor, together with the casks or bottles and packages containing the same as shall be found there, and may and shall arrest any person found there illegally purchasing or selling liquor; and the Justice before whom the case shall be heard shall, in addition to any fine which he may impose, declare such liquor, together with the casks or bottles and packages containing the same, to be, and the same shall thereupon be forfeited to the use of Her Majesty, unless the defen-

dant shall prove that such liquor was not illegally sold, or there for the purpose of illegal sale.

75. If any person shall knowingly remove or convey any liquor for the purpose of being or that shall have been illegally sold he shall pay a fine not exceeding fifty pounds; and it shall be lawful for any constable to stop any person conveying in any manner any liquor, and if such person shall not upon request satisfy the constable that such liquor has not been illegally removed or sold as aforesaid, to detain and convey such person and liquor, together with the packages, before any Justice, and to seize and take into his possession the horse, cart, boat, vessel, or other conveyance used in removing the same; and if such person shall not upon the hearing of the information prove to the satisfaction of the Justice that such liquor had not been illegally removed or sold as aforesaid, the Justice shall declare the same to be, and the same shall be forfeited to Her Majesty, as well as the horse, cart, boat, vessel or other conveyance, if any, used in removing the same.

Constable may stop any person removing liquor.

76. If any licensed person shall be convicted of felony, perjury, infamous offence, or misdemeanour, followed by sentence of imprisonment, he shall forfeit his licence.

Forfeiture of licence for felony, etc.

77. No Justice holding a licence under this Ordinance shall act as a Justice under any of the provisions of this Ordinance, under a penalty not exceeding fifty pounds.

No licensed person to act as a Justice.

78. If any licensed person shall mix, or suffer to be mixed with any liquor any unwholesome ingredient, or shall receive or have in his possession an unwholesome ingredient, with intent to mix the same with any liquor, he shall for each offence be liable to a penalty not exceeding one hundred pounds, and also to forfeiture of his licence, and all such unwholesome liquor and ingredients shall be destroyed.

Adulterating liquor.

79. Where any licensed person is convicted of any offence, and in consequence either becomes personally disqualified, or has his licence forfeited, the

Continuance of forfeited licence to owners of premises in certain cases.

Police Magistrate and the Colonial Secretary on the application by or on behalf of the owner of the premises in respect of which the licence was granted (where the owner is not the occupier), and upon being satisfied that such owner was not privy to, nor a consenting party to the act of his tenant, and that he has legal power to eject the tenant of such premises, may by order authorise an agent to carry on the business of such premises until the end of the period for which such licence was granted, in the same manner as if such licence had been formally transferred to such agent.

Penalty on persons holding a wholesale licence selling by retail, or retailer selling by wholesale.

80. If any person holding a wholesale licence, or transfer thereof, shall sell or suffer to be sold on his premises any liquor by retail, or if any person holding a retail licence, or transfer thereof, shall directly or indirectly sell or suffer to be sold in or upon his house or premises at one time to one person any quantity of liquor amounting to or exceeding two gallons, he shall for such offence pay a fine not exceeding fifty pounds: and upon a second conviction the Justice shall, in addition to a fine, declare his licence or the transfer thereof to be, and the same shall thereupon be forfeited and void:

Proviso.

Provided always, that it shall be lawful for persons holding both wholesale and retail licences to sell liquor either by wholesale or retail on the same premises.

Supply of liquor without licence by owners of stations to their employees under certain conditions.

81. Any owner, lessee, manager, or agent in charge of any station may, without a licence, sell liquor to shepherds and other employees, *bona-fide* in his own employment, provided such station be at a distance of not less than six miles from Stanley, or from any other township which may be hereafter proclaimed, and provided that such liquor shall have been procured from some person duly licensed to sell liquor within the Colony. The said owner shall keep a book in form to be approved by the Governor in Council, and shall enter therein a true account of all liquor sold by him, which book shall be produced for inspection by him to the Magistrate or Officer deputed by him, when called for. Any owner selling liquor

to other than his own employees, or who shall fail to comply with any of the provisions of this section, will be liable to a penalty not exceeding five pounds for each offence.

82. The Governor may appoint any proper persons to be inspectors of licensed premises (herein called "Inspectors"), and may remove any such person and supply any vacancy thereby or otherwise occurring. The Chief Constable shall by virtue of his office be an inspector of licensed premises under this Ordinance.

Governor to
appoint inspec-
tors.

Chief constable
to be *ex officio*
inspector.

83. Every inspector of licensed premises shall have all the powers, duties, and authorities of an inspector of nuisances.

Inspectors to
have the
powers, etc.,
of inspectors of
nuisances.

84. It shall be the duties of the inspectors to enforce and superintend the carrying out of this Ordinance in every respect.

Duties of
inspectors.

85. Any inspector may at all times during business hours, and after such hours for reasonable cause, enter on any premises licensed under this Ordinance, and may examine every room and part of such premises, and take an account of all liquor therein, and may demand, select, and obtain any samples of liquor which may be in such house or premises, and on paying, or tendering payment for such samples of liquor may remove the same for the purpose of analysis or otherwise. If any licensed or other person in charge of any premises refuses or fails to admit any inspector demanding to enter in pursuance of this section, or refuses to permit any inspector to select or obtain such samples, or refuses or fails to furnish him with such light or assistance as he may require, or obstructs such inspector, or causes or permits him to be obstructed or delayed in the discharge of his duty, such licensed or other person shall be liable to a fine not exceeding twenty pounds.

