



ANNO QUADRAGESIMO TERTIO ET QUADRAGESIMO
QUARTO

VICTORIÆ REGINÆ.

A.D. 1880.

No. 191.

Licensed Victuallers Act.

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SCHEDULE OF FORMS.

A. Acts repealed.

An Act to consolidate and amend the Laws relating to the Licensing of Public Houses and the Sale of Intoxicating Liquors in the Province of South Australia, to provide for Licensing Billiard and Bagatelle Tables, and for other purposes.

[Assented to, October 28th, 1880.]

WHEREAS it is expedient to consolidate and amend the laws regulating the sale of intoxicating liquors, and to provide for licensing billiard and bagatelle tables, and for other purposes—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

PRELIMINARY.

PRELIMINARY.

1. This Act may be cited for all purposes as "The Licensed Victuallers Act, 1880."

Short title.

2. This Act shall be divided into three parts, relating to the following subject matters—

Division of Act into parts.

PART I.—Repeal and Interpretation, sections 3 and 4:

PART II.—

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PART II.—Relating to Licences, and how the same may be granted, renewed, transferred, transmitted, removed, and forfeited, sections 5 to 72 :

PART III.—As to the rights, duties, and liabilities of persons holding licences, and as to offences against this Act, sections 73 to 145 :

PART I.

PART I.

REPEAL AND INTERPRETATION.

Repeal.

3. The several Acts mentioned in the Schedule A hereto are hereby repealed, except as to any matter or thing lawfully done or commenced to be done under the said Acts, or any of them : Provided that all offences against the said Acts, or any of them, committed before the passing of this Act, shall be punishable in the same manner as if this Act had not been passed, and all licences and certificates issued under the authority of any of the said Acts, and not expired at the time of the passing of this Act, shall confer and involve the same rights, privileges, and liabilities as if granted under the authority of this Act ; and all Licensing Districts, Licensing Benches, Clerks, and Inspectors appointed under the authority of any of the said Acts shall be deemed to have been appointed under this Act.

Exception.

Interpretation clause.

4. In the construction of this Act, except where the subject matter or context, or other provisions hereof, require a different construction, the following terms, in inverted commas, shall have the respective meanings hereinafter assigned to them, that is to say—

“Bench” shall mean the Licensing Bench of Justices for the District in which any licensed premises, or premises in respect of which any application for a licence is about to be made, shall be situate, or to which any application in respect of such premises is by this Act directed to be made :

“Immediate neighborhood” shall mean within a radius of two hundred yards from the front door of the house, in respect of which application is made for a licence, if such house be situate within a town, as hereinafter defined ; or if not situate within a town, within a radius of one mile from the front door of such house :

“Justice” shall mean Justice of the Peace for the said province :

“Liquor” shall mean brandy, gin, rum, whisky, cordials containing spirits, wine, ale, porter, beer, or any other spirituous, malt, vinous, or fermented liquors :

“Mead, wine, cider, or perry,” whenever used in this Act, shall mean wine, cider, and perry produced from fruit grown in the said province, and mead made from honey the produce of the said province, such mead, wine, cider, or perry not containing a greater proportion than thirty-five per cent. of proof spirit : “Town”

“Town” shall mean the City of Adelaide and all other corporate towns within the said province, and any township or village containing forty dwelling-houses within a radius of one mile, and any place which may be proclaimed as a town for the purposes of this Act by the Governor.

PART I.

PART II.

PART II.

RELATING TO LICENCES AND HOW THE SAME MAY BE GRANTED, RENEWED, TRANSFERRED, TRANSMITTED, REMOVED, AND FORFEITED.

5. No person shall directly or indirectly sell, barter, exchange, or retail, or permit to be sold, bartered, exchanged, or retailed within the said province, less than five imperial gallons of liquor or mead, wine, cider, or perry, nor shall any person keep or maintain any billiard, bagatelle, or billiard-bagatelle table for hire, or as a means of gain or profit, without being licensed so to do under this Act; and no person in a situation under Government, nor any constable, sheriff's officer, or other person employed to execute any legal process, nor any licensed auctioneer, shall be capable of being licensed under this Act.

No liquor to be sold in quantities of less than five gallons, or billiard or bagatelle table to be kept, without a licence.

Who disqualified from holding licences.

6. The provisions of this Act relating to the sale of liquor shall not apply to the sale of ginger beer, or of spruce beer; nor to the sale by any person of spirituous or distilled perfume, *bonâ fide* as perfumery; nor to the prescription or administration of any liquor simply as medicine, or for medicinal purposes, by or under the direction of any known or practising physician, apothecary, surgeon, chemist, or druggist; nor shall any licence under this Act be required for the sale, by any person the occupier of a vineyard or orchard, and the delivery after sale, by himself or his servants, in quantities of not less than one reputed quart bottle, of mead, wine, cider, or perry manufactured by such person from honey or fruit produced or grown in the said province: Provided that such mead, wine, cider, or perry be not sold or delivered to any person in a state of intoxication, and be not consumed on any premises in the possession or occupation of such occupier or his servants, and be not sold, or delivered on Sundays: Nor shall any licence be required by the master or commander of any steamer or other vessel for the supply of any allowance of liquor to the crew of such steamer or vessel.

Exceptions.

7. The licences to be granted by virtue of this Act shall be of six kinds, that is to say, one to be denominated a “Publican's Licence,” which shall be in the form of Schedule B to this Act; another to be denominated a “Storekeeper's Licence,” which shall be in the form of Schedule C to this Act; another to be denominated a “Wine Licence,” which shall be in the form of Schedule D to this Act; another to be denominated a “Storekeeper's Colonial Wine Licence,” which shall be in the form of Schedule E to this Act; another to be denominated a “Packet Licence,” which shall

Nature of licences.

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shall be in the form of Schedule F to this Act; and another to be denominated a "Billiard-table Licence," which shall be in the form of Schedule F1 to this Act.

Publican's licence.

8. Every publican's licence shall authorise the person thereby licensed to sell and dispose of any liquor, in any quantity, in the house or on the premises therein specified, in the manner hereinafter mentioned.

Annual fee for publican's licence.

9. The annual fee to be paid for a publican's licence shall be as follows:—If the house or premises described in the licence be situate in any town, or within five miles of the City of Adelaide, or within two miles of any other town, the fee shall be Thirty Pounds, and if the house be situated elsewhere, the fee shall be Fifteen Pounds.

Storekeeper's licence

10. Every storekeeper's licence shall authorise the person thereby licensed to sell and dispose of liquor in the house or on the premises therein specified in quantities of not less, at one time, than one gallon of one kind of spirits, or one dozen reputed quart bottles, or two dozen reputed pint bottles of wine or other fermented liquor to be taken away at one time by one person, and not to be drunk on the premises in which such liquor is sold.

Annual fee for storekeeper's licence.

11. The annual fee to be paid for a storekeeper's licence shall be Ten Pounds.

Wine licence.

12. Every wine licence shall authorise the person thereby licensed to sell in the house or shop, or on the premises therein specified, mead, wine, cider, or perry, in any quantity, for consumption on the premises or otherwise.

Annual fee for wine licence.

13. The annual fee for a wine licence shall be Five Pounds.

Storekeeper's colonial wine licence.

14. Every storekeeper's colonial wine licence shall authorise the person thereby licensed to sell and dispose of mead, wine, cider, or perry, in the house or on the premises therein specified in quantities of not less than one reputed quart bottle to be taken away at one time by one person, and not to be drunk on the premises in which such liquor is sold.

Annual fee for storekeeper's colonial wine licence.

15. The annual fee for a storekeeper's colonial wine licence shall be Three Pounds.

Packet licence.

16. Every packet licence shall authorise the master or commander of any steamer or other vessel thereby licensed to sell and dispose of liquor in any quantity to any passenger on board of such steamer or vessel.

Annual fee for packet licence.

17. The annual fee for a packet licence shall be Ten Pounds.

Billiard-table licence.

18. Every billiard-table licence shall authorise the person thereby licensed to keep, set up, and maintain on the premises described in such

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such licence, billiard, bagatelle, and billiard-bagatelle tables, or any of them, and to allow such tables to be used only between the hours of ten in the morning and eleven at night, but not at any time on any Sunday, Christmas Day, or Good Friday.

19. The annual fee for a billiard-table licence shall be five pounds; but every holder of a publican's licence under the provisions of this Act shall be entitled to a billiard-table licence in respect of his licensed premises without the payment of any fee.

Annual fee for
billiard-table licence.

20. Every licence, other than a packet licence, shall, without regard to the date thereof, commence and take effect from the day on which the same is actually issued by the Treasurer, as hereinafter mentioned, and if not previously forfeited shall be in force until and including the twenty-fifth day of March, in the year next following the date of the licence, and every packet licence shall, if not previously forfeited, be in force for twelve months from the date of its issue.

Licences to take effect
from date of issue.

21. In the case of any licence being issued for a period of less than one year, a proportionate amount only of the licence fee shall be payable by the licensee.

Licences for part of
the year.

22. The Governor may, by Order to be published in the *Government Gazette* from time to time, declare that any area in such Order defined shall constitute a Licensing District, and may from time to time alter and vary the boundaries of or altogether abolish any district, and in such Order shall be mentioned the day from which such Order shall take effect; and it shall also be lawful for the Governor from time to time, by Order to be published in the *Government Gazette*, to nominate and appoint a Bench for each such district, consisting of not less than four nor more than nine Justices, three of whom shall form a quorum, and from time to time to remove any one or more of such Justices, and to fill any vacancy or vacancies in any such Bench, and to fix the days for the annual and quarterly meetings of such Bench, and from time to time appoint and remove a clerk to each Bench.

Licensing districts
may be proclaimed.

And Benches
appointed.

23. Every Bench shall, at its annual meeting, elect a Chairman who shall hold office until the next annual meeting, and in case of any vacancy by death, resignation, or disqualification, or in the case of the absence of the Chairman at any meeting, the Bench shall elect another Chairman in the stead of the former Chairman, either for the special occasion or until the next annual meeting.

Benches to appoint
Chairman.

24. No Justice who shall be a brewer, maltster, distiller, wine maker, or licensed dealer in liquor, or in partnership with any such person or persons, or directly or indirectly interested as owner or part owner or manager of any house licensed or to be licensed, shall be a member of any Bench, or adjudicate on the hearing of any information or appeal under this Act; nor shall any such Justice
grant

Disqualification of
certain Justices from
being members of
Bench.

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grant any permission to keep open any house, in which he is directly or indirectly interested, beyond the ordinary hour for closing.

Application for licences, other than packet licences, to be made to Bench.

25. Application for publican's, storekeeper's, wine, storekeeper's colonial wine, and billiard-table licences, or for any such licences being transferred or removed, shall be made to and considered by the Bench for the district in which the premises licensed or proposed to be licensed are situated: Provided that in case any such premises are situated beyond the proclaimed districts, or within a district in which there shall not be any duly constituted Bench, then the application shall be made to the Bench nearest to the locality in which such premises are situated.

Packet licence to be granted by Treasurer.

26. Packet licences shall be issued by the Treasurer to the master or commander of any steamer or other vessel making passages and conveying passengers from any place within the province or its dependencies to any other place, upon payment of the licence fee hereinbefore mentioned, and upon receiving the certificate of two Justices or a Special Magistrate, in the form in Schedule G hereto.

Annual meetings to be held on the second Tuesday in March in every year unless otherwise directed.

27. Annual meetings of the Benches shall be held respectively at such places as may from time to time be appointed by the Governor for that purpose, on the second Tuesday in March in every year (unless otherwise fixed as hereinbefore mentioned), for the consideration of applications for publican's, storekeeper's, wine, storekeeper's colonial wine, and billiard-table licences, which meetings may respectively be adjourned for any time that may appear to be necessary; but no decision as to granting licences shall be given on any other day than the day of meeting, or on a day to which such meeting shall have been adjourned, and when the Benches are assembled for the consideration of applications as aforesaid. Quarterly meetings of the Benches shall also be held at such places as aforesaid on the second Tuesday in the months of June, September, and December in every year, unless other periods have been fixed, as hereinbefore mentioned, for the consideration of such applications as aforesaid and of applications for permission to transfer or remove existing publican's, storekeeper's, wine, storekeeper's colonial wine, and billiard-table licences, and of applications for the issue of licences for new premises, which meetings may be adjourned as the Benches find necessary: Provided that such Benches, so assembled at such quarterly meeting, shall not have power or authority to receive or consider any application by any person whose application shall have been rejected at the preceding annual meeting, or at any preceding quarterly meeting, on personal grounds, or to grant any licence under this Act to any person or premises in respect of which a licence shall have been refused at such annual or preceding quarterly meeting on the ground that such premises are not required for the accommodation of the public, except when the Benches assembled at such annual or preceding quarterly meeting shall have given permission to the applicant to renew his application, or to prefer a new application, in

Quarterly meetings to be also held for consideration of applications for transfers, removals, and new licences.

respect

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respect of new or other premises at such quarterly meeting. Special meetings of Benches may, upon the requisition of any three members of the Bench addressed to the clerk of such Bench, be held at any time and place for the purpose of considering and determining informations for forfeiture of licences under the provisions hereinafter contained.

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Special meetings for forfeiture of licences.

28. Every person desirous of procuring a publican's or wine licence under this Act, in respect of premises which have not been previously licensed, shall, at the meeting of the Bench immediately previous to the meeting at which application for a licence shall be made, deposit with the clerk of such Bench plans of the buildings erected or proposed to be erected on such premises, and shewing exactly the site of such premises, the boundaries thereof, and the situation thereon of the front door of such buildings, which plans shall be upon paper of the width of twenty-four inches, and shall be open to public inspection without fee, and shall within fourteen days cause notice of the deposit of such plans to be given by two advertisements in each of two daily and two weekly newspapers published in the said province; and shall also during the interval between such deposit and the next meeting of the Bench post, and keep posted on the outer door of the premises in respect of which the application is intended to be made, or in case the said premises shall not have been erected or completed, upon a notice board placed on a conspicuous part of the land upon which it is intended to erect or complete such premises, a notice in such of the forms contained in Schedule H hereto as may be applicable; and shall also, at the time of depositing such plans, deliver to the clerk of the Bench a duplicate of such notice, accompanied by a certificate in the form of Schedule I hereto, of at least three known householders residing in the district wherein the said premises, or intended premises, are situate, and such clerk shall forthwith cause notice of the deposit of such plans to be inserted in two consecutive numbers of the *Government Gazette*.

Application for publican's or wine licence for new premises to be commenced by deposit of plans and notice.

