

*Licensing.***No. 12 of 1891.****An Ordinance to consolidate and amend the Licensing Ordinances of 1873 and 1877.**

**W**HEREAS it is expedient to consolidate and amend the law contained in the Licensing Ordinances, No. 7 and No. 22 of 1873 and No. 23 of 1877 : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

**1** This Ordinance shall come into operation at such time as the Governor shall, by Proclamation published in the *Government Gazette*, appoint.\*

Commencement of Ordinance.

**2** This Ordinance may be cited as "The Licensing Ordinance, 1891."

Short title.

**3** The Ordinances in the schedule A hereto are repealed to the extent specified in the second column of that schedule, except as to liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place before this Ordinance comes into operation.

Repeal of certain Ordinances.

Where any unrepealed Ordinance incorporates or refers to the provisions of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

**4** The following expressions in this Ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :

Interpretation clause.

"Spirits" shall include all spirits obtained from any substance other than the produce of the cocoanut or other description of palm or sugarcane.

"Intoxicating liquor" shall include wine, beer, porter, cider, perry, and sweets, and any fermented distilled, or spirituous liquor, not being the produce of the cocoanut or other description of palm, or sugarcane, but not ginger beer or spruce beer.

"Government agent" shall include any assistant to the government agent of the province.

"Wholesale" shall mean the sale of goods in gross or in parcels of or exceeding a dozen quart bottles or two gallons of the same kind of liquor.

"Retail" shall mean the sale of goods not in gross, but in parcels of less than a dozen quart bottles or two gallons of the same kind of liquor.

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- “Hotel” shall mean a place kept for the accommodation of travellers and others, where they are furnished for payment with lodging, food, and intoxicating liquor.
- “Proprietary club” shall mean a place which is kept for the accommodation of persons who are members of a club, and in which they are furnished by the proprietor with lodging, food, and intoxicating liquor for payment.
- “Refreshment house” shall mean a place where the public are furnished for payment with food and intoxicating liquor, but where no lodging is provided.
- “Tavern” shall mean tavern or shop licensed for the sale of arrack, rum, and toddy, under the Ordinance No. 10 of 1844, or any other Ordinance to be hereafter enacted instead of it.
- “Keeper of tavern” shall mean the keeper of tavern or shop in the preceding article specified.
- “Licensed person” shall mean a person holding a license, as defined by this Ordinance.
- “Superintendent of police” shall mean any superintendent, or any assistant superintendent of police, or any police officer not under the rank of inspector.
- “Annual value” shall mean the annual value as assessed for municipal or local board purposes; and where any premises shall not be so assessed, the annual value thereof shall be the gross annual amount at which such premises can reasonably be expected to let in average years without any deduction for expenses of repair, maintenance, or upkeep, or for public rates and taxes, and the government agent shall assess such amount. Provided that any applicant for a license who may be dissatisfied with the government agent’s assessment shall have the right to object thereto, within seven days after he shall have received a written notice of such assessment, before the nearest court of requests, which shall decide upon such objection in a summary way; and the decision of such court shall be final and conclusive.

Manufacturing  
or bottling  
spirits for sale  
prohibited  
without license.

License may be  
refused or  
revoked.

5 It shall not be lawful for any person to manufacture spirits in Ceylon, or to bottle spirits so manufactured for sale in Ceylon, without first procuring a license from the government agent of the province. Such license shall be in force for such term as shall therein be prescribed, and the process of manufacture and the substance to be used therefor shall be described in any license for manufacture. The government agent may, with the sanction of the Governor, refuse such license or revoke the same, after it shall have been granted, if it shall appear to him expedient to do so. Mixing spirits with other spirits or any substance whatsoever shall be deemed a manufacture of spirits for the purposes of this Ordinance.

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**6** Every person so manufacturing and bottling spirits for sale shall be bound to cause the vessels containing the same to be labelled in distinct letters in English, with the name of the spirit, and the name and address of the manufacturer and bottler.

Label on spirits manufactured and bottled.

**7** Any person so manufacturing or bottling spirits for sale without such license or contrary to its tenor, or who shall fail to cause the vessels containing the same to be labelled as above provided, and any person not giving the true name of the spirit or his own true name and address, shall be guilty of an offence, and be liable to a fine not exceeding two thousand rupees or to simple or rigorous imprisonment for a period not exceeding two years. And the spirits and vessels containing the same shall be forfeited and liable to be sold or destroyed.