Inspectors may
enter premises
and search for
adulterated
drink.

Penalty for
obstructing
inspector.

86. All prosecutions under this Ordinance for penalties, fines or forfeitures shall be commenced within six calendar months after the same shall have been incurred, and such penalties or fines may be

Summary
jurisdiction for
recovery of
penalties.

recovered in a summary manner before the Police Magistrate or any two Justices of the Peace.

Application of
fines, penalties,
etc.

87. All forfeitures shall be sold or otherwise disposed of in such manner as the Magistrate or Justices making the order may direct, and the proceeds of such sale or disposal (if any) and all fees, fines and penalties imposed by this Ordinance shall be paid to the Colonial Treasurer for the use of the Government.

On committal,
hard labour
may be added.

88. The Court in committing any person to prison for non-payment of a penalty under this Ordinance may order him to be imprisoned with hard labour.

Description of
offence in words
of Ordinance
sufficient.

89. The description of any offence under this Ordinance in the words of such Ordinance, or in similar words, shall be sufficient in law. Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Ordinance, may be proved by the defendant, but need not be specified or negatived in the information; and if so specified or negatived no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Excuse,
exception, etc.

Conviction not
to be quashed
for want of
form.

90. No conviction or order made in pursuance of this Ordinance relative to any offence, penalty, forfeiture or summary order, shall be quashed for want of form, or be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private party into any superior Court. Moreover, no warrant of commitment in any such matter shall be held void by reason of any defect therein :

No *certiorari*.

Provided that there is a valid conviction to sustain such warrant, and it is alleged in the warrant that the party has been convicted.

Powers of
Governor in
Council to make
regulations.

91. The Governor in Council may from time to time make, alter, annul and revoke regulations for the more effective carrying out of the purposes of this Ordinance, and may impose penalties not exceeding ten pounds for the breach of any such regulations.

Short title.

92. This Ordinance may be cited as "The Licensing Ordinance, 1882."

SCHEDULE.

No. 1.—*Publican's Retail Licence.*

Whereas *A. B.*, of _____, has deposited in this office a certificate as required by the eleventh section of the Licensing Ordinance, 1882, and has applied for [*or the renewal of*] a Publican's retail licence for the premises known as _____ situate in [*here describe the locality*]. And whereas the said *A. B.* has paid the sum of _____ sterling as the fee on such licence. Now I, by virtue of the powers vested in me by the said Ordinance, do hereby license the said *A. B.* to sell liquors according to law on the aforesaid premises, but not elsewhere. This licence commences on the _____ day of _____, and shall continue in force until the _____ day of _____, both days included, provided it be not forfeited in the meantime.

Given under my hand and seal at Stanley this _____ day of _____ 18____.

C. D., *Colonial Treasurer.*

No. 2.—*Billiard Table Licence.*

Whereas *A. B.*, of _____, has deposited in this office a certificate as required by the eleventh section of the Licensing Ordinance, 1882, and has applied for [*or the renewal of*] a billiard table licence for the premises known as _____ situate in [*here describe the locality*]. And whereas the said *A. B.* has paid the sum of _____ sterling as the fee on such licence. Now I, by virtue of the powers vested in me, do hereby license the said *A. B.* to keep, set up, and maintain billiard [*or bagatelle*] tables not exceeding _____ in number in the said house or rooms, but not elsewhere, and to allow such tables to be used during the hours sanctioned by law. This licence commences on the _____ day of _____ and shall continue in force until the _____ day of _____, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand and seal at Stanley this _____ day of _____ 18____.

C. D., *Colonial Treasurer.*

No. 3.—*Packet Licence.*

Whereas *A. B.*, of _____, being the master or commander of the passenger steamer [*if any other kind of vessel describe it*] _____ conveying passengers in the Colony of the Falkland Islands

18 Given under my hand and seal at Stanley this day of

C. D., Colonial Treasurer.

us paid the sum of _____ sterling, being the fee
 licence. Now I, by virtue of the powers vested in me
 in of the Licensing Ordinance, 1882, do hereby license
 you in any quantity not less than two gallons on the
 _____ situate in [*here describe the locality*].
 on the _____ day of _____ and shall continue
 _____ day of _____, provided it be not forfeited
 _____ time.

C. D., *Colonial Treasurer.*

Whereas *A. B.* has paid the sum of _____ sterling, being the fee for a brewer's licence. Now I, by virtue of the powers vested in me by the Licensing Ordinance, 1882, do hereby license the said *A. B.* to brew beer on the premises known as _____ situate in [*here describe the locality*] for sale in quantities of not less than nine gallons, and subject to such regulations as shall from time to time be prescribed by the Governor in Council. This licence commences on the _____ day of _____ and shall continue in force until the _____ day of _____, provided it be not forfeited or cancelled in the meantime.

Given under my hand and seal at Stanley this day of

C. D., Colonial Treasurer.