29. Every such person having complied with the requirements of the last preceding section, may, at any annual or quarterly meeting of the Bench held next after the deposit of such plans, apply to such Bench for a licence in respect of the premises specified in such plans, and the Bench shall thereupon, if the premises have already been erected and completed, grant or refuse a licence; and if such premises shall not then have been erected or completed, the Bench shall decide whether a licence will be granted to such premises when erected or completed in accordance with such deposited plans to the satisfaction of, and within a reasonable time to be fixed by such Bench; and if any application shall be rejected upon the ground that the plans so deposited do not meet with the approval of the Bench, or that the premises erected or proposed to be erected are not, or would not, in their opinion, be suitable to the locality, they shall, upon the request of the applicant or his counsel, state in what particulars the plans do not meet with their approval,

Bench to grant or refuse licence, or to decide whether licence will be granted to premises erected in accordance with plans.

or

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or the buildings or proposed buildings are unsuitable. When the Bench shall have decided at any meeting that a licence will be granted to any premises not then erected or completed such premises, upon being erected or completed in accordance with the deposited plans within the time fixed by the Bench, shall for the purpose of regulating the mode of application for a licence thereto be deemed to be previously licensed premises.

Memorial against new licence.

30. No publican's or wine licence under this Act, in respect of previously unlicensed premises, shall be granted if a memorial, in the form of Schedule K hereto, or to the like effect, against the granting of the same, signed, if such premises are situate within the boundaries of any Municipal Corporation or District Council, by at least two-thirds of the ratepayers resident in the immediate neighborhood of such premises, whose names shall at the time of signing such memorial appear on the assessment books of the Corporation or District Council, or respective Corporations and District Councils, within which such immediate neighborhood shall be situated, or if such premises are situate without the boundaries of a Municipal Corporation or District Council by at least two-thirds of the adult householders resident within the immediate neighborhood of such premises, be presented to the Bench at the meeting at which the application for such licence shall be made. The genuineness of the signatures to such memorial shall be verified on oath before such Bench; but no memorial shall be received unless it be signed by twenty qualified persons at the least: Provided always that if the premises sought to be licensed shall be situate within a town, and there shall be less than thirty persons qualified to sign such a memorial as aforesaid residing in the immediate neighbourhood (the onus of proof whereof shall lie on the person or persons objecting), such memorial shall be received by such Bench if signed by two-thirds, at least, of the persons qualified residing within a radius of five hundred yards from the front door of such premises and thereupon no licence shall be granted.

Memorial and copy for service to be lodged within sixty days after deposit of plans.

31. Every such memorial, with a copy thereof for service on the applicant, shall be lodged with the clerk of the Bench within sixty days after any person shall have deposited with the said clerk plans of any building which it may be intended to erect, or in respect of which it may be intended to apply for a publican's or wine licence; and such clerk shall forthwith cause such copy memorial to be forwarded by post to the applicant.

Certified list of ratepayers to be evidence.

32. Any person applying for a licence or notifying his intention to oppose the granting of a licence shall, in respect of premises situate within the limits of a Corporation or District Council, on application to the clerk of the Corporation or District Council, or Corporations and District Councils, in which the immediate neighborhood of the premises in respect of which he intends to apply for or oppose the granting of a licence is situate, and on payment to each such clerk of the sum of Ten Shillings and Sixpence, and a further sum of

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of Threepence for each folio of seventy-two words of the lists herein mentioned, be furnished by such clerk with a list of the ratepayers residing within the radius prescribed by this Act within his Corporation or District Council, certified under the hand of such clerk to be a true list of such ratepayers; and such certified list or lists (if more than one), and any list certified by a Justice of the Peace to be a list of ten adult householders residing within the radius prescribed by this Act (when the premises are situate without the limits of a Corporation or District Council), shall be *prima facie* evidence of the number and names of the ratepayers or householders respectively residing within the radius and qualified to sign such memorial as aforesaid.

33. A licence having been refused by reason of a memorial having been presented in terms of this Act against the granting of a licence or licences, it shall not be lawful for the Bench, at any sitting within two years after such refusal, to entertain an application from any person or persons in respect of any house for which a licence has been refused, nor after that period unless there shall be presented a memorial in favor of granting a licence or licences, signed, if such house be situate within the limits of a Municipal Corporation or District Council, by a majority of the ratepayers resident in the immediate neighborhood, or, if such house be situate without such limits, by a majority of the adult householders in the immediate neighborhood of such house, and the genuineness of the signatures be verified, as provided for in case of a memorial under section 30 of this Act.

34. Any unlicensed person desirous of procuring a publican's or wine licence in respect of previously licensed premises, or a storekeeper's, or storekeeper's colonial wine, or billiard-table licence, under this Act shall, twenty-eight days before the date of the meeting at which he shall apply for a licence, post on the outer door of the licensed premises, or of the premises in respect of which such storekeeper's or storekeeper's colonial wine, or billiard-table licence shall be applied for, a notice in such of the forms contained in Schedule H hereto, as may be applicable, and shall deliver to the clerk of the Bench a duplicate of such notice, accompanied by a certificate in the form of Schedule I hereto, of at least three known householders residing in the district wherein such premises are situated; and if the application be for a publican's licence, and the applicant shall be desirous of keeping a tap or taproom, or tap and taproom, detached from such licensed premises, or in such premises, but having any other outer door thereto than the licensed premises themselves have (which desire shall be fully expressed in his notice), accompanied by another certificate from at least two known householders residing in the said district, in the form of Schedule L hereto, with notice of the name, residence, trade or calling of the person therein mentioned, who may be proposed to have the personal management and superintendence of the same tap or taproom, or tap and taproom: Provided

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Where licence refused by reason of memorial, no licence to be subsequently issued except on memorial by majority of ratepayers.

Manner of application by new applicants for licences in respect of previously licensed premises.

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vided that any householder testifying to the character of applicant for a licence under this Act that which is untrue shall be liable to a penalty not exceeding Five Pounds.

Manner of application for renewal of licences.

35. Any licensed person, other than the holder of a packet licence, desirous of procuring a renewal of his licence under this Act, shall, twenty-eight days before the annual meeting in every year, deliver to the clerk of the Bench notice in such of the forms of Schedule H hereto as may be applicable; and if the application be for the renewal of a publican's licence, and the applicant shall be desirous of keeping a tap or taproom, or tap and taproom, detached from his licensed premises, or in such premises but having any other outer door thereto than the licensed premises themselves have (which desire shall be fully expressed in such notice), accompanied by a certificate from at least two known householders residing in the said province, in the form given in Schedule L hereto with notice of the name, residence, trade, or calling of the person therein mentioned, who may be proposed to have the personal management and superintendence of the same tap or taproom, or tap and taproom: Provided that if there be no alteration of the tap or taproom, or tap and taproom, or of the person having the management and superintendence thereof, the certificate of householders hereinbefore mentioned shall not be necessary.

Separate tap or taproom.

Applications to be filed, and notice thereof given by clerk to Commissioner of Police and Inspector of Public Houses.

36. Upon the receipt of every notice of application, the clerk of the Bench shall file the same, and shall forthwith cause notice of such application and the particulars thereof to be forwarded to the Commissioner of Police, and to the Inspector of Public Houses for the district, to be appointed as hereinafter mentioned.

Notice to be given of time for making objections.

37. Public notice shall be given by advertisement in the *Government Gazette* published not less than five weeks before the annual meetings of Benches, signed by the clerk of the Adelaide Bench, requiring all persons having any complaint against the management or condition of any licensed premises to forward such complaint to the clerk of the Bench for the district in which such premises are situated, twenty-one days before such annual meeting, and to attend at such annual meeting and substantiate such complaint.

Proceedings on consideration of application to be public.

38. The proceedings on the consideration of any application or any objection to an application for any licence, and also of every application or objection to any application to renew, transfer, or remove any such licence granted under this Act, shall be public; and the Bench assembled at their annual or quarterly meetings, or at any adjournment thereof, may hear, inquire into, and determine all such applications, and also all objections which may be made to any such applications, and hear on oath such witnesses as may be called, and grant licences to such persons as shall be approved by such Bench, and may direct the holder of a licence to supply additional accommodation at his premises in such manner and within such reasonable time as they may deem fit: Provided that whenever

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a licence has once been granted to any person, such person shall be entitled to a fresh licence as a matter of course, unless he is shown, to the satisfaction of the Bench to have lost his good character, or has neglected or failed to comply with any such direction of the Bench as aforesaid, and provided also that renewals of licences shall in every case be granted as a matter of course by such Benches, unless notice of objection has been given as hereinafter provided.

39. No licensed person having given the notice by this Act prescribed, shall be required to attend the Bench for the purpose of procuring a renewal of his licence, unless notice of opposition to the renewal of such licence, stating the grounds thereof, shall have been given to the clerk of the Bench, who shall forthwith forward a copy of such objections, by post, to the person interested.

Personal attendance of licensed persons for renewal of licence not requisite unless notice of objection given.

40. No person shall be heard, either personally or by counsel, in support of any objection before any Bench assembled at their annual or quarterly meetings, or at any adjournment thereof, unless notice in writing of such objection stating the nature and grounds thereof, signed by the objector, and giving his place of residence, and occupation or style, shall have been delivered to the clerk of the Bench to which the application is intended to be made, and to the person interested, at least fourteen clear days before the day on which such application is to be heard.

Notice of objections to be served.

41. The objections to a new licence, or the renewal of a licence, of which notice may be given, shall be one or more of the following:—That the applicant is of bad fame and character, or is beneficially interested in keeping a brothel, or is of drunken habits, or has, within six months previously, been deprived of a licence under this Act or any Act hereby repealed; or, if the application be for or in respect of a publican's licence, that there is enclosed within the same fence as the house mentioned in the application any store shop or dwelling-house having means of communication open within the yard belonging to such premises, and not separated therefrom by any division wall or fence; or that the management of such house in such particulars as are specified in the notice has not been satisfactory, or that any direction of the Bench as to additional accommodation has not been complied with; or, if such house be situated within ten miles from the City of Adelaide, that the same has not at least two moderate-sized sitting rooms, two sleeping rooms, properly ventilated and furnished, constantly ready and fit for public accommodation, independent of the rooms occupied by the applicant and his family, and decent and separate places of convenience for both males and females, and urinals on or near to the premises for the use of the customers thereof, so as to prevent nuisances and offences against decency; or, if such house be situate more than ten miles from the City of Adelaide, that the same has not at least one sitting room and two sleeping rooms, properly ventilated, and furnished, constantly ready and fit for the accommodation of travellers, and separated from the tap by a space of at least twelve feet with a separate entrance, or has not such decent and separate places

Nature of objections to new licence or renewal of a licence.

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places of convenience and urinals as aforesaid, or that there is not a stable on the premises capable of containing at least four horses, with a sufficient quantity of hay and corn; or, if the application is for licence for premises not previously licensed, that the applicant has not filed plans as hereinbefore mentioned; or that such house is not required for the accommodation of the public; or that the house mentioned in the application is in the immediate vicinity of a church or other place of public worship, hospital, or school, and would, if licensed, be the cause of inconvenience or annoyance to the persons using or frequenting such church, place of worship, hospital, or school; or that the quiet of the locality in which such house is situated will be disturbed if a licence be granted for the sale of liquor in such house; but such last-mentioned objection shall not be entertained unless a petition against the granting of such licence for such house shall be presented to the Bench, signed by at least two-fifths of the ratepayers residing in the immediate neighborhood of such house: Provided, however, that, except as to additional accommodation directed by the Bench as aforesaid, the restriction hereinbefore contained as to the necessary accommodation at the houses within ten miles of Adelaide shall not apply to those houses which have been already licensed under any Act hereby repealed, and no objection whatever shall be heard or entertained unless notice thereof has been duly given by the person so objecting.

Clerk of Bench to sign licences.

42. The clerk of each Bench shall attend the meetings thereof, and minute the result of the proceedings, and whenever any Bench shall grant any licence under the authority of this Act, the chairman of such Bench shall, at the time such licence is granted, notify the fact by writing under his hand, opposite to or against the name of the applicant, in a list of applications to be laid before him for that purpose by the clerk of the Bench, which notification shall be a valid authority to the clerk of such Bench for the signing of a licence to such applicant; and such clerk shall, forthwith sign a licence in such of the forms contained in the Schedules B, C, D, E, or F1, hereto, as shall be applicable, and shall, after registering the same in the said list of applications, with the day of signing the licence, forthwith hand the same to the Treasurer, or to some officer appointed by him, who shall attend every annual and quarterly meeting of the Bench, and such Treasurer or officer aforesaid shall, on receipt of the annual fee payable in respect of the licence granted, and of Two Shillings and Sixpence for each licence, issue and deliver such licence to the person in whose favor the same shall have been granted, or his agent, the Treasurer or officer aforesaid having first minuted at the foot of the licence the day on which the same was so issued by him.

Treasurer or officer appointed by him to issue same.

Approved tap and taprooms.

43. Whenever the Bench shall approve of a tap or tap-room, or tap and taproom, being kept as specified in any notice as aforesaid, and of the person proposed as the manager or superintendent thereof, a memorandum in writing of such approval shall be

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be made at the foot of the licence granted to the applicant, in which case only it shall be lawful for the licensed person to keep the same and sell liquor therein: Provided always, that every such tap or taproom, or tap and taproom, shall, during the term of the licence, be in fact managed and superintended by such approved manager or superintendent, or by such other manager or superintendent approved by two or more members of the Bench, who shall have granted the original approval at a meeting to be convened for that special purpose, by notice, under the hand of the clerk of the said Bench, stating the specific object of the meeting, to be inserted in two consecutive numbers of the *Government Gazette* at the expense of the applicant.

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To be managed by approved persons.

44. Until the sum payable for a licence be paid to the Treasurer, and the licence be actually issued by him, the person entitled to such licence shall be deemed unlicensed, and in case the sum be not paid within two calendar months after the date of the meeting at which the same was granted, the grant thereof shall be wholly void, and the licence shall not be issued.

Until licence fee paid, the person entitled to licence to be deemed unlicensed.

If not paid within two months licence to be void.

45. The Treasurer shall cause a list of all licences issued, and also notice of the non-payment of any licence fees as mentioned in the last preceding section, to be inserted in the *Government Gazette*, on the first, or, at the latest, on the third day of its publication after the issue of the licences, or of the expiration of the said period of two calendar months, as the case may be.

List of licences issued and notice of non-payment of fees to be published in *Gazette*.

46. If any person holding a licence, or having a certificate of a Special Magistrate as hereinafter mentioned, shall be desirous of having the licence transferred to any other person, or if any person having a certificate as aforesaid shall be desirous of having the licence transferred to himself, he shall deliver to the clerk of the Bench, and also post on the outer door of the licensed premises, twenty-eight days before any quarterly meeting, a notice in the form of Schedule N hereto, or as near thereto as circumstances will permit, and also a certificate from three known householders residing in the district in favor of the intended transferee, which certificate may be in the form of Schedule I hereto; and such clerk shall forthwith cause a list of all applications for transfers to be advertised in two consecutive numbers of the *Government Gazette* issued previously to the date of the meeting of the Bench to which such application shall be made.

Transfer of licences.

47. The objections to a transfer, of which notice may be given, shall be one or more of the following—

Nature of objections to transfers.