Penalty for manufacturing or bottling without license.

**8** No person shall, without being licensed to do so, or on any premises to which his license does not extend—

Sale of intoxicating liquor and keeping of hotel, &c., without license prohibited.

- (a) Sell intoxicating liquor by wholesale or by retail ; or
- (b) Keep an hotel or a proprietary club or refreshment house.

**9** (1) Any person who may be desirous to sell intoxicating liquor, or to keep an hotel or a proprietary club or refreshment house, shall apply in writing for a license to the government agent of the province within which such sale is intended to be carried on, or such hotel, proprietary club, or refreshment house is to be kept. The application shall contain a true and full description of the name and residence of the person making the same, and of the place at which such sale is intended to be carried on, or such hotel, proprietary club, or refreshment house is to be kept, and, in the case of an application to sell intoxicating liquor, the applicant shall state whether he purposes to sell by wholesale or by retail, whether he purposes to sell intoxicating liquor generally, or only beer and porter, and whether or not such liquor is intended to be consumed on the premises within which the same is sold. Provided that where the application is one to sell intoxicating liquor by retail, the applicant shall cause notices signifying his intention to apply to be affixed in the English, Siphalese, and Tamil languages on the premises in which he means to sell the liquor, and on the walls of the kachchéri and police court of the district within which such premises are situate, one month before he shall make such application.

Application for license.

(2) Any person objecting to any application to sell intoxicating liquor by retail may state his objection in writing to the said government agent at any time during the month that the notice shall be affixed as above provided, and the government agent shall inquire into such objection.

(3) It shall be lawful for the government agent to refuse or issue a license to sell intoxicating liquor by retail as to him shall seem fit, whether any objection shall have been made to the application or not.

Government agent may issue or refuse a license.

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(4) The government agent may at his discretion refuse or issue any other license required by this section, provided that such refusal shall with all despatch be reported to the Governor.

(5) It shall be open to any person to whom a license shall have been refused, or to any person whose objection shall have been overruled, to apply to the Governor, who shall confirm or reverse such refusal, or such overruling of any objection, as to him, with the advice of the Executive Council, shall seem fit.

(6) The license when issued shall specify the name and residence of the person to whom it is granted, the place where such hotel, proprietary club, or refreshment house is to be kept, or the place where intoxicating liquor is to be sold, whether intoxicating liquor generally is to be sold in such place or any particular description thereof, and whether or not it is to be consumed on the premises within which it is sold.

(7) The license shall be in force on and from the day on which the same shall be granted until the thirtieth day of June next thereafter inclusive.

Duration of license.

Permit to sell temporarily.

10 Nothing in this Ordinance contained shall be held to prevent the government agent from issuing to any person holding a license which entitles him to sell intoxicating liquor by retail to be consumed on the premises a written permit authorizing the sale of such liquor temporarily in any place other than the place specified in the license, on the occasions of large gatherings of people for purposes of reasonable recreation, and under conditions to be mentioned in such permit. The government agent shall levy at his discretion a stamp duty not exceeding five rupees for every twenty-four hours such permit is in force.

No license to be given except to house or room having entrances facing the street, or to hotel, &c., having suitable accommodation.

License not transferable.

11 No license shall be granted for the sale of intoxicating liquor by retail in any house or room except in a house or room having entrances facing the street, and open as much as possible to public view. No license shall be granted for the keeping of an hotel or a proprietary club or refreshment house except in premises containing suitable accommodation for the purposes intended, and decent places of convenience on or near the premises so as to prevent nuisances and offences against decency. Every license shall particularly set forth and describe the house, room, or premises licensed, or intended to be licensed, and such license shall in no case be assignable or transferable, nor shall any person be deemed entitled to sell under any license except any person actually named in such license, and persons *bonâ fide* in his employment or service.

Provided that it shall be lawful for the government agent, in his discretion, at any time, by endorsement on such license, to substitute any house, room, or premises for the house, room, or premises for which the license was originally granted.



