

THE
INTOXICATING LIQUORS BILL,

INTRODUCED INTO THE IMPERIAL PARLIAMENT

TO ENABLE OWNERS AND OCCUPIERS OF PROPERTY IN CERTAIN DISTRICTS TO PREVENT THE
COMMON SALE OF INTOXICATING LIQUORS WITHIN SUCH DISTRICTS.

PRESENTED TO THE HOUSE OF REPRESENTATIVES, 22ND JULY, 1870, AND ORDERED
TO BE PRINTED.

WELLINGTON.

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1870.

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THE INTOXICATING LIQUORS BILL.

A Bill to enable Owners and Occupiers of Property in certain Districts to prevent the Common Sale of Intoxicating Liquors within such Districts.

WHEREAS the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and the public rates and taxes are greatly augmented: And whereas it is right and expedient to confer upon the ratepayers of Cities, Boroughs, Parishes and Townships the power to prohibit such common sale as aforesaid: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

1. At any time from and after the passing of this Act it shall be lawful for or more ratepayers residing in any Municipal Borough or Parish, by notice in writing under their hands, to require the Mayor of such Municipal Borough or the Overseers of the Poor of such Parish to take the votes of the ratepayers of such Municipal Borough or Parish respectively as to the propriety of bringing into operation therein the provisions of this Act; and the Mayor or Overseers as aforesaid, within _____ days of receiving such requisition, shall cause a public notice to be affixed on or near to the town-hall of such Borough, and on or near to the outer and principal door of every church or chapel within such Borough or Parish, and shall also cause notice to be inserted in some newspaper published in such Borough or Parish, or, if there be none so published, in some newspaper published in the County in which such Borough or Parish is situate, specifying on what day, not earlier than _____ days after the publication of the said notices, the ratepayers of such Borough or Parish are required to signify their votes for or against the adoption of this Act.

2. Every person who is rated to the relief of the poor, or entitled to vote in the election of Guardians of the Poor, for the Borough or Parish in which the votes are to be taken, shall be entitled to one vote for or against the adoption of this Act.

3. The Mayor of such Borough or the Overseers of such Parish shall cause voting papers, in the form contained in the Schedule (A) to this Act annexed, to be prepared, and shall, three days before the day appointed for voting as aforesaid, cause one of such papers to be delivered at the residence of each person entitled to vote as aforesaid; and each voter shall, upon the voting paper so delivered, signify by writing the word "Yes," or "No," upon the said paper, and by signing his name thereto, whether he votes for or against the adoption of this Act: Provided always, that if any voter cannot write, he shall affix his 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 voter, and shall attest and write the name of the voter upon the same.

4. The Mayor of such Borough or the Overseers of such Parish shall cause the voting papers to be collected on the day appointed for the voting as aforesaid, by persons employed by them for the purpose, as he or they shall direct; but no voting paper shall be received or admitted unless the same have been delivered at the residence of the voter as aforesaid, nor unless the same be collected by the persons so employed for that purpose: Provided always, that if any person qualified to vote shall not have received a voting paper as aforesaid, he shall, on application, on or before the day of voting, to the said Mayor or Overseers, be entitled to receive a voting paper, and to fill up and sign the same in his or their presence, and then and there deliver the same to him or them: Provided also, that in case any voting paper duly delivered shall not have been duly collected through the default of the said persons so employed to collect the same, the voter in person may deliver the same to the said Mayor or Overseers before twelve at noon on the day following the day of voting.

5. The Mayor of such Borough or the Overseers of such Parish shall, after twelve at noon on the day immediately following the day of voting, examine the said votes, and shall declare, as hereafter mentioned, whether a majority of duly qualified votes has been given in favour of the adoption of this Act, and the adoption or non-adoption of this Act within such Borough or Parish shall depend on such majority of votes: Provided always, that this Act shall not be adopted within such Borough or Parish unless at least two-thirds of the aggregate number of votes so given as aforesaid be in favour thereof.

6. If any person fabricates, in whole or in part, or 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 of any voting papers, or distributes the same under false pretences of being lawfully authorized so to do, he shall for every such offence be liable, on conviction before two Justices, to be imprisoned in the common gaol or house of correction for any period not exceeding three months, with or without hard labour.