That the licence of the person proposing to transfer the same is liable to be forfeited for offences against this Act, or any of the Acts hereby repealed; that the person to whom it is proposed to have the licence transferred is of bad fame and character, or is beneficially interested in keeping a brothel, or is of drunken habits, or has within six months previously been deprived of a licence

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licence under this Act as being personally incapable of holding the same, or any Act hereby repealed; or that the lease under which the holder of the licence occupies his house contains a covenant or prohibition against transferring the licence, or assigning, or sub-letting without the consent of the lessor, and that such consent has not been obtained, or that any direction of the Bench as to additional accommodation has not been complied with.

Proceedings on application for transfer to be the same as on application for a licence.

48. The provisions herein contained as to the proceedings upon applications for licences, and the ordering of costs to be paid by any person who shall have given notice of objection, shall apply as nearly as may be to the proceedings upon applications for the transfers of licences, or for the removal of licences, from one house to another.

Bench at quarterly meeting may transfer licence.

49. The Bench assembled at any quarterly meeting, may upon the application of any holder of a licence or certificate as aforesaid, and upon being satisfied that the provisions of this Act have been complied with, transfer the licence to the transferee by a certificate in the form of Schedule O hereto, signed by the clerk of such Bench, and thereupon, and on payment of the sum of Twenty Shillings for such certificate, such nominee shall thereafter have and exercise the same privileges and be subject to the same liabilities and penalties as if such licence had been originally granted to him, and the person whose licence shall be so transferred shall cease to be a licensed person under this Act in respect of the premises mentioned in such licence.

Transfer and transmission of licences in certain cases provided for.

50. On the happening to the holder of a publican's or wine licence, or of a certificate from a Special Magistrate, as hereinafter mentioned, of any of the events, or on any such holder doing, permitting, or suffering any of the acts, matters, or things mentioned in the first column of this section, the person specified in the second column opposite to the events, acts, matters, or things mentioned in the first column shall be entitled to enter upon the licensed premises of such holder, and may, subject to obtaining a certificate from a Special Magistrate as hereinafter mentioned, continue and carry on the business thereof until the meeting of the Bench held next after the expiration of twenty-eight days from such entry, at which meeting an application shall be made by such person in possession for a transfer of the licence, or for a licence, as the case may be, and the proceedings to obtain such transfer or licence shall be the same, as nearly as may be, as in ordinary cases of applications for transfer or licence

First Column.

Second Column.

i. On death :

i. The legal personal representative, or his nominee or assign, or any member of the family of the deceased :.

ii. On

ii. The

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| <p>II. On insolvency, statutory assignment, sequestration, or <i>cessio bonorum</i>, whereby the estate of a licensed person becomes an asset for the benefit of his creditors:</p> | <p>II. The assignee, trustee, or other person in whom the estate becomes vested, or his nominee or assign:</p> |
| <p>III. On sickness or other infirmity, whereby the licensed person becomes disabled personally to conduct the business of the licensed premises:</p> | <p>III. Any member of the family or the nominee of the licensed person:</p> |
| <p>IV. On the lunacy of any licensed person:</p> | <p>IV. The committee of such person or his nominee:</p> |
| <p>V. On sale of the licensed premises:</p> | <p>V. The purchaser or his nominee:</p> |
| <p>VI. On surrender, forfeiture, recovery by legal process, or other determination of the right of the licensed person to the possession of the licensed premises, or upon the licensed person yielding up possession of the premises before the expiration of the licence, or allowing such premises to become vacant:</p> | <p>VI. The landlord, mortgagee, or other person who may be <i>bonâ fide</i> entitled to the licensed premises or the possession thereof, or the nominee or agent of any such landlord, mortgagee, or other person:</p> |
| <p>VII. On the neglect of or refusal by the licensed person to give notice of application for the renewal of his license, or, having given such notice, on his neglecting to apply at the annual meeting for such renewal, or, on his having so applied, on his being refused a renewed licence on personal grounds, or, having been granted a licence, on his refusing or neglecting to pay the licence fee within thirty days from the meeting of the Bench at which the licence shall have been granted:</p> | <p>VII. The landlord, mortgagee, or other person prejudiced thereby:</p> |
| <p>VIII. On the neglect or refusal by a person to whom a certificate has been granted by a Special Magistrate as herein-</p> | <p>VIII. The landlord, mortgagee, or other person prejudiced thereby.</p> |

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before mentioned making application for a transfer of the licence, or upon the refusal by the Bench to transfer the licence to such person.

Provided that every person entering upon any licensed premises, and continuing the business thereof under the provisions hereinbefore contained, shall, within seven days after such entry, give notice thereof in writing to the clerk of the Bench, and shall, on receiving notice from the said clerk, attend before a Special Magistrate, at a time and place to be specified in such last-mentioned notice; and if such Special Magistrate shall be satisfied that such person is a proper person to hold a certificate, and that he has not been previously refused a licence by any Bench, such Special Magistrate may, in his discretion, grant a certificate, in the form of Schedule P hereto, which, so long as the same shall continue in force, shall entitle the person therein named to the same privileges and render him liable to the same liabilities and penalties as if he held a licence under this Act: And provided also that any person entering upon premises in consequence of any of the events mentioned in subdivision VII. of the said first column shall, within seven days after obtaining such certificate as aforesaid, present the same to the Treasurer of the province, and pay the same licence fee as would have been payable if the licence had been granted at the previous meeting of the Bench, and in the event of a licence being granted by the Bench at a subsequent meeting, no further fee shall be payable in respect of such licence.

Provision for death or insolvency of person holding storekeeper's colonial wine licence.

51. When any holder of a storekeeper's colonial wine licence under this Act shall die, or be adjudicated insolvent, or shall make any statutory assignment of his estate and effects for the benefit of his creditors, the Treasurer shall, without fee, by endorsement on the licence, or otherwise in writing, authorise the legal personal representative, or the assignees or trustees of such holder, as the case may be, to carry on the business under such licence during the residue of the term of such licence; and the person so authorised shall be deemed for all purposes to be the holder of such licence under this Act.

Removal of licence to other premises.

52. If any person holding a publican's, storekeeper's, wine, storekeeper's colonial wine, or billiard-table licence, shall be desirous of removing his business to any other suitable and convenient premises in the same district, he shall, twenty-eight days before any quarterly meeting of the Bench, deliver to the clerk of such Bench, and also post on the outer door of the licensed premises and of the premises to which it is proposed to remove the licence, a notice in writing in the form in Schedule Q hereto, and in case the licence sought to be removed shall be a publican's or wine licence, shall at the same time
deposit

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deposit with the clerk plans of the premises to which it is proposed to remove such licence, and the clerk of the Bench shall take proceedings thereon similar to those hereinbefore directed with regard to applications for licences: Provided that nothing herein contained shall be construed to make it obligatory on the holder of a licence who shall put up new premises of the same, or superior accommodation to, and on the site of his licensed premises to apply for a removal of his licence to such new premises.

53. The objections to a removal of which notice may be given shall be one or more of the following:—That the house to which it is proposed to remove the licence is not required for the accommodation of the public, or is in the immediate vicinity of a church or other place of public worship, hospital, or school, and would, if licensed, be the cause of inconvenience or annoyance to the persons using or frequenting such church, place of worship, hospital, or school, or that the quiet of the locality in which such house is situated will be disturbed, if a licence be granted for the sale of liquor in such house (but such last-mentioned objection shall not be entertained unless a petition against the removal of such licence to such house shall be presented to the Bench signed by at least two-fifths of the ratepayers in the immediate neighborhood of such house), or that the lease under which the holder of the licence occupies his house contains a covenant or prohibition against removing the licence to any other house without the consent of the lessor, and that such consent has not been obtained.

Nature of objections
to removal of licence.

54. The Bench assembled at any quarterly meeting may transfer the licence from one house to another, by a certificate in the form of Schedule R hereto under the hand of the clerk of such Bench, and thereupon the holder of such licence shall be authorised to sell and dispose of liquor or to keep, set up, and maintain billiard, bagatelle, or billiard-bagatelle tables in the premises to which such licence shall have been transferred, instead of in his former house, in the same manner as if such licence had been originally granted, authorising him to sell and dispose of liquor, or to keep, set up, and maintain billiard, bagatelle, or billiard-bagatelle tables in the premises to which such licence shall be so transferred, according to the tenor and effect of such licence, and the premises to which such licence was originally granted shall thereupon cease to be licensed.

Mode of removal of
licence from one
house to another.

55. The applicant, or any person objecting to any application for a licence, or the renewal, transfer, or removal, of a licence, may obtain, at the office of the clerk of the Bench, summonses to witnesses, on payment for the same to the said clerk of the sum of Sixpence for his charge, which summonses shall be in the form in the Schedule M hereto, or to the like effect.

Witnesses may be
summoned.

56. In every case in which any objection or objections shall be made to the granting of any application for a new licence, or for the removal,

Consideration of
objection.

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Decision of Bench on each objection, and reasons for refusal to be stated.

removal, renewal, or transfer of any existing licence, the Bench shall consider each and every such objection on its merits, and the Chairman of the Bench shall state to the applicant, or to his counsel, in open Court, the finding of the Bench thereon respectively; and in case the application shall be refused, the Chairman shall, if such application be in respect of a publican's or wine licence, state at the same time, and in the same manner, the grounds and the reasons for such refusal, and shall also specify the particular objection or objections on account of which such application has been refused.

Costs may be given against unsuccessful objector.

57. The Benches, assembled at their annual or quarterly meetings as aforesaid, may order that any person having given any notice of objection as hereinbefore mentioned, and failing to support such objection to their satisfaction, shall pay to the applicant for a licence a sum not exceeding Ten Pounds, for the costs incurred by such applicant in supporting such application, and such costs may be recovered in the same manner as any sum of money ordered to be paid by any order of Justices: Provided always, that no such order shall be made where any Superintendent, Inspector, or other officer of police, or constable, shall have given such notice of objection.

Licence may be granted to widow or representative of applicant who died after application, and before licence granted.

58. If any applicant for a publican's licence shall die after having taken the required preliminary steps for obtaining the same before the licensing day, the Bench may, if they think fit, on proof of such death, grant such licence to his widow or personal representative, or to the landlord or his agent or other person *bonâ fide* entitled to the premises or possession thereof, in like manner as if he or she had been the applicant.

Record of applications to be kept.

59. A record of all applications made to the Licensing Benches throughout the province, showing the names of the applicants, the nature of the applications, the names and situations of the premises in respect of which the applications are made, the date on which and the Bench before whom the applications were heard, and the manner in which the same were disposed of, including, in case of a refusal, the particular objection or objections on account of which the licence was refused, shall be kept by the clerk of the Licensing Bench for the Adelaide district, to whom the clerks of the other Licensing Benches shall immediately after every annual and quarterly meeting forward returns containing the particulars of the applications made to and disposed of by such Benches respectively; and such record shall be open for general inspection at the office of the clerk of the Adelaide Licensing Bench without payment of any fee. A copy of the record now kept shall be published by such clerk in the *Government Gazette* within two months from the passing hereof, and thereafter a copy of so much of such record as shall have been compiled since the previous publication shall be published by such clerk in the *Government Gazette* within two months after each annual and quarterly meeting.

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60. If any Special Magistrate or two Justices living within fifteen miles of the licensed premises shall approve of any person holding at the time a publican's or wine licence selling liquor or mead, wine, cider, and perry, as the case may be, in any booth or building at any fair, military encampment, agricultural exhibition, races, regatta, rowing match, cricket ground, or other place of public amusement, with the consent and approval of the stewards, committee of management or other persons having the conduct, control, or management of such fair, encampment, agricultural exhibition, races, or other amusement for a period not exceeding five days, and shall signify his or their approbation thereof in writing, by a certificate in the form contained in Schedule S hereto, then, and upon payment of a fee of Two Pounds by any person holding a publican's licence, and a fee of One Pound by any person holding a wine licence, for every such certificate, it shall be lawful for such licensed person, after having obtained such consent and approval as aforesaid, to sell liquor, mead, wine, cider, or perry accordingly, in such booth or building for the number of days specified in such certificate: Provided always, that nothing herein contained shall be construed as an authority for retailing to drunken persons, or for admitting them to the said booth or building for liquor, or mead, wine, cider, or perry, or allowing them to remain therein, nor for selling on Sundays, or between the hours of eleven at night and five in the morning.

Five days' certificate may be granted in certain cases.

61. Any two Justices living within fifteen miles of the licensed premises may give permission in writing to any person holding a publican's licence to keep his licensed premises open for the sale of liquor on the occasion of any public amusement, entertainment, or public meeting, or on any other special occasion to be specified in such permission, beyond the time otherwise fixed in this Act: Provided always that when such licensed premises are situate in any corporate town one of such Justices shall be a Special Magistrate, Mayor of the corporate town within which such premises are situate, or a Commissioner, Superintendent, or Inspector of Police. Every licensed person obtaining any such permission shall deliver or forward the same in a prepaid registered letter, together with a fee of Five Shillings, to the Commissioner of Police (if granted for a house in the City of Adelaide) forthwith, and (if granted for a house elsewhere) within twenty-four hours after obtaining the same, and may, subject to complying with this provision, keep open his licensed premises in accordance with such permission: Provided that no such permission shall allow the keeping open of any licensed premises on a Sunday, or after a quarter to twelve o'clock at night on any Saturday, and that no such permission shall extend over any longer period than four hours.

Licensed premises may be kept open after hours by special permission.

62. A return of all permits granted shall be published weekly in the *Government Gazette*, giving the names of the licensed person to whom the permits have been granted, and of the Justices signing the same.

Permits to be gazetted.

63. If

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Provision for carrying on business during absence of licensed person.

63. If the holder of a publican's licence shall be desirous of leaving the province for a time, and of appointing a person to act for him during his absence, such holder may give notice of such his desire to the clerk of the Bench, stating the time he requires to be absent, and the name and description of the person he wishes so to be appointed to act for him, and shall, on receiving notice from the said clerk, attend before a Special Magistrate with the person he wishes to be appointed, and if such Special Magistrate shall in his discretion deem such person to be a proper person to act, and if such person shall not have been previously refused a licence on personal grounds by any Licensing Bench, such Special Magistrate may grant a certificate, in the form of Schedule S1 hereto, permitting such person so to act for the holder during his absence, for such time, not exceeding twelve months, as such Special Magistrate may in his discretion allow: Provided always, that the person so permitted to act shall be liable to the like penalties as if he were the holder of a licence under this Act.

Certificates may be granted to sell liquor on goldfields.