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**12 (1)** The licenses hereunder specified shall be subject to the following stamp duties :

	Rs.	c.	Stamp duties payable on licenses.
License to sell by wholesale and by retail only beer and porter to be consumed on the premises or not ...	20	0	
License to sell by wholesale intoxicating liquor not to be consumed on the premises ...	50	0	
License to sell by wholesale and by retail intoxicating liquor not to be consumed on the premises ...	75	0	
License to sell by retail intoxicating liquor to be consumed on the premises ...	150	0	
License to keep a refreshment house ...	200	0	
License to keep an hotel—			
If the premises in respect of which the license shall be granted shall be of or under the annual value of Rs. 1,000 ...	250	0	
For every additional Rs. 1,000 or fraction thereof of annual value in addition to the duty of Rs. 250, a further duty of Rs. 50: provided that the duty shall in no case exceed Rs. 750.			
License to keep a proprietary club, one-half of the respective rates for keeping an hotel.			

**(2)** A license to keep a refreshment house or a license to keep an hotel or a proprietary club shall entitle the licensee to sell intoxicating liquor by retail to be consumed on the premises to which such license extends.

**13 (1)** Any person selling or exposing for sale any intoxicating liquor which he is not licensed to sell, or selling or exposing for sale any intoxicating liquor at any place where he is not authorized by his license to sell the same, or selling or exposing for sale any intoxicating liquor contrary to the tenor of his license, in any particular not otherwise specially provided for in this Ordinance, shall be guilty of an offence, and be subject to the following penalties:

Penalty for selling or exposing for sale intoxicating liquor without license.

- (a)** For the first offence he shall be liable to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment for a term not exceeding one month.
- (b)** For the second offence he shall be liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a term not exceeding three months.
- (c)** For the third and any subsequent offence he shall be liable to a fine not exceeding five hundred rupees, or to simple or rigorous imprisonment for a term not exceeding six months.

In addition to the other penalties imposed by this section, the court before which any person is convicted of a second or any subsequent offence may, if it thinks expedient so to do, declare all intoxicating liquor found in the possession of any such person as last aforesaid, and the vessels containing such liquor, to be forfeited.

Forfeiture of liquor and vessels containing the same.

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Penalty for keeping an hotel, &c., without a license.

(2) Any person keeping an hotel or a proprietary club or refreshment house without a license shall be guilty of an offence, and liable to a fine not exceeding one hundred rupees, and to a further fine of one hundred rupees for every day during which he keeps such hotel, proprietary club, or refreshment house without a license.

Penalty not to attach to representative of deceased or insolvent licensees for sale on the licensed premises during the unexpired term of the license.

14 No penalty shall be incurred under section 13 by the heirs, executors, administrators, or assigns of any licensed person who dies before the expiration of his license, or by the assignee or trustee of any licensed person adjudged an insolvent, or whose affairs are liquidated by arrangement before the expiration of his license in respect of the keeping of an hotel or a proprietary club or refreshment house, or of sale or exposure for sale of any intoxicating liquor, so that such keeping and sale be according to the terms of the license, and be not continued beyond the unexpired term of the license.

Occupier of unlicensed premises liable for sale of liquor.

15 The occupier of any unlicensed premises on which any intoxicating liquor, including the produce of the cocoanut or other description of palm, or sugarcane (hereinafter described as "such produce as aforesaid"), is sold by retail, or, if such premises are occupied by more than one person, every occupier thereof, shall, unless he can prove that he was not privy or assenting to the sale, be subject to the penalties of fine and imprisonment imposed upon persons for the sale or exposure for sale of intoxicating liquor without license.

Seller liable for liquor being on premises contrary to license.

16 If any purchaser of intoxicating liquor by retail 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, or on any highway, lane, or garden adjoining or near such premises, the seller of such liquor shall, unless he shall prove that such drinking did not take place with his privity or consent, be subject to the following penalties :

(a) For the first offence he shall be liable to a fine not exceeding fifty rupees.

(b) For the second and any subsequent offence he shall be liable to a fine not exceeding one hundred rupees.

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

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

17 If any person having a license to sell intoxicating liquor by retail not to be drunk on the premises, himself takes or carries, or employs, or suffers any other person to take or carry any intoxicating liquor (including such produce as aforesaid) out of or from the premises of such licensed person for the purpose of being sold on his account, for his benefit or profit, and of being drunk or consumed in any other

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house, or in any tent, shed, building, or other place of any kind whatever, belonging to such licensed person, or hired, used, or occupied by him, such intoxicating liquor shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly in manner provided by this Ordinance. In any proceeding under this section it shall not be necessary to prove that the premises or place 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 license.