7. The Mayor of such Borough or the Overseers of such Parish shall, if this Act be adopted as aforesaid, immediately give notice thereof by affixing the same on or near to the town-hall in such Borough, and to the outer and principal doors of every church and chapel in such Borough or Parish, and shall immediately give notice thereof to Her Majesty's Principal Secretary of State for the Home Department, and to the Chairman of the Board of Inland Revenue, and deliver to the Clerk to the Justices acting in and for such Borough or for the District or Division in which such Borough or Parish is situated, a certificate in writing of the adoption of the Act, to be by the said Clerk recorded and preserved, which certificate, or a copy thereof, certified by the said Clerk to the Justices, shall be

THE INTOXICATING LIQUORS BILL.

conclusive evidence, in any proceedings under or by virtue of this Act, that this Act was duly adopted within the said Borough or Parish.

8. If the ratepayers of any such Borough or Parish shall determine in manner aforesaid against the adoption of this Act, it shall not be lawful, within one year after such determination, again to take the votes of the ratepayers of such Borough or Parish as to the propriety of bringing into operation therein the provisions of the said Act.

9. If the ratepayers of such Borough or Parish shall determine in manner aforesaid in favour of the adoption of this Act, it shall be lawful, after the expiration of three years from the commencement of this Act coming into operation, for any ratepayers of such Borough or Parish again to call upon the Mayor of the Borough or the Overseers of the Poor of the Parish again to take the votes of the ratepayers of the Borough or Parish, in like manner as hereinbefore provided for the adoption of this Act, and the continuance or otherwise of the operation of this Act within such Borough or Parish shall be determined by a majority of the votes so given.

10. From and after the time limited for the commencement of this Act in any Borough or Parish as hereinbefore provided, no license whatever shall be granted or renewed for the sale of alcoholic liquor within such Borough or Parish; and any person selling or disposing of any alcoholic liquor within such Borough or Parish, shall be dealt with as selling without license, and shall be subject to all the penalties provided for such offence under any Act or Acts of Parliament regulating the sale of alcoholic liquors which may be in force at the time of the adoption of this Act: Provided nevertheless, that nothing herein contained shall affect any rights or privilege conferred or enjoyed by virtue of any license current or in force at the commencement of this Act during its said currency, and that nothing herein contained shall be held to affect any sales made under the provisions of any Statute permitting the sale of methylated spirits for use in the arts and manufactures of the United Kingdom.

11. In the construction of this Act the following words and expressions shall have the following meanings assigned to them respectively:—"Municipal Borough" shall mean city, borough, burgh, or any corporate town; "Parish" shall mean any parish, township, village, tithing, extra-parochial place, or place maintaining its own poor; "Mayor" shall mean also provost, high constable, high bailiff, baron bailie, or other chief officer of any city or borough; "Overseers of the Poor" shall mean any persons authorized and required to make and collect the rates for the relief of the poor, and acting as overseers of the poor; "Alcoholic Liquor" shall include all spirituous liquors, wine, ale, beer, cyder, perry, and every description of intoxicating liquors.

SCHEDULE.

FORM (A)—VOTING PAPER.

An Act to enable Owners and Occupiers of Property in certain Districts to prevent the Common Sale of Intoxicating Liquors within these Districts.

A Requisition signed by Ratepayers of this having been presented to me, requesting me to take the Votes of those duly qualified according to the terms of the Act, you are hereby required to signify your vote for or against the adoption of this Act, thus:—

Do you vote in favour of or against the Adoption of this Act in this	?	<i>In favour of.</i>	<i>Against.</i>
		J. S.	

John Smith, of 26, High Street,

N.B.—The ratepayer will put his initials under the heading "In favour" or "Against," according as he votes for or against the adoption of the Act. He is also required to subscribe his name and address at full length. If a voter cannot write, he must make his mark instead of initials, but such mark must be attested by a witness, and such witness must write the initials of the voter against his mark. This paper will be collected on the _____ of _____ between the hours of _____ and _____

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 the behalf of any person so entitled to vote, or interrupts the distribution of any voting papers, or distributes the same under a false pretence of being lawfully authorized so to do, he shall for every such offence be liable, on conviction before two Justices, to be imprisoned in the common gaol or house of correction for any period not exceeding three months, with or without hard labour.

(Signed by the Mayor or Overseer.)