64. If any Special Magistrate, with the consent of the officer in charge of any goldfield, shall approve of any person holding a publican's licence selling liquor, or of any person holding a wine licence selling mead, wine, cider, or perry, on such goldfield, in any erection or building to be approved by such Special Magistrate, the said Special Magistrate may grant one or more certificate or certificates in the form contained in Schedule T hereto, to sell liquor, or mead, wine, cider, or perry, as the case may be, in a stated place upon such goldfield, for the residue of the term of the licence, subject to a fee of Five Pounds for a publican's licence, and One Pound for a wine licence, to be paid into the hands of the officer appointed by the Governor to have charge of such goldfield, and to be by him paid into the Treasury of the province; such certificates to be renewable from time to time for a further term of three months, so long as the person holding the same shall hold a licence under this Act, on like payment, until such time as permanent townships may be declared in the vicinity of such goldfield; and any person having such certificate, situate within the area of one mile from such proclaimed township, after thirty days' notice from the Commissioner of Crown Lands, or person duly authorised by him, shall cease to be entitled to sell liquor, or mead, wine, cider, or perry, as the case may be, under such certificate: Provided that a certificate shall not be granted to any person who has not lawful authority to occupy the Crown lands in which the premises in respect of which such certificate is given may be situated.

Licences how absolutely forfeited.

65. If any person holding a licence under this Act shall be convicted of any felony, such licence shall immediately thereupon be void; and if any person holding a publican's licence shall permit any person whomsoever other than a member of his family, to manage, superintend, or conduct the business of his licensed premises during his absence for a longer period than one month without the previous consent in writing of a Special Magistrate or two Justices, or shall, whether

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whether residing in such licensed premises or not, permit any unlicensed person to become virtually or in effect the keeper thereof, or shall suffer such licensed premises to become ruinous or dilapidated, or shall neglect or fail to comply with any direction of the Bench as to additional accommodation, then upon information by any person and on proof of the facts to the satisfaction of the Bench or of any Special Magistrate, or any two Justices, such Bench, Special Magistrate, or Justices shall, by an order under his or their hand or hands, or the hand of the clerk of such Bench, declare such licence to be forfeited, and the same shall thereupon cease to be of force and effect: Provided that if such licenced premises shall have become ruinous or dilapidated by reason of fire, tempest, or other cause beyond the control of the holder of such licence, then such licence shall not be declared forfeited until a reasonable time shall have elapsed for such holder to repair or reinstate such licensed premises.

Exception.

66. If any person holding a licence under this Act shall, within a period of nine months, have been convicted under this Act three several times for offences for which his licence may be forfeited, as hereinafter mentioned (whether such convictions shall be in respect of the same kind of offence or several kinds of offences), the Special Magistrate or Justices by whom such person shall have been convicted for the third offence, or the Bench for the district in which the licensed premises in respect of which such person holds a licence shall be situate, may, if he or they shall think fit, upon information by any person and on proof of the convictions, by an order under his or their hand or hands, or under the hand of the clerk of such Bench, declare such licence to be absolutely forfeited, and such licence shall thereupon cease to be of force and effect, and every such order may be in the form of Schedule U hereto: Provided that no such forfeiture shall be ordered by a Bench except the licence of the applicant, produced on demand of such Bench, as provided for in section 2A of Schedule V hereto, shall have three or more convictions for offences under this Act endorsed thereon, or upon information lodged with the clerk of the Bench within four months after such third conviction as aforesaid, nor unless seven days' notice of such information having been laid, and of the time and place of the special meeting of the Bench shall have been given by the clerk to the holder of such licence, and that no order for forfeiture shall be enforced while any appeal against such third conviction shall be pending; but if such conviction shall be upheld on appeal such order shall take effect from the time when such appeal was disposed of.

Licence may be forfeited if holder thrice convicted of any offence.

67. In case the person who holds a licence which shall be forfeited under this Act shall be a tenant or mortgagor of the premises in respect of which such licence shall be forfeited, it shall be lawful for a Judge of the Supreme Court on an *ex parte* application by the owner or superior landlord, or other person entitled to the reversion of the said premises, or the mortgagee, and on proof

Landlord in case of forfeiture of licence by tenant to be allowed to carry on business.

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proof by affidavit or otherwise of such forfeiture, to make an order authorising the owner or superior landlord, or other person entitled to the reversion of the said premises, or the mortgagee or the agent of either of such persons, to enter and take possession, of the said premises, and thereupon the person mentioned in such order may enter upon the said premises, and continue and carry on the business thereof until the meeting of the Bench for the district in which the premises are situated, held next after the expiration of twenty-eight days from the time of such entry, when an application shall be made by such person in possession for a new licence, and the proceedings to obtain such licence shall be the same as in ordinary cases for obtaining a licence for previously licensed premises.

Costs may be ordered.

68. Any Special Magistrate, Justices, or Bench who shall hear any information for forfeiture of a licence, may, if he or they shall think fit, order any person whose licence shall be forfeited to pay costs to the person on whose information such forfeiture shall have been ordered; or in case any such information shall be dismissed, may order the person laying such information to pay costs to the holder of the licence.

Clerk of Court in which forfeiture ordered to forward particulars to clerk of Adelaide Bench.

69. The clerk of any Bench other than the Adelaide Bench and the clerk of the Court by whom or in which any such forfeiture shall be ordered, or if there be no clerk, then the Chairman of such Bench, or the Special Magistrate or Justices declaring such forfeiture, shall, within seven days after such forfeiture report the same to the clerk of the Adelaide Bench: Provided that in case the person whose licence may be so declared forfeited shall appeal against such forfeiture, no such report shall be made until after such appeal shall be disposed of.

Transfers, removals, and forfeitures to be advertised by clerk of Adelaide Bench.

70. The clerk of the Adelaide Bench shall cause full particulars of every transfer or removal of a licence as aforesaid, and also of every forfeiture of a licence, and the issue of every certificate under this Act, of which he shall have received notice, to be inserted in the *Government Gazette*, on the first, or at the latest, on the third publication, next after the occurrence of any of such events, or of receiving notice of the same.

Provision for issuing duplicate of lost licence.

71. Whenever any licence granted pursuant to this Act shall be lost or destroyed, the licensee may apply to the Bench by whom such licence was granted, at any quarterly meeting, for a duplicate thereof, and such Bench, if satisfied of the loss of such licence, and that the same has not been forfeited or transferred, shall grant the issue of a duplicate licence; and the clerk of such Bench shall make out and forward to the Treasurer, or to some officer appointed by him, a duplicate of the original licence, and such Treasurer or officer shall, upon payment of a fee of One Pound, deliver such duplicate licence to the person in whose favor the original licence shall have been granted.

72. Every

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72. Every Bench may from time to time make rules and regulations as to the mode of hearing applications for licences for new houses, and new applications for old licensed houses, and generally as to the manner of conducting the business of such Bench and providing for emergencies: Provided that until such rules and regulations shall be made the rules and regulations contained in Schedule V hereto shall be observed by the Licensing Benches, and that no new rules or regulations shall be inconsistent with this Act, and that all such new rules and regulations shall be approved by the Governor in Council, and published in the *Government Gazette*.

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Power of Benches to make rules and regulations.

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AS TO THE RIGHTS, DUTIES, AND LIABILITIES OF PERSONS HOLDING LICENCES, AND AS TO OFFENCES AGAINST THIS ACT.

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73. Any Justice disqualified by section 24 of this Act from being a member of a Bench or adjudicating on the hearing of any information or appeal under this Act, or from granting any permission to keep open house beyond the ordinary hour for closing, who shall offend against the provisions of the said section shall, for every such offence, forfeit and pay the sum of One Hundred Pounds, with full costs of suit, which may be sued for and recovered by action of debt in any Court of competent jurisdiction by any one who will sue for the same.

Penalty on Justices interested adjudicating.

74. If any person holding a licence under this Act shall suffer any person to exercise any unlawful game or sport within his licensed house, premises, or appurtenances, or if any such licensed person shall permit or suffer anyone to play at billiards or any other game in his house or premises on Sunday, or knowingly suffer prostitutes, thieves, drunken, or disorderly persons to assemble at, or continue in, or upon his premises, he shall, upon being convicted, forfeit and pay for every such offence any sum not exceeding Twenty Pounds.

Penalty for allowing unlawful games, billiards on Sundays, or assembling of prostitutes or disorderly persons.

75. Every person holding a publican's licence shall keep his Christian and surnames, and the words "Licensed Dealer in Wines and Spirits," and every licensed holder of a wine licence shall keep his Christian and surnames and the words "Licensed Dealer in Colonial Wines," legibly painted in letters not less than three inches in length, on some conspicuous part of the front of his licensed house; and every person holding a publican's licence shall have a lamp fixed in front of such house, and either opposite to or over the principal or entrance door thereof, and at a distance of not less than seven feet from the ground, such lamp, unless gas or mineral oil be burned therein, to contain at least two burners, and shall keep the same well cleaned, and trimmed, and, if situate within a corporate town, alight during the hours on which he is authorised to keep open house, or, if situate outside of a corporate town, alight from

Names to be kept up, and also lighted lamps.

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Governor may make regulations respecting lamps, on recommendation of Marine Board.

from sunset to sunrise throughout the year, under a penalty of not less than Ten Shillings, nor more than Ten Pounds for every offence: Provided that no person holding a publican's licence shall be liable to a penalty or fine by reason of his lamp having ceased to be lighted after eleven o'clock at night, unless he shall have been called upon and have neglected to relight the same: Provided also that the Governor may, upon the recommendation of the Marine Board (such recommendation to be signed by the President and Secretary of the said Board), make such regulations respecting the lamp required to be kept by any licensed person residing near the sea-coast as the said Marine Board may recommend; and upon such regulations being published in the *Government Gazette* and notice thereof given to the licensed persons affected thereby, such persons shall forthwith make such alterations as shall be necessary to comply with such regulations, and such compliance shall free and discharge any licensed person acting under the authority thereof, from any penalties to which he might otherwise be liable in respect of such lamp; but every licensed person failing in such compliance within a reasonable time after notice shall be liable to a penalty of not less than Ten Shillings nor more than Ten Pounds for every night or part of a night such regulations shall not be complied with.

Penalty for unauthorised tap.

76. If any licensed person shall, without such approbation as hereinbefore provided, keep or have any tap or taproom, or tap and taproom, detached from or in his licensed premises, but having any other outer door thereto than the premises themselves have, or if any such tap or taproom, or tap and taproom, shall be in fact at any time not wholly managed and superintended by the approved person, then and in either of such cases such licensed person shall be guilty of an offence under this Act and shall forfeit and pay for every such offence a penalty of not less than Five Pounds nor more than Fifty Pounds.

Travellers and corpses not to be refused under a penalty.

77. If any person holding a publican's licence shall, without lawful excuse, refuse to receive and provide for a traveller and his horse, or a traveller without a horse, or the horse of a traveller not becoming a guest at the house, or shall refuse to receive any corpse which may be brought to his licensed premises for the purpose of a coroner's inquest being held thereon (the said licensed premises, in respect to which such refusal to receive a corpse may be made, not being within two miles of a police station), such licensed person shall for every such offence forfeit and pay a penalty of not less than One Pound nor more than Twenty Pounds.

Strangers' goods not to be liable to the rent of licensed houses.

78. No *bonâ fide* property of any traveller, guest, or inmate of any premises, in respect of which a publican's licence shall have been granted under this Act, or of any person who may have entrusted such traveller or inmate therewith, and being in or on such premises or any part thereof, or in or on any place used or occupied therewith, shall be liable to be distrained or seized for or in respect of the

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the rent of such premises or place, and if such property shall be so distrained or seized, any Special Magistrate or two Justices may inquire into any complaint made in respect of such seizure or distress in a summary manner, and order such property to be restored, and award reasonable costs, and may levy such costs by distress and sale of the goods or effects of the person or persons so distraining or seizing as aforesaid, but nothing herein contained shall extend to deprive licensed persons of their lien on any such property for their own lawful demands.

Justices may order restoration of goods.

And award costs.

79. No person holding a publican's or wine licence shall recover any debt or demand for or on account of any liquor, unless such debt shall have been *bonâ fide* contracted at one time to the amount of Twenty Shillings or upwards; nor shall any debt for liquor be recovered where the quantity *bonâ fide* delivered at one time shall not amount to Twenty Shillings, notwithstanding such debt or any part thereof may have been secured or agreed to be paid, unless a written order for the same shall be proved to have been given by the maker thereof before the liquor or wine was delivered, or it be clearly shown that the debtor was then resident in the licensed premises, or in the immediate neighborhood thereof, or one of the regular customers at such licensed premises, or a person then on a journey and calling at such premises for the purpose of taking refreshment.

Tippling clause.

80. If any person holding a publican's or wine licence shall take or receive in payment, or as a pledge in barter or exchange, for any liquor or entertainment supplied in or from the licensed premises, anything except coin commonly current, or the note or notes of some known bank or banker, or a cheque or order on some known bank or banker, or a money order or orders, or shall take any such note, cheque, or order, at less than the full nominal value thereof, he shall forfeit and pay for every such offence a penalty of not less than Ten Pounds nor more than Fifty Pounds.

Penalty on licensed persons taking pledges &c., or payment in anything except coin or bank notes.

81. Any person who shall sell, barter, exchange, retail, or give, or permit to be sold, bartered, exchanged, retailed, or given, any liquor to any aboriginal native of Australia, or half-caste of that race, shall be liable to a penalty of not less than One Pound, nor more than Ten Pounds for each and every such offence.

Liquor not to be supplied to aborigines.

82. Any person holding a licence under this Act, or any person in his employ, who shall supply, or permit to be supplied, any liquor to any boy or girl under the age of fifteen years, to be drunk upon the premises, shall be liable to a penalty of not less than Twenty Shillings nor more than Five Pounds.

Liquor not to be supplied to children under fifteen years of age.

83. Any person holding a licence under this Act, or any person in his employ, who shall supply, or permit to be supplied, any liquor to any person in a state of intoxication, shall, on conviction thereof, for the first offence, be liable to a penalty of not exceeding

Liquor not to be supplied to persons in a state of intoxication.

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exceeding Ten Pounds; and for every subsequent offence, to a penalty of not less than Ten Pounds nor more than Forty Pounds.

Penalty for supplying liquor to constables on duty.

84. Any person holding a licence under this Act, or any person in his employ, who shall knowingly supply, or permit to be supplied, any liquor to any constable or other member of the police force whilst on duty, except when such constable or member of the police force is travelling, shall, for every such offence, be liable to a penalty not exceeding Five Pounds.

Publicans drunk on premises liable to penalty.

85. Any person holding a licence under this Act who shall be drunk whilst in the management of his licensed premises shall be liable upon conviction to a penalty of not less than Two Pounds nor more than Twenty Pounds.

Theatrical performances, music, or dancing not to take place without permit.

86. No portion of any licensed premises under this Act in the City of Adelaide, shall be used as a theatre, concert-room, or ball-room, for public entertainment, without the written permission, in the form of Schedule T1 hereto, of two Justices, one of whom shall be the Commissioner, Superintendent, or an Inspector of Police, and any person holding a licence under this Act, who shall use, or permit to be used, any portion of his licensed premises in contravention of this section, or at any hour not authorised by such permission, shall be liable, for every such offence, to a penalty of not less than Five Pounds nor more than Ten Pounds. Every person obtaining any such permit shall pay a fee of Five Shillings to the Commissioner, Superintendent, or Inspector of Police on the issuing thereof, and no such permit shall extend over a longer period than one month.