18 Every holder of a license under this Ordinance, or the keeper of a tavern, who sells or allows any person to sell, to be consumed on the premises, any description of spirits (including such produce as aforesaid) to any person apparently under the age of fifteen years, shall be liable to a fine not exceeding ten rupees for the first offence, and twenty rupees for the second and any subsequent offence.

Sale prohibited to children.

19 Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises or places which are used for public entertainment or resort, or as a place for refreshment, shall be liable to a fine not exceeding one hundred rupees for every day during which such communication remains open.

Penalty on internal communication between licensed and unlicensed premises.

20 Every licensed person and every keeper of a tavern shall keep his place during the time that it is open properly lighted. Keepers of taverns shall on no pretext sell food or have music or dancing in taverns, or allow any person to sit and loiter therein. Any person offending against any of these provisions shall be liable to a fine not exceeding fifty rupees.

Places for sale of liquor and taverns to be properly lighted; no food to be sold or music or dancing allowed in taverns, and no person to be allowed to sit and loiter therein.

21 If any licensed person or keeper of a tavern has in his possession, on the premises in respect of which his license is granted, any description of intoxicating liquor (including such produce as aforesaid) which he is not authorized to sell, unless he shall account for the possession of the same to the satisfaction of the court by which he is tried, he shall forfeit such liquor and the vessels containing the same, and shall be liable to a fine not exceeding fifty rupees for the first offence, and not exceeding one hundred rupees for any subsequent offence.

Penalty on illicit storing of liquor.

22 Every licensed person not being the keeper of an hotel or of a proprietary club, or a person holding a license to sell by wholesale only, and every keeper of a tavern, shall cause to be painted or affixed, and shall keep painted or affixed on the premises in respect of which his license is granted, in a conspicuous place, and in such form and manner

Names of licensed persons to be affixed to premises.



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as the government agent may from time to time direct, his name, with the addition, after the name, of the word "licensed," and of words sufficient, in the opinion of the said government agent, to express the business for which his license has been granted, and in particular words expressing whether the license authorizes the sale of intoxicating liquor to be consumed on or off the premises only, as the case may be; and no person shall have any words or letters on his premises importing that he is authorized as a licensed person to sell any intoxicating liquor which he is not in fact duly authorized to sell. Every person who acts in contravention of the provisions of this section shall be liable to a fine not exceeding, for the first offence, fifty rupees, and not exceeding, for the second and any subsequent offence, one hundred rupees.

Penalty on persons found drunk and incapable.

**23** Every person found drunk and incapable of taking care of himself in any thoroughfare or public place, whether a building or not, or on any licensed premises, or tavern, and any person who shall be guilty of violent, quarrelsome, noisy, disorderly, or riotous conduct in or about such premises or tavern, shall be liable to a fine not exceeding five rupees, and on second conviction within a period of twelve months shall be liable to a fine not exceeding ten rupees, and on a third or subsequent conviction within such period of twelve months be liable to a fine not exceeding twenty rupees. Every person who in any thoroughfare or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or who is drunk while in charge, on any thoroughfare or other public place, of any carriage, horse, or cattle, or who is drunk when in possession of any loaded firearms, may be apprehended without a warrant, and kept in custody until he gets sober, and shall be liable, in addition, to a fine not exceeding twenty rupees, or to simple or rigorous imprisonment for any term not exceeding one month.

Penalty for permitting drunkenness

**24** Any licensed person, or any keeper of a tavern, or any servant or agent of such person or keeper, who permits drunkenness or any violent, quarrelsome, noisy, disorderly, or riotous conduct to take place on his premises, or sells any intoxicating liquor (including such produce as aforesaid) to any drunken person, or to any habitual drunkard, or to any person who shall be guilty of violent, quarrelsome, noisy, disorderly, or riotous conduct in or about such premises, shall be liable to a fine not exceeding, for the first offence, fifty rupees, and for the second and any subsequent offence, one hundred rupees.

Penalty for keeping disorderly house.

**25** If any licensed person, or any keeper of a tavern, knowingly permits his premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, he shall be liable to a fine not exceeding, for the first offence, fifty rupees, and for the second and any subsequent offence, one hundred rupees.



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**26** If any licensed person, or any keeper of a tavern, is convicted of permitting his premises to be a brothel, or to be used on any occasion as such, he shall be liable to a fine not exceeding two hundred rupees, and shall forfeit his license, and he shall be disqualified for ever from holding any license for the sale of intoxicating liquor or for keeping a tavern.

Penalty for permitting premises to be a brothel.

**27** (1) If any licensed person, or any keeper of a tavern, shall sell any intoxicating liquor (including such produce as aforesaid) on credit or trust, or shall take or receive anything in pledge, barter, or exchange for the same, he shall be liable to a fine not exceeding fifty rupees for every such offence, and every such credit, pledge, barter, or exchange shall be illegal and void; and such licensed person or keeper of a tavern shall not be entitled to recover the sum for which credit shall have been given, and shall be bound to restore anything which he might have received in pledge, barter, or exchange, or if the same shall have been destroyed or lost, to pay its value to the person from whom he shall have received the same.

Penalty for selling on credit or taking anything in pledge, barter, or exchange.

(2) Nothing in this section contained shall apply to hotels, or proprietary clubs, or to places licensed for the sale of liquor not to be consumed on the premises.

**28** If any licensed person or the keeper of a tavern—

- (a) 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
- (b) Supplies any liquor or refreshment, whether by way of gift or sale, to any constable, unless he is off duty, or unless by authority of some superior officer of such constable;

Penalty for harbouring constable.

he shall be liable to a fine not exceeding, for the first offence, fifty rupees, and for the second or any subsequent offence, one hundred rupees.

**29** Any licensed person or keeper of a tavern may refuse to admit to, and may turn out of the premises in respect of which his license is granted, any person who is a habitual drunkard, or drunken, violent, quarrelsome, or disorderly, and any person whose presence on his premises would subject him to a penalty under this or any other Ordinance. Any such person who, upon being requested, in pursuance of this section, by such licensed person or keeper of a tavern, or his agent or servant, or by any constable, to quit such premises, refuses, or fails so to do, shall be liable to a fine not exceeding fifty rupees; and all constables are required on the demand of such licensed person, keeper of tavern, 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.

Powers to exclude drunkards from licensed premises.

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Hawking of  
intoxicating  
liquor  
prohibited.

**30** Any officer of the police or headman may seize and convey to the nearest police office or police court all intoxicating liquor (including such produce as aforesaid) carried about or exposed in any thoroughfare or other place whatever, and which he may reasonably suspect is being carried about for or exposed for sale, and every vessel containing or used for drinking or measuring the same, and every vehicle, and every animal, and every boat or vessel, carrying or drawing the same. Every person employed in so carrying about for sale such intoxicating liquor (including such produce as aforesaid) shall be liable to a fine not exceeding fifty rupees; and every such vessel, vehicle, animal, or boat shall be forfeited.

Penalty on  
adulteration of  
intoxicating  
liquor.

**31** Every person who mixes or causes to be mixed with any intoxicating liquor (including such produce as aforesaid) sold or exposed for sale by him, whether by wholesale or retail, any deleterious ingredients, that is to say, any of the ingredients specified in schedule B to this Ordinance, or any ingredient deleterious to health; and every person who knowingly sells or keeps or exposes for sale any intoxicating liquor (including such produce as aforesaid), whether by wholesale or retail, mixed with any deleterious ingredient (in this Ordinance referred to as adulterated liquor) shall be liable, for the first offence, to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment for a term not exceeding one month, and for the second and any subsequent offence, to a fine not exceeding two hundred rupees, or to simple or rigorous imprisonment for a term not exceeding three months, and to be declared to be a person disqualified for ever to hold a license, and shall also, in the case of the first as well as any subsequent offence, forfeit all adulterated liquor in his possession, with the vessels containing the same.

Possession of  
adulterated  
liquor or  
deleterious  
ingredients.

**32** Every licensed person or keeper of a tavern who has in his possession or in any part of his premises for sale any adulterated liquor or any deleterious ingredient specified in the schedule C hereto, for the possession of which he is unable to account to the satisfaction of the court, shall be deemed knowingly to have exposed for sale adulterated liquor on such premises.

Governor may  
add to or cancel  
any ingredients  
mentioned in  
schedules B  
and C.

**33** It shall be lawful for the Governor, with the advice of the Executive Council, from time to time by notification in the *Government Gazette*, to add to schedule B or schedule C any ingredient not therein specified, or to cancel any ingredient specified in either of the said schedules or in any notification issued under this section.