Order may be obtained forbidding supply of liquor to drunkards.

87. Upon information in writing, made to any Special Magistrate or Justice of the Peace, that any person, by the habitual or excessive use of liquor, wastes his means, or injures or is likely to injure his health, or endangers or interrupts the peace or happiness of his family, such Magistrate or Justice shall issue his summons, calling upon such person to appear at a time and place to be therein named, and show cause why an order should not be made forbidding all persons to supply him with liquor. At the time and place named in such summons, any Special Magistrate or two Justices of the Peace may investigate the matters contained in such information and hear the evidence adduced in support thereof, and also the evidence (if any) of the person informed against, and of any witnesses called on his behalf; and may adjourn such investigation from time to time, and may, upon proof to his or their satisfaction of the facts alleged in such information, make an order forbidding all persons to supply the person named in such order with liquor, or to be permitted within any licensed premises for the period of twelve months from the date thereof.

Penalty for supplying such drunkards with liquor.

88. Any person who shall, during the currency of any such order, knowingly supply any person named therein with liquor, and

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and any person holding a publican's or wine licence under this Act who shall knowingly permit any person named in any such order to loiter about or frequent his licensed premises, shall, on the first conviction for any such offence, forfeit and pay a penalty not exceeding Five Pounds, and for the second and every subsequent offence, a penalty of not less than Five Pounds nor more than Ten Pounds.

89. Every person holding a publican's or wine licence under this Act, shall cause clauses Nos. 81, 82, 83, 84, and 85, to be printed or fairly written in large, legible, permanent, and conspicuous characters, and affixed in one of the most public parts of his bar room, and also of every taproom belonging to or used in connection with his licensed premises, or, in the case of a wine licence, in one of the most public parts of his licensed premises, and keep the same so affixed, and fair and legible, under the penalty of Forty Shillings, and a further penalty of Ten Shillings for every day during which the said clauses shall not be kept affixed, and fair, and legible, as aforesaid.

Clauses 81, 82, 83, 84, and 85, to be set up in bar and taproom.

90. No person holding a publican's or wine licence, whose licensed premises are in Adelaide, or any other town within the said province, shall have or keep any retail store or shop on account of himself, or of any other person, which shall, by door, window, or in any other manner internally communicate or admit of a communication with the licensed premises or any tap or taproom detached therefrom, or which shall communicate or admit of communication with such licensed premises or tap or taproom externally, save by a separate public outer door or entrance thereto, under a penalty of not more than Five Pounds for every day during which such store or shop shall be kept as aforesaid; but this provision shall not extend to confectioners' shops, or refreshment rooms, had or kept by the holder of a wine licence, and forming part of his licensed premises.

Retail stores not to be kept together with public-houses and wine-houses in towns.

91. Every person holding a publican's or wine licence who shall use or keep open, or permit to be used or kept open, any communication, by door, window, passage, or in any other manner, save by a separate public outer door or entrance, between his licensed premises, or any tap or taproom detached therefrom, and any retail store, shop, eating-house, or refreshment rooms, shall forfeit and pay a fine of not more than Five Pounds for every day during or upon which such communication shall be, or shall be permitted to be, used or kept open as aforesaid.

No communication for supply of liquor to be kept open between public-houses or wine-houses and stores or eating-houses.

92. If any person holding a publican's or wine licence shall knowingly employ or permit any person who may have forfeited or been deprived of a licence as having been personally incompetent to hold the same under this or any of the Acts hereby repealed, or who, from misconduct or bad character, may have been refused a certificate

Persons who have forfeited or been refused licences not to be employed as managers, &c.

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certificate to entitle him to receive a licence, to be employed as an overseer or as a manager or superintendent of the licensed premises, or tap or taproom of such licensed person, or however called or designated to appear or act in that capacity, or in any way that may induce regular customers and the public generally to believe that he is an overseer or a manager or a superintendent of the same, then and in such case the said licensed person shall forfeit and pay a penalty of not less than Two Pounds nor more than Twenty Pounds.

Licensed persons not to share profits with nor entrust management of house to unlicensed or unauthorised person.

93. If any person holding a publican's or wine licence shall admit any unlicensed person as or to be his partner, or directly or indirectly permit an unlicensed person to participate in the profits of the business of his licensed premises or tap or taproom, or directly or indirectly agree with any unlicensed person to let him have any interest whatever in such premises or tap or taproom, or the profits thereof, or shall remunerate or suffer any unlicensed person to be remunerated for, or shall in any manner agree that he shall be remunerated for any services, or on any account, in proportion to the profits of the business carried on on such premises or tap or taproom, or of the quantity of liquors sold or retailed on or from the said premises or tap or taproom, or shall abandon the occupation of such licensed premises as his place of residence, and permit any unauthorised person whatever to manage, superintend, or conduct the business of such premises, or whether residing in such premises or not shall permit any unlicensed or unauthorised person to appear to the public as, or to become virtually or in effect, the keeper of the said premises, then and in any or either of the said cases, upon proof of the fact to the satisfaction of any Bench, Special Magistrate, or two Justices, the licence of the same premises for the then current year shall be declared by them to be and the same shall thereupon become and be absolutely void, or, at the discretion of the Bench or the convicting Special Magistrate or Justices, such licensed person shall forfeit and pay for such offence a penalty of not less than Five Pounds nor more than One Hundred Pounds: Provided that this clause shall not extend to prohibit a *bonâ fide* agreement between the holder of a wine licence and the keeper of a confectioner's shop or refreshment room for the carrying on of their respective trades in partnership on one and the same licensed premises.

Exception.

Taps to be cleared, and outer doors facing a public thoroughfare to be closed, at eleven o'clock. p.m.

94. If any person holding a publican's or wine licence shall not clear his taproom and close the outer doors which face a public thoroughfare, and which are immediately connected with the taproom or taprooms of his licensed premises, at eleven o'clock in the evening of all week days, and keep the same closed until five o'clock in the morning; or shall sell or supply to any person not being a traveller or lodger living or staying in his licensed premises, any liquor or refreshment whatsoever during the hours aforesaid, he shall on conviction, for every such offence forfeit and pay a penalty of

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of not less than Two Pounds nor more than Ten Pounds: Provided, nevertheless, that it shall be lawful for any such licensed person to admit *bonâ fide* travellers, or lodgers living or staying in his licensed premises, between such hours: And provided also, that it shall be lawful for every licensed person to clear and close his premises at ten o'clock in the evening.

95. The delivery to any person of any liquor by a licensed person, or by the owner or occupier of any licensed house or place, or by his or her servant or other person in any licensed house or place, shall be deemed to be sufficient *primâ facie* evidence of money or other consideration having been given or exchanged for such liquor so as to support a conviction, unless satisfactory proof to the contrary be given.

Evidence of delivery of liquor.

96. If any person holding a publican's or wine licence shall not keep the outer doors which face a street and which are immediately connected with the taproom or taprooms of his licensed premises closed on Sundays, he shall for every such offence forfeit and pay a fine of not more than Five Pounds; and if any such person shall on any Sunday sell or supply to any person not being a *bonâ fide* traveller calling for liquor or refreshment on his journey, or a *bonâ fide* lodger, living or staying in his licensed house during the day and night, any liquor or refreshment whatsoever, except between the hours of one and three in the afternoon, he shall, on conviction for any such offence, forfeit and pay a fine of not less than Five Pounds nor more than Fifty Pounds: Provided that such person holding a publican's or wine licence shall not be liable for the aforesaid penalties if it can be shown to the satisfaction of the Court, who shall hear the case, that the person holding such licence was imposed upon by the person who had been admitted to such house as a *bonâ fide* traveller by false representations.

Outer doors connected with taproom and facing a street to be closed on Sundays.

Liquor not to be sold on that day during certain hours.

97. No person shall be deemed a *bonâ fide* traveller within the meaning of this Act, unless he shall reside at least five miles from the licensed premises where he shall be supplied with liquor or refreshment, and shall have travelled at least that distance on the day when he shall be so supplied. Every person who, by falsely representing himself to be a *bonâ fide* traveller, or a lodger, shall buy or obtain, or attempt to buy or obtain, at any licensed premises, liquor or refreshment during the prohibited hours on a Sunday, or between the hours of eleven at night and five in the morning on week days, shall forfeit and pay for every such offence a fine of not less than Five Pounds nor more than Ten Pounds.

Who are *bonâ fide* travellers.

Penalty for false representation.

98. Any ten ratepayers resident within the same ward of a Municipal Corporation or of a District Council divided into wards may, by writing under their hands addressed to the Corporation or Council, require such Corporation or Council to cause a poll to be taken

Any ten ratepayers may require a poll to be taken to test whether the licensed premises within a ward shall be closed altogether on Sundays.

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taken of the ratepayers of such ward for the purpose of ascertaining whether such ratepayers are in favor or otherwise of altogether closing the licensed premises in such ward on Sundays, except to *boná fide* travellers.

Poll to be taken.

99. On receipt of such requisition the Corporation or Council shall appoint a day, not being less than fourteen days thereafter, for taking a poll of the ratepayers of such ward in pursuance of such requisition, and shall forthwith cause public notice thereof to be given, and shall do all acts and perform all things necessary for ensuring such poll being taken on the day appointed; and the mode of conducting such poll, and the voting and proceedings thereat, shall, in all things which may be, be similar to the mode of conducting, voting, and proceedings at an election for the office of councillor for the ward in which such poll shall be taken, and in all other things shall be such as the Corporation or Council may appoint.

Two-thirds majority of votes of ratepayers to rule as to Sunday closing within wards.

100. If at any such poll not less than one-third of the ratepayers entitled to vote shall vote, and the majority of the whole votes recorded shall be in favor of altogether closing the licensed premises in such ward on Sundays, except to *boná fide* travellers, the Town Clerk of the Corporation, or Clerk of the District Council, in which such poll was taken, shall cause notice of the result of such poll to be inserted in the *Government Gazette*, and also send written notice of the result of such poll to all licensed victuallers resident in the ward or district where such poll has been taken, and thereupon, and until another poll shall have been taken in which there shall be not less than two-thirds of the whole votes recorded in favor of selling or supplying liquor in the licensed premises in such ward on Sundays, during the hours authorised by section 96 of this Act, except to *boná fide* travellers, it shall be unlawful for any licensed person in such ward to sell or supply any liquor or refreshment whatsoever at any hour on a Sunday to any person not being a *boná fide* traveller calling for liquor or refreshment on his journey, or a *boná fide* lodger living or staying in the licensed premises; and every licensed person who shall sell or supply any liquor or refreshment in violation of this section shall, for every such offence, forfeit and pay a penalty of not less than Five Pounds nor more than Ten Pounds.

No poll to be taken within twelve months of preceding poll.

101. When a poll shall once have been taken in any ward, in pursuance of the provisions hereinbefore contained, no further poll shall be taken therein under the said provisions until the expiration of twelve months from the date of the preceding poll.

Two thirds majority of householders in towns not within a Corporation or District Council divided into wards may petition Governor for Proclamation.

102. The Governor may, upon a petition of not less than two-thirds of the adult householders resident in any town not within the limits of a Municipal Corporation or of a District Council divided into wards (the genuineness of the signatures to which petition shall be verified by affidavit or statutory declaration), accompanied by a certificate of a Justice of the Peace that the householders who signed

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signed such petition are, in fact, not less than two-thirds in number of the adult householders resident within such town, cause a Proclamation to be published in the *Government Gazette*, and also send written notice to all licensed victuallers resident in such town, that from a day therein named, and until such Proclamation shall be revoked or cancelled, it shall be unlawful for any licensed person in such town (the boundaries of which shall be defined in such Proclamation) to sell or supply any liquor or refreshment whatsoever, at any hour on a Sunday, to any person not being a *bonâ fide* traveller, calling for liquor or refreshment on his journey, or a *bonâ fide* lodger living or staying in the licensed premises; and every licensed person who shall sell or supply any liquor or refreshment in violation of such Proclamation shall, for every such offence, forfeit and pay a penalty of not less than Five Pounds nor more than Ten Pounds.

103. The Governor may revoke or cancel any such Proclamation as is mentioned in the last preceding section upon a petition for that purpose, signed by not less than two-thirds of the adult householders resident within the boundaries defined in such Proclamation (the genuineness of the signatures to which petition shall be verified in manner provided by such section), being presented to him, accompanied by a certificate of a Justice of the Peace that the householders who signed such petition are, in fact, two-thirds in number of the adult householders resident within such town.

Proclamation may be revoked or cancelled.

104. When a petition shall have been once acted on by the Governor under the provisions hereinbefore contained, no further petition under the said provisions shall be presented until the expiration of twelve months from the date when the previous petition was presented.

No petition to be presented within twelve months of the preceding petition.

105. No person holding a publican's or wine licence shall be compelled to open his premises during any hour on Sunday: Provided that he shall cause to be painted in legible letters, on or over the front door of his licensed premises, the words "Closed on Sundays"

Houses may be closed on Sundays.

106. Every person who shall have obtained permission to keep open his licensed premises beyond the time otherwise fixed by this Act, and who shall fail or neglect to forward such permission, together with the fee of Five Shillings, to the Commissioner of Police in manner and at the time hereinbefore provided for, shall for every such failure or neglect be liable to a penalty not exceeding Ten Pounds.

Penalty for neglect to forward permit to Commissioner.

107. All liquor sold under the authority of this Act, from and including half a pint shall, if required by the purchaser, be measured and delivered according to imperial standard measures, and shall upon demand by the party receiving the same, be remeasured for his satisfaction in the same premises and in the same measures, or any other standard measures he may procure, but not if the liquors have been taken to any other room of or away from the

Liquors to be sold according to standard measure.

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the licensed premises, or shall have been partly consumed before a remeasurement has been demanded, and on failure to measure or remeasure as aforesaid, the licensed person shall for every offence forfeit and pay a penalty of not less than Five Shillings nor more than Five Pounds.

Penalty on holder of wine licence selling liquids containing over 35 per cent. of spirit.

108. No wine licence shall authorise any person to sell any liquid containing more than thirty-five per cent. of proof spirit, or containing any noxious drug or chemical; and any person who shall offend against this clause shall be liable to forfeit his licence and to pay a penalty of not exceeding Fifty Pounds, or may be imprisoned for any period not exceeding six months with or without hard labor.

Adulterated liquor not to be sold.