Superintendent  
of police may  
require samples  
for analysis.

**34** Any superintendent of police or other officer of police authorized in writing by the superintendent so to do may procure samples of any intoxicating liquor (including such produce as aforesaid) from any person selling, or keeping, or exposing the same for sale (referred to in this and the three following sections as the vendor), and may procure such samples either by purchasing the same, or by requiring the

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vendor to show him and allow him to inspect all or any of the vessels in which any such intoxicating liquor (including such produce as aforesaid) in the possession of the vendor is stored, and the place of the storage thereof, and to give him samples of such intoxicating liquor (including such produce as aforesaid) on payment or tender of the value of such samples. If the vendor or his agent, or servant, when required in pursuance of this section, refuses or fails to admit the officer, or refuses or wilfully omits to show all or any of the vessels in which intoxicating liquor (including such produce as aforesaid) is stored, or the place of the storage thereof, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he may require, he shall be liable to the same fine and forfeiture as if he knowingly sold or exposed for sale adulterated liquor.

**35** When the police officer has, by either of the means aforesaid, procured samples of intoxicating liquor (including such produce as aforesaid), he shall cause the same to be analyzed at such convenient place and time, and by such person as the Governor may appoint; provided always that a reasonable notice shall have been given by such officer to the vendor by whom such sample was furnished, to enable such vendor, if he think fit, to attend at the time when such sample is opened for analysis; and if it appear to the person so analyzing that the said samples of intoxicating liquor (including such produce as aforesaid) are adulterated liquor within the meaning of this Ordinance, he shall certify such fact, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against any person in pursuance of this Ordinance, subject to the right of any person against whom proceedings are taken to require the attendance of the person making the analysis for the purpose of cross-examination.

Such samples shall be analyzed, and certificate given of liquor adulterated.

**36** The vendor may require the officer, in his presence, to annex to every vessel containing any samples for analysis the name and address of the vendor, and to secure with a seal or seals belonging to the vendor the vessel containing such samples, and the name and address annexed thereto, in such manner that the vessel cannot be opened, or the name and address taken off, without breaking such seals; and a corresponding sample sealed by such officer with his own seal shall, if required, be left with the vendor for reference in case of disputes as to the correctness of the analysis or otherwise; and the certificate of the person who analyzes such samples shall state the name and address of the vendor, and that the vessels were not open, and that the seals securing to the vessels the name and address of the vendor were not broken until such time as he opened the vessels for the purpose of making his analysis; and in such case as aforesaid no certificate shall be receivable in evidence unless there is contained therein such statement as above, or to the like effect.

Vendor may require samples to be sealed.



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Cost of analysis.

**37** Any expenses incurred in analyzing any intoxicating liquor (including such produce as aforesaid) of a vendor in pursuance of this Ordinance shall, if such vendor be convicted of selling or keeping, or exposing for sale, or having in his possession adulterated liquor in contravention of this Ordinance, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly.

Any magistrate may require premises to be closed where riot or tumult is apprehended, or where troops are on march.

**38** Any police magistrate having jurisdiction in any place where any riot or tumult happens, or is expected to happen, or on the requisition of the officer in charge of troops on march, may order every licensed person or every keeper of a tavern in or near the place where such riot or tumult happens, or is expected to happen, or where the troops are on march, to close his premises during any time which such magistrate may order; and any person who keeps open his premises for the sale of intoxicating liquor (including such produce as aforesaid) during any time at which such magistrate has ordered them to be closed, shall be liable to a penalty not exceeding five hundred rupees; and it shall be lawful for any person acting by order of any magistrate to use such force as may be necessary for the purpose of closing such premises.

Hour of closing.

**39** (1) All licensed taverns and all premises licensed for the sale of intoxicating liquor, whether to be consumed on the premises or not, shall be closed at the hour of eight at night, and shall remain closed till the hour of five in the morning. Provided that it shall be lawful for the Governor from time to time, with the advice of the Executive Council, by notification published in the *Government Gazette*, to alter the said hours and appoint other hours instead in any province or district, or in any place the limits of which shall be defined in such notification. Any person who sells or exposes for sale, or opens or keeps open any tavern or premises licensed for the sale of intoxicating liquor during the time that such tavern or premises are directed to be closed, or during such time as aforesaid allows any intoxicating liquor or such produce as aforesaid to be consumed in such tavern or on such premises, shall, for the first offence, be liable to a fine not exceeding fifty rupees, and for any subsequent offence to a fine not exceeding one hundred rupees.

No liquor to be sold at hotels, &c., between midnight and 5 A.M.

(2) It shall not be lawful for the keeper of an hotel or of a refreshment house for which a license shall be granted under this Ordinance, or any person in his employ, to sell any intoxicating liquor to any person at such hotel or refreshment house after the hour of midnight and before the hour of five in the morning. And any such keeper or person in his employ who shall sell any intoxicating liquor contrary to the provisions of this section shall be guilty of an offence, and shall be liable on the first conviction to a fine not exceeding fifty rupees, and on each subsequent conviction to a fine not exceeding one hundred rupees.



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**40** If, during any period during which any tavern or premises are required under the provisions of this Ordinance to be closed, any person is found on such tavern or premises, he shall, unless he satisfies the court that he was an inmate, servant, or that otherwise his presence in such tavern or on such premises was not in contravention of the provisions of section 39, be liable to a penalty not exceeding twenty rupees. Any constable may demand the name and address of any person found in any tavern or on any premises during the period during which they are required by the provisions of this Ordinance to be closed, and, if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or such evidence, apprehend him without warrant, and produce him, as soon as practicable, before a police magistrate. Any person required by a constable under this section to give his name and address, who fails to give the same, or gives a false name or address, or gives false evidence with respect to such name and address, shall be liable to a fine not exceeding fifty rupees.

Proceedings  
against persons  
found on  
premises after  
closing hours.

**41** A constable authorized in writing by the superintendent of police, or headman authorized in writing by the government agent, may at all times enter on any licensed premises and taverns; he may also examine every room and part of such premises and taverns, and take an account of all intoxicating liquor (including such produce as aforesaid) stored therein. Any police magistrate, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor (including such produce as aforesaid) is sold by retail or exposed or kept for sale by retail at any place within his jurisdiction, whether a building or not, in which such liquor (including such produce as aforesaid) is not authorized to be sold by retail, may, in his discretion, grant a warrant under his hand, by virtue whereof it shall be lawful for any constable or headman named in such warrant, at any time within one month from the date thereof, to enter, and if need be by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor (including such produce as aforesaid) therein, and seize and remove any intoxicating liquor (including such produce as aforesaid) found therein, which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor (including such produce as aforesaid). Every person who, by himself or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable or headman, demanding to enter in pursuance of this section into any tavern, premises, or place occupied by or under the control of such person, or who having admitted such constable or headman, refuses or fails to allow him to take an account of any intoxicating liquor (including such produce as aforesaid) found therein, or to furnish him with such

Entry on  
premises.

*Licensing.*

light or assistance as he may require, shall be liable to a fine not exceeding, for the first offence, fifty rupees, and for the second and every subsequent offence, one hundred rupees.

Delivery  
evidence of sale.  
Proof of license  
on licensee.

**42** In any proceedings under this Ordinance the delivery of any intoxicating liquor (including such produce as aforesaid) shall be deemed and taken to be good and sufficient evidence of the same having been sold, unless the defendant shall prove the contrary, and the proof of the license shall in all cases rest upon the licensee.

Person deprived  
of his license not  
to be employed by  
licensed person,  
or to be allowed  
any interest  
in licensed  
premises.

**43** If any person licensed to sell intoxicating liquor in any premises, or to keep an hotel or a proprietary club or a refreshment house, or any keeper of a tavern, shall employ or permit any person who, from misconduct or bad character may have been refused or deprived of his license under this Ordinance or the Ordinance No. 10 of 1844, to be employed in any capacity in such licensed premises, hotel, proprietary club, refreshment house, or tavern, or to be his partner or to participate in the profits of such licensed premises, hotel, proprietary club, refreshment house, or tavern, or to have any interest therein, such licensed person or keeper shall be liable to a fine not exceeding fifty rupees.

Government  
agent may  
withdraw license.

**44** (1) If any licensed person or keeper of a tavern shall be convicted of an offence against any of the provisions of this Ordinance, or of Ordinance No. 10 of 1844, or of Ordinance No. 17 of 1889, it shall be lawful for the government agent, if he shall see fit to do so, to withdraw his license, and to publish such withdrawal in the *Government Gazette*, and such license shall thereupon be deemed and taken to be withdrawn, and shall be of no further force or effect.