109. Every person who shall mix or cause to be mixed with any liquor, sold or exposed for sale by him, any deleterious ingredient, or who shall knowingly sell, or offer, or expose, or have for sale any adulterated liquor, or liquor containing any ingredient deleterious to health, or shall have on any premises where liquor is sold or exposed for sale any substance, matter, or thing of a deleterious character, which it may be reasonably inferred is kept for the purpose of adulterating or mixing with the liquor sold, shall be liable, for the first offence, to a penalty of not less than Twenty Pounds nor more than Fifty Pounds, or to imprisonment for any term not exceeding three months, with or without hard labor; and for the second or any subsequent offence to a penalty of not less than Fifty Pounds nor more than One Hundred Pounds, or to imprisonment for any term not exceeding six months, with or without hard labor, and also to be declared disqualified perpetually from applying for or obtaining a licence, or a renewal, or a transfer of a licence under this Act. In order to obtain an analysis of any such liquor, substance, matter, or thing, it shall be lawful for any Justice, on information on oath made to him that there is reason to believe that any such liquor is adulterated, or contains any deleterious ingredient as aforesaid, or that any such substance, matter, or thing of a deleterious character is to be found upon any premises, to authorise the seizure of such suspected liquor, substance, matter, or thing, and cause the same, or a sample thereof, to be analysed by some competent person, and to order the forfeiture of the whole of the kind of liquor analysed and found to be adulterated or to contain any deleterious ingredient, and also of any substance, matter, or thing of a deleterious character found in the possession or on the premises of the person offending; and the expense of such analysis and forfeiture shall be a portion of the costs which such Justice shall have power to order to be paid by any person convicted: And in every proceeding under this section proof of the fact that any liquor was adulterated, or contained any deleterious ingredient, or that any substance, matter, or thing of a deleterious character was found upon the premises shall be *prima facie* evidence that the person in whose possession the same was found did knowingly sell, or offer, or expose, or have for sale such liquor, or that such substance, matter, or thing of a deleterious character was kept for adulterating or mixing with the liquor sold: Provided always that any person charged

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charged with any offence against this section may give evidence on his own behalf to prove that such liquor was when seized in the same condition as it was when it came into his possession by a *bonâ fide* purchase, and was not adulterated or mixed with any deleterious ingredient by him or any person acting under his authority, and that such substance, matter, or thing was not kept for adulterating or mixing with the liquor sold.

110. No holder of a storekeeper's or storekeeper's colonial wine licence under this Act shall sell in his store, shop, or premises, or have the same open for the sale of liquor, as authorised by his licence, except between the hours of six in the morning and eleven at night on week days, and not at any hour on Sunday; and if any such holder shall sell any liquor at any other time than as aforesaid, he shall be liable to a penalty not exceeding Ten Pounds for every offence, and every separate sale or opening for sale shall be deemed a separate offence.

Limitation of hours for opening and closing premises of persons holding storekeeper's or storekeeper's colonial wine licences.

111. If any person holding a storekeeper's or storekeeper's colonial wine licence shall, with intent to evade the provisions of this Act, take, or carry, or authorise, or employ, or permit or suffer any person to take, or carry, any liquor or wine out of, or from, the premises of such licensed person for the purpose of being sold on his account or for his benefit or drunk or consumed in any other premises whatever belonging to such licensed person, or hired, used, or occupied by him, such liquor or wine shall be deemed and taken to have been drunk or consumed upon the licensed premises of such person, and he shall, for every such offence, forfeit a sum not exceeding Five Pounds.

Penalty for evasion of provisions disallowing consumption of liquor on premises of storekeepers licensed to sell.

112. Any Justice, if any riot or tumult shall happen, or be expected to take place, may order or direct that any person licensed under this Act and keeping any house where such riot or tumult shall happen, or be expected to take place, shall close his house for any time which the said Justice shall order or direct, and any person who shall not obey such order or direction of such Justice, shall forfeit and pay a penalty of not exceeding Twenty Pounds.

Closing of houses against riot.

113. Every person holding a licence under this Act shall, on demand, at his licensed premises, or place wherein or whereat the privileges conferred by such licence shall be exercised, produce his licence to any Justice, or in default thereof shall be liable to a penalty not exceeding Ten Pounds.

Production of licence.

114. If any person holding a storekeeper's licence, or a wine licence, or a storekeeper's colonial wine licence, shall sell or retail any liquor, except according to the tenor of, and as authorised by his licence, he shall be liable to a penalty of not less than Ten Pounds nor more than Fifty Pounds for each offence.

Penalty on licensed persons other than publicans selling liquor otherwise than authorised by licence.

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Persons holding store-keeper's, or store-keeper's colonial wine licence not to hold wine licence.

115. No person holding a storekeeper's licence or a storekeeper's colonial wine licence shall, whilst continuing to hold the same, be capable of holding a wine licence; and if any such licence shall at any time be granted and issued to any person holding a storekeeper's licence, or a storekeeper's colonial wine licence, the same shall be void and of no effect.

Penalty on master or commander of vessel for retailing without licence.

116. If any master or commander, not having a packet licence, shall directly or indirectly sell, barter, or exchange by retail, or permit to be sold, bartered, or exchanged by retail within the said Province any liquor in any quantity, or if he shall do so contrary to the terms of his licence, he shall forfeit and pay for every such offence a sum of not less than Two Pounds nor more than Twenty Pounds.

Prosecution and punishment of aiders and abettors in the commission of offences.

117. Every person who shall aid, abet, counsel, or procure the commission of any offence under this Act, which is punishable on summary conviction, shall be liable to be proceeded against and convicted for the same offence, either together with the principal offender or before or after his conviction, and shall be liable on conviction to the same forfeiture and punishment as such principal offender is or shall be by law liable.

Penalty for retailing less than five imperial gallons without a licence.

118. If any unlicensed person shall, except as allowed by this Act, directly or indirectly sell, barter, exchange, or retail, or permit to be sold, bartered, exchanged, or retailed within the said province, less than five imperial gallons of liquor, he shall forfeit and pay for every such offence a sum of not less than Ten Pounds nor more than Fifty Pounds.

Mead, wine, cider or perry not to be carried about for sale.

119. No person, except the actual owner or occupier of a vineyard or orchard, or a servant in the actual and *bonâ fide* employ of such owner or occupier, shall carry about for sale any mead, wine, cider, or perry, unless such mead, wine, cider, or perry be the produce of the vineyard or orchard of, and be actually manufactured by such owner or occupier, and no such owner or occupier shall carry about for sale any mead, wine, cider, or perry, except within the limits of a Corporation or District Council, and any person offending against this section, shall, for every such offence, forfeit and pay, on conviction, a penalty not exceeding Ten Pounds.

Persons drinking in the house or store of persons holding store-keeper's, or store-keeper's colonial wine licence or of vignerons liable to penalty, and may be apprehended.

120. If any person who shall have purchased any liquor from any person holding a storekeeper's licence, or a storekeeper's colonial wine licence, or from the occupier of a vineyard or orchard, shall drink such liquor, or open any bottle containing such liquor, in or about the house, or on the premises described in the licence granted to such holder, or on the premises of such occupier, he shall forfeit and pay a sum of not less than Twenty Shillings nor more than Five Pounds, and every person so offending may be apprehended without warrant by any constable or other peace officer.

Penalty for removal of liquor on Sunday.

121. Any person other than a person holding a publican's or wine licence,

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licence, or a person legally acting on his behalf, who shall sell or remove or allow to be removed from his premises any liquor at any hour on Sunday, shall be liable to a penalty of not less than Ten Pounds nor more than Fifty Pounds.

122. Any person who shall keep, set up, or maintain any billiard, bagatelle, or billiard-bagatelle table for hire, or as a means of gain or profit, without a billiard-table licence, and any person holding a billiard-table licence who shall permit or allow any billiard, bagatelle, or billiard-bagatelle table on his licensed premises to be used otherwise than during the hours authorised, or otherwise than in accordance with the authority conferred by such licence, shall forfeit and pay for a first offence any sum not less than Five Pounds nor more than Ten Pounds; and for a second and every subsequent offence a sum not less than Ten Pounds nor more than Fifty Pounds: Provided always that no person shall be liable to any penalty under this section except for offences committed on or after the twenty-fifth day of March, in the year one thousand eight hundred and eighty-one.

Penalty for keeping billiard-tables, &c., except under the authority of a licence.

Proviso.

123. The offences mentioned in sections 74, 76, 77, 80, 81, 82, 83, 88, 90, 91, 92, 93, 94, 96, 100, 102, 108, 109, 110, 111, 116, 122, and 127, are hereby declared to be offences for which a licence is liable to forfeiture as hereinbefore provided.

Offences for which licence may be forfeited.

124. Any witness duly summoned, and to whom payment or a tender of payment of his expenses shall have been made, as follows: Laborers, Five Shillings per diem; women, and children under fifteen years of age, Three Shillings; persons above laboring class, Seven Shillings; travelling expenses per mile, one way, Sixpence; and who shall refuse and neglect, without sufficient cause, to appear; and also every person present in Court who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding Ten Pounds, as the Bench shall impose; and the whole or any part of such fine shall, at the discretion of the Bench be applicable towards indemnifying the party injured by such refusal or neglect.

Penalty on witness duly summoned not appearing.

125. The Governor may from time to time appoint, and at his discretion remove, one or more Inspector or Inspectors of licensed premises for any licencing district under this Act.

Appointment of Inspectors.

126. It shall be the duty of every such Inspector to ascertain by personal inspection the mode in which the licensed premises situated within the licensing district to which he shall be appointed are conducted and managed, and the state, condition, nature, and extent of accommodation of such premises, and also to see that the provisions of this Act are duly observed and followed by every person holding a licence thereunder, and also to attend the annual and quarterly meetings of the Bench of such district, and to report upon all or any of the licensed premises situated therein, if he shall be required by the Bench to do so; and such Inspector shall have

Duties of Inspectors.

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have power, after notice to object to any application for the granting of new licences, or the renewal, removal, or transfer of existing licences, upon any of the grounds specified in this Act as objections applicable to such applications.

Powers of Inspectors
to search for and seize
suspected liquor.

127. Every Inspector appointed as hereinbefore mentioned may at any time enter the premises of, or used by, any person (in this section referred to as the vendor) selling or keeping or exposing for sale any liquor, and may search such premises for the purpose of ascertaining whether the vendor has on his or her premises any substance, matter, or thing, of a deleterious character, which it may reasonably be inferred is kept for the purpose of adulterating or mixing with the liquor sold, or has for sale any adulterated liquor, or liquor containing any deleterious ingredient, or any liquor whatever not authorised to be sold by the licence (if any) held by him or her; and may seize and take away any liquor whatsoever which he may have reasonable grounds for believing to be adulterated, or to contain any deleterious ingredient, or not to be authorised to be sold, as aforesaid, or is unfit for human beings to drink, and also any substance, matter, or thing which he may have reasonable grounds for believing to be of a deleterious character, and which he may discover on the premises of the vendor, and may, either on such premises or elsewhere, submit any liquor, substance, matter, or thing seized, or any sample thereof, to any test or analysis which he may consider necessary for determining whether such liquor is adulterated, or contains any deleterious ingredient, or is authorised to be sold by such licence, as aforesaid, or is fit for human beings to drink, or whether such substance, matter, or thing is of a deleterious character, and every person upon whose premises any adulterated liquor, or liquor containing any injurious ingredient, or unfit for human beings to drink, or not authorised by such licence as aforesaid to be sold, or any substance, matter, or thing of a deleterious character, which it may reasonably be inferred is kept for the purpose of adulterating or mixing with the liquor sold, shall be found (of all which several matters the fact of such liquor, substance, matter, or thing being found on such premises shall be *prima facie* evidence) shall be liable to the like penalties, imprisonment, and disqualification, as are hereinbefore provided for under section 109 of this Act; and all liquor of the like kind to that seized, and all substances, matters, and things of a deleterious character found upon the premises, shall be confiscated upon the order of the convicting Magistrate or Justices: Provided always that no Inspector shall enter any private room or rooms in the actual use or occupation of any *bona fide* lodger or of any person holding a licence under this Act, unless he shall have first given reasonable notice of his intention to such lodger or licensed person, or in case of the absence of either of them, to the person appearing to have charge of the licensed premises, or unless he shall have the assent of such lodger or licensed person, or of the person appearing to be in charge of such premises, as aforesaid: Provided also that the inspector shall if requested by the vendor at the time of seizure, in his presence set
aside

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aside in a separate vessel or vessels, for analysis, a sample of the liquor, substance, matter, or thing seized, and shall annex to every such vessel the name and address of the vendor, and shall, with a seal or seals to be furnished by the vendor, secure such vessel, name, and address, in such manner that the vessel cannot be opened, or the name and address taken off, without breaking such seal or seals; and shall also, if thereunto required, leave with the vendor a vessel containing a corresponding sample, and the name and address of the vendor secured thereto by such Inspector, with his own seal, in manner aforesaid: And provided also that no evidence of the analysis of and sample so sealed shall be receivable on the hearing of any information under this section, unless previous to the opening of the vessel containing such sample, reasonable notice shall have been given by an Inspector to the vendor or by the vendor to an Inspector (as the case may require) of the time and place at which it is intended to open such sample for analysis, in order that the Inspector or vendor may, if he think fit, attend and inspect the condition of the seals attached to such vessel.

128. Any person who shall refuse to permit any Inspector to make any search, or who shall wilfully hinder or delay any such search, or who shall obstruct or hinder any Inspector in the performance of any of his duties under this Act, or the execution of any of the powers by this Act vested in him, shall for every such offence be liable to a penalty of not less than Ten Pounds nor more than One Hundred Pounds, or to be imprisoned for any period not exceeding six months, with or without hard labor.

Penalty on obstructing Inspectors.

129. Any Justice, or Commissioner, Superintendent, Inspector, or Sub-Inspector of Police, or Inspector of Public-Houses, may demand entrance at any time into any licensed premises, or any constable authorised in writing by any Commissioner, Superintendent, Inspector, or Sub-Inspector of Police, or by any Justice or Inspector of Public-Houses may demand entrance into any licensed premises, or the appurtenances thereof, at any time, by day or night, and if admittance be delayed for such time as shall make it appear that wilful delay was intended, the person so offending shall forfeit and pay any sum not exceeding Twenty Pounds: Provided, that if such admittance be refused or wilfully delayed, such Justice, Commissioner, Superintendent, Inspector, Sub-Inspector, or constable, or Inspector of Public-Houses, as aforesaid, may break into and employ force to enter such licensed premises as aforesaid.

Justices and other authorised persons may enter licensed premises.

130. Any Justice, Commissioner, Superintendent, Inspector, or Sub-Inspector of Police, constable, or other peace officer, or Inspector of Public-Houses, may seize and take away, or cause to be seized and taken away, all such liquor as he shall have reasonable cause to suspect to be carried about or exposed for sale in any place whatever, by any person not licensed or authorised there to sell the same, and the vessels containing the same, and all the vessels and utensils used for drinking or measuring the same, and any cart, dray, or other carriage, and any

Liquor carried about for sale, may be seized

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any horse or other animal employed in drawing or carrying the same, or used in the conveyance of such liquor, or wine, as aforesaid; and any Justice on proof of such offence by oath, may convict any person so offending of carrying about for or exposing for sale such liquor without a licence, and on conviction such person shall forfeit and pay any sum not exceeding Fifty Pounds, or be imprisoned for any period not exceeding four months, and such Justice may adjudgè such liquor, vessels, and utensils containing the same, and any cart, dray, or other carriage, horse, or other animal used in conveying the same to be forfeited, and order and direct the same to be sold, and the proceeds thereof, after deducting the expenses of sale, shall be appropriated in the same manner as fines and penalties are hereinafter directed to be appropriated.