(2) It shall be open to any person whose license shall be withdrawn to appeal to the Governor, who may confirm or reverse such withdrawal as to him, with the advice of the Executive Council, shall seem fit.

Military and  
naval canteens  
excluded from  
this Ordinance.

**45** Nothing in this Ordinance contained shall apply to any canteen, shop, or tavern opened or kept under military or naval regulations, and subject to the supervision of military or naval officers, or to any resthouse under the charge of a provincial road committee, or shall preclude the sale in railway refreshment cars or at refreshment rooms or premises connected with railway stations duly authorized as such by the General Manager, of intoxicating liquor to persons travelling by railroad or arriving at or departing from such stations by railroad.

Officers of  
customs may  
destroy spirits  
unfit for human  
consumption.

**46** It shall be lawful for any officer of the customs to seize and, with the sanction of the Principal Collector, to destroy any spirits which may be imported into this country, and which shall, on analysis, be found to be unfit in the opinion of such Principal Collector of Customs for human consumption, and such officers are hereby indemnified and held free and harmless from all and any the consequences of such seizure and destruction.



*Licensing.*

**47** (1) The fines and penalties imposed by this Ordinance on licensed persons shall also apply to and may be imposed on all persons employed by such licensed persons in selling or exposing liquor for sale or in doing any of the acts for which such license shall be given.. And every person shall be deemed to be employed by such licensed person who shall be in his shop or place of business, and ostensibly acting for him or as his servant or agent.

Employés of licensed persons liable for penalties.

(2) The informer shall be entitled to such portion, not exceeding half of the fine actually recovered and realized, as the court shall award.

Informer's share.

SCHEDULE.

A.

No. and Year.	Extent of Repeal.
4 of 1841      ...      ...	Sections 13 and 15
10 of 1844    ...      ...	Section 29
7 of 1873     ...      ...	The whole Ordinance
22 of 1873    ...      ...	The whole Ordinance
23 of 1877    ...      ...	The whole Ordinance

B.

Opium ; Bhang or Ganga ; Coculus Indicus ; Tinospora Cordifolia ; Datura Stramonium ; Tobacco ; Arecanut ; Nux Vomica ; Strychnine ; Turpentine ; the Salts of Lead, Zinc, Copper, and Iron ; Salts of Tartar ; Oil of Vitriol or Sulphuric Acid ; Cayenne Pepper ; Cassia ; Cinnamon ; Nutmeg ; Assafœtida ; Coriander Seed ; Grains of Paradise ; Angelica Root ; Calken Root ; Almond Cake ; Orris Root ; Cardamom Seed ; Orange Seed ; common Salt or Chloride of Sodium ; Rock Salt ; Sal Ammoniac ; Alum ; Cream of Tartar ; Capsicum ; Ginger ; Quassia ; Samadara ; Wormwood ; Calamus Root ; Caraway ; Liquorice ; Gentian ; Aniseed ; Honey ; Oyster Shells ; Hartshorn Shavings ; Fabia Amara ; Beans for fining ; Darnel Seeds ; Logwood ; Sapanwood ; Catechu ; Chiretta ; Margosa ; Sandalwood ; Hamidesmus Indicus or Erooomos ; Buted Kino or Bengal Kino ; Amylic Alcohol or Fousel Oil.

C.

Opium ; Bhang or Ganga ; Coculus Indicus ; Tinospora Cordifolia ; Datura Stramonium ; Nux Vomica ; Strychnine ; the Salts of Lead, Zinc, Copper, and Iron ; Salts of Tartar ; Oil of Vitriol or Sulphuric Acid ; Assafœtida ; Grains of Paradise ; Angelica Root ; Calken Root ; Almond Cake ; Orris Root ; Sal Ammoniac ; Alum ; Samadara ; Wormwood ; Calamus Root ; Caraway ; Aniseed ; Oyster Shells ; Hartshorn Shavings ; Fabia Amara ; Beans for fining ; Darnel Seeds ; Logwood ; Sapanwood ; Catechu ; Chiretta ; Sandalwood ; Hamidesmus Indicus or Erooomos ; Buted Kino or Bengal Kino ; Amylic Alcohol or Fousel Oil.

18th November, 1891.