Unlicensed houses, wherein liquors are suspected to be retailed may be searched.

131. Upon information in writing, and on oath being made before any Justice, by any constable or credible person, that he suspects and believes that any liquor is habitually sold or retailed in any unlicensed house or place, described in such information (such constable or other person in such information setting forth and showing reasonable grounds for such belief and suspicion), it shall be lawful for such or any other Justice, in his discretion, to grant his warrant to any constable or constables to enter and search such house or place by day or by night, which said constable or constables may break open the doors, if not opened within a reasonable time after demand, and seize all such liquor as he or they shall find there, and also the vessel or vessels containing the same, and detain what may have been so seized, until the owner thereof shall appear before a Special Magistrate or two Justices to claim such liquor, and shall satisfy such Magistrate or Justices how or for what purpose he came possessed of the same; and if the owner does not appear before such Magistrate or Justices within seven days, or if he does so appear, and it is shown to the said Magistrate or Justices, after due examination, that such liquor was in the said house or place for the purpose of being illegally disposed of by retail, then such Magistrate or Justices shall adjudgè the same to be confiscated, and the same shall be forthwith sold, and one-half the net proceeds thereof paid to the use of Her Majesty, and the other half to the party informing, otherwise the property so seized shall be restored to the owner thereof.

Liquors found may be confiscated and sold.

When information to be laid.

132. All informations under this Act against any licensed person other than the holder of a packet licence for any offence shall be laid, and the summons thereupon served upon the offender, or left at his licensed premises, within twenty-one days after the commission of the act in respect of which such information is laid, when the offence is committed without the limits of any city or corporate town, and within seven days when the offence is committed within such limits; and all informations may be laid and the summons thereon served upon any holder of a packet licence at any time within two months, and against any unlicensed person within six months, after the commission of any offence.

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133. The payment of any money ordered by any Bench to be paid under the authority of this Act may be enforced upon the order of the Bench, signed by the Chairman for the time being, in like manner as an order of a Justice made under the provisions of an Act intituled "An Ordinance to Facilitate the Performance of the Duties of Justices of the Peace out of Sessions, with respect to Summary Convictions and Orders," being No. 6 of 1850; or, at the discretion of the Bench, by the committal of the offender to prison for a period not exceeding three calendar months, unless payment thereof shall be sooner made.

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Payments ordered by Benches, how enforced.

134. In all cases where costs or any other moneys are ordered to be paid by any Bench, the form of order may be in the form of Schedule W hereto, or to the like effect.

Form of order by Licensing Bench.

135. Every proceeding under this Act against licensed or unlicensed persons for omissions, defaults, neglects, acts, or offences, to which forfeitures or other penalties attach, shall, except where otherwise provided, be heard and determined in a summary way by any Special Magistrate or two Justices, under the provisions of the said Ordinance, No. 6 of 1850, or of any Act hereafter to be in force relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all convictions and orders may be enforced as in the said Ordinance is mentioned: And in every case of the adjudication of a pecuniary penalty under this present Act, and the non-payment thereof, together with costs, if the costs have been awarded, it shall be lawful for the convicting Justices or Special Magistrate to commit the offender to any gaol in the said province, for a term not exceeding three calendar months, with or without hard labor, such imprisonment to cease on the payment of the sum due; and such conviction may be in the form contained in Schedule No. 12 to the said Ordinance, No. 6 of 1850.

Proceedings to be heard and determined under Ordinance No. 6 of 1850.

136. For the purposes of this Act every public notice or notification appearing in the *Government Gazette* of licences, permits, or certificates, having been issued, transferred, or forfeited, shall be *primâ facie* evidence in all judicial proceedings of the matters mentioned in such notice or notification.

Notices appearing in *Gazette* to be *primâ facie* evidence.

137. In all proceedings against any person for retailing or permitting liquors to be retailed without a licence, such person shall for all purposes connected with those proceedings be deemed unlicensed, unless he shall at the hearing of the case produce his licence to the Special Magistrate or Justices, or furnish other satisfactory proof of his being licensed.

In proceedings for retailing illegally, the defendant to be deemed unlicensed, unless satisfactory proof to the contrary.

138. The fact of any person who does not hold a licence under this Act, keeping up any sign, writing, or other mark on or near to his house or premises, or having such house fitted up with a bar or other place, containing bottles or casks openly displayed so as to imply or give reasonable cause to believe that such house or premises

Unlicensed person exhibiting sign, &c., *primâ facie* evidence of sale of liquor.

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is or are licensed for the sale of any liquor, or that any liquor is sold or served therein, having in such house or premises a quantity of liquor more 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; and in all cases where liquor shall be carried about from one place to another, the burden of proving that such liquor was not so carried or exposed for sale shall be cast on the parties carrying or exposing the same.

What shall be deemed retailing.

139. If any unlicensed person, being a dealer in other things than liquor, shall give away or deliver any liquor to any person, under the pretence of such person being a customer for other things, or under any pretence whatever, or shall sell or deliver any liquor in a quantity equal to or more than five gallons, with an understanding that part thereof shall be returned, and the quantity so sold or delivered, after deducting the part returned or to be returned, shall then be under five gallons, such unlicensed person shall be deemed a retailer of the liquor so given away, or sold, or delivered, and shall be liable as for selling the same by retail without a licence.

Justices may determine what is retailing.

140. The Special Magistrate or Justices sitting at or on the hearing of any information or complaint under this Act for retailing without a licence, may determine the fact of retailing according to the circumstances of or attending each and every particular case, without direct evidence of money or value having been given for the liquor alleged to have been sold or retailed, or of any particular person having himself so sold or retailed.

Conviction for offences to be endorsed on licence.

141. In all cases of conviction for offences committed under this Act by any licensed person, the Special Magistrate or Justices adjudicating thereon shall cause the licence of such person to be produced and endorse on the same the offence of which such licensed person shall have been convicted. And on the renewal of any licence to such person so convicted, the offence or offences appearing on the former licence shall be endorsed on the new licence, and so on from time to time on each renewed licence.

Application of licence moneys, penalties, fines, forfeitures, and fees.

142. All moneys that may be received for licences or for penalties, or as fees under or by virtue of this Act, shall be and are hereby reserved to Her Majesty, Her heirs and successors, for the public use of the said province, and the support of the Government thereof: Provided that any fines or penalties may be remitted by the Governor either wholly or in part.

Appeal to Adelaide Local Court of Full Jurisdiction.

143. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act, or from any order declaring the forfeit of any licence as hereinbefore mentioned, or from any order dismissing any information or complaint, or from any order for payment of costs or otherwise, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings

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proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts; but the Local Court of Adelaide aforesaid may make such order as to payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds: Provided always, that in all cases of appeal against any order or conviction of any Special Magistrate or Justices declaring any licence granted under this Act to be forfeited, the appellant shall, within four days of the date of such order or conviction, give to the clerk of the Court in which the case was heard, or if there should be no clerk, then to the Special Magistrate or Justices adjudicating, notice in writing stating his intention so to appeal, which notice shall be in addition to the notices required to be given by the said Act, No. 6 of 1850.

144. The Local Court of Adelaide, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court shall make order as to costs of any special case as to the said Court shall appear just; and any two or more Justices, or the Local Court of Adelaide, shall make an order in respect of the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof; which order of the Justices or Local Court shall be expressed in manner provided for the enforcement of orders of Justices under the said Ordinance, No. 6 of 1850; and, save as herein provided, no order or proceeding of any Special Magistrate or Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by *certiorari* or otherwise, into the Supreme Court of the said province.

Local Court, upon hearing of appeal, may state special case.

145. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within three calendar months after the act was committed, and not otherwise; and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in any such action may plead the general issue and give this Act and the special matter in evidence at any trial; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if after action brought the defendant shall pay into Court sufficient amends, but in such last-named case the plaintiff shall recover his costs of suit up to the time of payment into Court; and if a verdict shall pass for the defendant, or the plaintiff become nonsuit or discontinue, the defendant shall recover full costs as between attorney and client, and have his remedy for the same in the usual way.

Protection to officers.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

SCHEDULES

Licensed Victuallers Act.—1880.

SCHEDULES REFERRED TO.

SCHEDULE A.

Acts Repealed.

Reference to Act.	Title to Act.	Extent of Repeal.
16 of 1869-70.....	Licensed Victuallers Act, 1869	The whole.
22 of 1872	Licensed Victuallers Amendment Act, 1872	The whole.
52 of 1876	The Licensed Victuallers Amendment Act, 1876	The whole.
68 of 1877	Licensed Victuallers Amendment Act, 1877	The whole.
69 of 1877	The Licensed Victuallers Amendment Act, 1877	The whole.

SCHEDULE B.

Form of a Publican's Licence.

The Licensed Victuallers Act, 1880.

I, A. B., clerk to the Licensing Bench of Justices for the District of _____, in the Province of South Australia, do hereby certify that on the _____ day of _____, 18____, a Publican's Licence was granted by the said Licensing Bench then assembled at their meeting, held at _____, to C. D., of _____, and that the said C. D. is hereby licensed to sell liquor in any quantity in the house called or known as _____, situated at _____, in the said province, and the appurtenances to the said house belonging, but not elsewhere, and this licence shall commence upon the day of the issue hereof by the Treasurer, and continue in force until the twenty-fifth day of March in the year now next ensuing inclusive, provided it be not forfeited in the meantime.

Given under my hand at _____ this _____ day of _____, 18____.
A. B., Clerk to the said Licensing Bench.

Issued the _____ day of _____, 18____.

E. F., Treasurer.

SCHEDULE C.

Form of a Storekeeper's Licence.

The Licensed Victuallers Act, 1880.

I, A. B., clerk to the Licensing Bench of Justices for the District of _____, in the Province of South Australia, do hereby certify that on the _____ day of _____, 18____, a Storekeeper's Licence was granted by the said Licensing Bench then assembled at their meeting, held at _____, to C. D., of _____, and that the said
C. D.

Licensed Victuallers Act.—1880.

C. D. is hereby licensed to sell and dispose of liquor in quantities of not less than one gallon of spirits or one dozen bottles of wine or other fermented liquor in the shop, store, or room of the said C. D., situated at _____, so that such liquor shall not be drunk in or about the house or on the premises above described; but no liquor shall be sold or disposed of earlier than six o'clock in the morning or later than eleven o'clock at night; and this licence shall commence on the day of the issue hereof by the Treasurer, and continue in force until the twenty-fifth day of March, in the year now next ensuing inclusive, provided it be not forfeited in the meantime.

Given under my hand this _____ day of _____, 18 ____ .
A. B., Clerk to the Licensing Bench.

Issued the _____ day of _____, 18 ____ .
E. F., Treasurer.

SCHEDULE D.

Form of Wine Licence.

The Licensed Victuallers Act, 1880.

I, A. B., Clerk to the Licensing Bench of Justices for the District of _____, in the Province of South Australia, do hereby certify that on the _____ day of _____, 18 ____, a Wine Licence was granted by the said Licensing Bench then assembled at their meeting, held at _____, to C. D., of _____, and that the said C. D. is hereby licensed to sell mead, wine, cider, and perry, produced in the Province of South Australia, in any quantity, on the premises [*describing them*], and the appurtenances belonging thereto, but not elsewhere; and this licence shall commence upon the day of the issue hereof by the Treasurer, and continue in force until the twenty-fifth day of March in the year now next ensuing inclusive, provided it be not forfeited in the meantime.

Given under my hand at _____, the _____ day of _____, 18 ____ .
A. B., Clerk to the said Licensing Bench.

Issued the _____ day of _____, 18 ____ .
E. F., Treasurer.

SCHEDULE E.

Form of Storekeeper's Colonial Wine Licence.

The Licensed Victuallers Act, 1880.

I, A. B., Clerk to the Licensing Bench of Justices for the District of _____, in the Province of South Australia, do hereby certify that on the _____ day of _____, 18 ____, a Storekeeper's Colonial Wine Licence was granted by the said Licensing Bench then assembled at their meeting, held at _____ to C. D., of _____, and that the said C. D. is hereby licensed to sell and dispose of on [*describe the premises*], mead, wine, cider, and perry, produced and manufactured in South Australia, by retail, and in quantities of not less than one reputed quart bottle at a time, provided that no part thereof be consumed on the said premises; but no such mead, wine, cider, or perry, shall be sold or disposed of earlier than six o'clock in the morning or later than eleven o'clock at night: And this licence shall commence from the date hereof, and continue in force until the twenty-fifth day of March, in the year now next ensuing, inclusive, provided it be not forfeited in the meantime.

Given under my hand this _____ day of _____, 18 ____ .
A. B., Clerk to the said Licensing Bench.

Issued the _____ day of _____, 18 ____ .
E. F., Treasurer.

SCHEDULE

Licensed Victuallers Act.—1880.

SCHEDULE F.

Form of a Packet Licence.

The Licensed Victuallers Act, 1880.

WHEREAS A. B. of _____, being the master [or commander] of the steamer [or if any other kind of vessel, describe it], hath deposited in my office a certificate signed by a Special Magistrate [or two Justices of the Peace, as the case may be], and whereas the said A. B. hath paid into my office the sum of Ten Pounds sterling, as the fee for a Packet Licence: Now I, the undersigned, being the Treasurer of South Australia, do hereby licence the said A. B. to sell liquor in any quantity to any passenger on board of such vessel; and this licence shall commence on the day of the issue hereof by the Treasurer, and continue in force for twelve calendar months, provided it be not forfeited in the meantime.

Given under my hand this _____ day of _____, 18 .

C. D., Treasurer.

SCHEDULE F1.

Form of a Billiard-Table Licence.

The Licensed Victuallers Act, 1880.

I, A. B., Clerk to the Licensing Bench of Justices for the District of _____, in the Province of South Australia, do hereby certify that on the _____ day of _____, 18 ., a Billiard-Table Licence was granted by the said Licensing Bench then assembled at their meeting, held at _____, to C. D., of _____, and that the said C. D. is hereby licensed to keep, set up, and maintain billiard, bagatelle, and billiard-bagatelle tables, or any of them, on [describe the premises], but not elsewhere, and to allow such tables to be used between the hours of ten in the morning and eleven at night—but not at any time on any Sunday, Christmas Day, or Good Friday; and this licence shall commence upon the day of the issue hereof by the Treasurer, and continue in force until the twenty-fifth day of March in the year now next ensuing inclusive, provided it be not forfeited in the meantime.

Given under my hand at _____ this _____ day of _____, 18 .

A. B., Clerk to the said Licensing Bench.

Issued the _____ day of _____, 18 .

E. F., Treasurer.

SCHEDULE G.

Form of Certificate for a Packet Licence.

The Licensed Victuallers Act, 1880.

I, the undersigned [Special Magistrate's name], of [address], or—We [names of two Justices of the Peace], of [addresses], do hereby certify that _____ the master [or commander, as the case may be] of the steamer [or other vessel, as the case may be], conveying passengers between [name the place] and [name the place], is a person of good fame and reputation, and fit to be entrusted with a Packet Licence.

Dated this _____ day of _____, 18 . .

[Signature of Special Magistrate,
or signatures of two Justices of the Peace.]

SCHEDULE

Licensed Victuallers Act.—1880.

SCHEDULE H.

Form of Notice of Application for a Publican's Licence.

The Licensed Victuallers Act, 1880.

[NOTE.—*If the applicant be a licensed person seeking for a renewal of the same licence for the same premises, and without alteration as to tap or manager, the notice is to be confined to those points, and no house-keeper's certificate will be necessary.*]

To the Worshipful the Licensing Bench of Justices of the Peace acting in and for the District of _____, in the Province of South Australia :

I, A. B., of [*here state the residence and trade or calling*], do hereby give notice, that it is my intention to apply at the next meeting of the Licensing Bench of Justices for the District of _____, to be holden at _____ in this behalf, for a licence to sell and retail liquor in the house and premises situate [*or, which I intend to erect*] in _____ street, at _____, and which I intend to keep as an inn or public-house, to be called the _____ and also for a billiard table licence in respect of the same premises.

[*If the applicant desires to keep a tap or taproom separate from the house, or having a separate outer door, add as follows:—*

And I am desirous of receiving the said Licensing Bench of Justices' approval of my keeping a tap [*or tap and taproom, or a taproom, as the case may be*] about _____ from the house, and detached therefrom [*or, if the case requires it, of my keeping a tap, or tap and taproom, or a taproom, in the house, but with a separate outer door thereto*] and of G. H. [*residence, trade, or calling*] being permitted to have the personal management and superintendence thereof.

Form of Notice of Application for a Storekeeper's Licence.

The Licensed Victuallers Act, 1880.

To the Worshipful the Licensing Bench of Justices of the Peace acting in and for the District of _____, in the Province of South Australia :

I, A. B., of [*here state residence, trade, or calling*], do hereby give notice that it is my intention to apply, at the next meeting of the Licensing Bench of Justices for the District of _____, to be holden at _____, in this behalf, for a store-keeper's licence to sell and retail liquor in the house and premises situate in _____ street, at _____ and which I intend to keep as a store.

Dated this _____ day of _____ 18 .

A. B.

Form of Notice of Application for a Wine Licence.

The Licensed Victuallers Act, 1880.

To the Worshipful the Licensing Bench of Justices acting in and for the District of _____, in the Province of South Australia :

I, A. B., of [*here state the residence and trade or calling*], do hereby give notice, that it is my intention to apply at the next meeting of the Licensing Bench of Justices for the District of _____, to be holden at _____, in this behalf, for a licence to sell mead, wine, cider, and perry, produced in the said province, in the house and premises situate [*or, which I intend to erect*] in _____, and which I intend to keep as a wine house.

Dated this _____ day of _____ 18 .

A. B.

Form of application for Storekeeper's Colonial Wine Licence.

The Licensed Victuallers Act, 1880.

To the Worshipful the Licensing Bench of Justices of the Peace acting in and for the District of _____, in the Province of South Australia :

I, A. B., of [*here state residence, trade, or calling*], do hereby give notice, that it is my intention to apply at the next meeting of the Licensing Bench of Justices for the District

District

Licensed Victuallers Act.—1880.

District of _____, to be holden at _____, in this behalf, for a storekeeper's colonial wine licence to sell and retail colonial wine in the house and premises now in my occupation, situate in _____ street, at _____

A. B.

Form of Notice of Application for a Billiard-Table Licence.

The Licensed Victuallers Act, 1880.

To the Worshipful the Licensing Bench of Justices acting in and for the District of _____ in the Province of South Australia.

I, A. B., of [*here state residence, trade, or calling*] do hereby give notice that it is my intention to apply at the next meeting of the Licensing Bench of Justices for the District of _____, to be holden at _____, in this behalf for a Billiard-Table Licence for premises situate at _____

Dated this _____ day of _____ 18 .

A. B.

SCHEDULE I.

Form of Householder's Certificate as to the Applicant.

The Licenced Victuallers Act, 1880.

We, the undersigned householders, do hereby certify that the applicant, A. B., is well known to us, and that he is of sober life and habits, and of good fame and reputation, fit to be entrusted with a licence to keep an inn or public-house [*or as the case may be*], and able to manage the same.

Dated this _____ day of _____ one thousand eight hundred and _____

I. J.,
K. L.,
M. N., } [*Here insert place of residence, and add to it trade or calling.*]

SCHEDULE K.

Memorial against Licence for New Premises.

The Licensed Victuallers Act, 1880.

To the Licensing Bench for the District of _____, in the Province of South Australia.

We, the undersigned ratepayers or residents in respect of property in the immediate neighborhood of the house [*here describe it*], for which plans have been filed by [*here give name*], do hereby request that no publican's licence [*or wine licence*] be issued in respect of such house.

Name.	Date of Signature.	Place of Residence—Street, Acre, Section, or other particulars

Licensed Victuallers Act.—1880.

the application of A. B., the requisite notices for a transfer having been proved before the said Bench to have been duly given, the said Bench has transferred the rights and privileges of the licence granted to the said A. B. [*or C. D. as the case may be*] in respect of the licensed premises situate at _____, and known as _____, to C. D. [*or to the said A. B. as the case may be*] for the residue of the term for which the same has now to run.

Given under my hand, at _____, the _____ day of _____ 18 _____
A. B.,
Clerk of the said Licensing Bench.

SCHEDULE P.

Form of Certificate of Special Magistrate, authorising person to enter and carry on business in licensed house until next meeting.

The Licensed Victuallers Act, 1880.

I, A. B., Esquire, Special Magistrate, and Justice of the Peace in and for the Province of South Australia, do hereby certify that I have considered the application made to me by _____ and am satisfied that he has complied with the requirements of the Licensed Victuallers Act, 1880, and that he is a proper person to enter into and carry on the business of a publican [*or as the case may be*], in the premises situate at _____, and known as _____, and I therefore hereby authorise him to enter and carry on business therein as a publican [*or as the case may be*] until the meeting of the Licensing Bench of Justices for the District of _____ to be holden on the _____ day of _____ next.

Given under my hand this _____ day of _____ 18 _____
A. B.

SCHEDULE Q.

Form of Notice of Application to Remove Licence to other Premises.

The Licensed Victuallers Act, 1880.

I, A. B., the holder of a [*state the nature of the licence*] licence for the house and premises known as [*or the shop, store or rooms, as the case may be*] situated _____, do hereby give notice that it is my intention to apply to the Licensing Bench of Justices for the District of _____ sitting at the quarterly meeting to be held at _____, on _____ to remove the licence to [*describe the premises to which it is proposed to remove the business*].

Dated this _____ day of _____ 18 _____
A. B.

SCHEDULE R.

Form of Certificate of a Removal from one house to another.

The Licensed Victuallers Act, 1880.

I, the undersigned, clerk of the Licensing Bench of Justices for the District of _____, sitting at the quarterly meeting of such Licensing Bench of Justices, held at _____, on the _____ day of _____, one thousand eight hundred and _____, and the requisite notice of application for removal having been proved before the said Bench to have been duly given, do hereby declare that the licence granted to A. B., in respect of the licensed premises situated at _____ and known as _____, shall henceforth cease to apply to the house and premises therein described, and shall henceforth apply to the house and premises known as the _____, and situate at [*describe in the same manner as in the original licence*].

Given under my hand, this _____ day of _____, 18 _____
A. B.,
Clerk of the said Licensing Bench.

SCHEDULE

Licensed Victuallers Act.—1880.

SCHEDULE S.

Certificate to Sell Liquors in a Booth, at Races, Fairs, &c.

The Licensed Victuallers Act, 1880.

I, A. B., Esquire, a Special Magistrate [or we, C. D. and E. F., two of Her Majesty's Justices of the Peace] in and for the Province of South Australia, hereby approve of , now holding a publican's licence [or wine licence, *as the case may be*], selling liquor [or mead, wine, cider, or perry, *as the case may be*] in an open booth, [or tent, or building], at on the occasion of a for the space of days, subject to the provisions of the Licensed Victuallers Act, 1880, or of any Act amending the same.

A. B., S.M.
 or { C. D., J.P.
 E. F., J.P.

SCHEDULE S1.

Certificate allowing Other than Licensed Person to carry on Business during Licencée's Temporary Absence.

The Licensed Victuallers' Act, 1880.

I, A. B., Esquire, a Special Magistrate in and for the Province of South Australia, hereby authorise and permit C. D., of [*residence and occupation*] to act for E. F., the holder of a publican's licence in respect of the premises known as [*state name of licensed premises and where situate*] during his absence from the province, for a period of months from this date.

Dated this day of 18 .

A. B., S.M.

SCHEDULE T.

Certificate to Sell Liquors in a certain place upon Goldfields.

The Licensed Victuallers Act, 1880.

I, A. B., Esquire, a Special Magistrate in and for the Province of South Australia, hereby certify and allow the holder of this certificate, , now holding a publican's [or wine] licence at , may sell liquor [or mead, wine, cider and perry, *as the case may be*] in a certain place or building known as or called , situate upon the goldfields known as , for the residue of the term of the publican's [or wine] licence held by him, subject to the provisions of the Licensed Victuallers Act, 1880, or any other Act amending the same.

A. B., S.M.

N.B.—The place or building to which the above certificate is to apply must be specified as accurately as circumstances will allow.

SCHEDULE T1.

We, C. D. and E. F., two of Her Majesty's Justices of the Peace in and for the Province of South Australia, resident in the City of Adelaide, hereby approve of now holding a

license, using a portion of his licensed premises as a [theatre, concert-room, ball-room, *as the case may be*] during the hours from five in the morning till eleven at night [or *as the case may be*], Sunday excepted. This permission shall terminate on [*state date.*]

C. D., J.P.
 E. F., J.P.

SCHEDULE

Licensed Victuallers Act.—1880.

SCHEDULE U.

Order Forfeiting Licence.

The Licensed Victuallers Act, 1880.

South Australia } Be it remembered that A. B., of _____, being the holder
to wit. } of a _____ licence, is this day convicted before us, the under-
 signed, two of Her Majesty's Justices of the Peace for the said province [or me, the
 undersigned, a Spécial Magistrate of the said province], for that the said A. B.
 [here set out the offence of which he has been convicted, and if the offence is
 one to which forfeiture is not specially attached, add]; and it having been
 proved to us [or me] that the said A. B. has been twice before, within a
 period of six calendar months, convicted of offences against the Licensed Victuallers
 Act, 1880: Now we [or I] do therefore order and adjudge that the said licence of
 the said A. B. shall be, and the same is hereby, forfeited [if costs are given, add the
 proviso with regard to costs contained in Schedule 12 of the Ordinance No. 6 of 1850].
 Given under _____ hand this _____ day of _____, 18

C. D., J.P.

E. F., J.P.

or

G. H., S.M.

SCHEDULE V.

Rules and Regulations for conducting the business of Licensing Benches.

1. The Commissioner of Police shall obtain, and furnish to the clerk of the Licensing Bench in each licensing district, at least three weeks before the annual or quarterly licensing day, a report of every licensed house in such district, and as to applications for new houses, or new applications for old houses, as soon after the application as possible; such report to contain a description of the condition of the houses, premises, and furniture, the manner in which the house has been conducted during the past twelve months, the character of the persons frequenting the house, and a statement of the number, locality, and distance of other licensed houses in the neighborhood, and such report shall be open to public inspection without fee.

2. In the case of applications for new houses, and new applications for old houses, and of transfers of licences, it shall be the duty of the clerks of the Licensing Benches to which such applications are intended to be made, to search the copy of the record published by the clerk of the Adelaide Licensing Bench in the *Government Gazette*; and upon the consideration of such application, to report to the Bench whether the applicants or, in case of transfers, whether the intended transferees have previously applied for any licences, or have been intended transferees of licences, together with the result of such applications respectively; and in case of the rejection or refusal thereof, then the cause of such rejection or refusal.

2A. The Chairman of any Licensing Bench shall have power to call for the production of the applicant's licence in all cases where an application is made for a renewal of such licence.

3. At the meetings of the Licensing Benches, the applications for new houses shall take precedence, the new applicants for old houses shall be taken next, and the rest of the business shall follow. Should there be no quorum at any meeting of the Bench, any member or the clerk of the Bench may adjourn such meeting to any day not being more than three days after the day appointed for such meeting.

4. The clerks to the Licensing Benches shall give notice to those applicants applying at the annual meetings for a renewal of their licences, when such licences have been objected to by the inspectors of public-houses, police, or other persons, to attend at such annual meetings; and such applicants shall be heard immediately after the applications for new houses; and in such notice the clerks to the Benches shall state the nature of the objections.

5. On the hearing of any application, except for renewals, the applicant, by himself, or by his counsel, shall open his case, then the objectors, who have given due notice, are to be heard by themselves, or their counsel, and the applicant may reply.

6. In

Licensed Victuallers Act.—1880.

6. In the case of applications for renewals, the objectors shall commence, and the applicant reply only.

7. The evidence, if any, shall be given in the same manner as in courts of law.

8. The Licensing Bench shall then consider the application, and, if unanimous, shall give their decision through their chairman; but, if not, they shall decide by vote (retiring, if necessary, to a private room) whether the licence shall be granted or refused. The decision, and all remarks thereon, shall be given through the Chairman, and the other Justices shall not comment upon the decision announced, or the remarks made by the Chairman.

9. The decision of the Bench when once announced by the Chairman shall not be questioned or reconsidered.

10. No objection, in respect of the character of any applicant, shall be entertained by the Bench, unless notice has been given to the applicant; and should any such objection appear to the Bench to be frivolous, the costs of, and occasioned by, such objection shall be ordered by the Bench to be paid by the party making the same.

11. The objection that premises, in respect of which publicans' or wine licences are held, are frequented by bad or improper characters, shall not of itself be considered a sufficient reason for withholding such licence, if it shall appear to the Bench that such licensed premises are required in the locality; but the consideration of granting any such licence shall be adjourned; and in the meantime a special report on the premises shall be made by the police, and presented to the Bench at the adjourned meeting.

12. No objection from the police shall be entertained, unless the nature of the objection shall have been stated in the commissioner's report, or in the written notice to the person affected; and no objection of any kind shall be entertained, unless notice thereof has been given in terms of the Licensed Victuallers Act, 1880.

SCHEDULE W.

Form of Order for Payment of Money by Licensing Bench.

The Licensed Victuallers Act, 1880.

Be it remembered that on this day of , in the year of
our Lord one thousand eight hundred and of
is ordered by the Licensing Bench for the district of , under the
Licensed Victuallers Act, 1880, to pay to the sum of
for his costs of to be committed to Adelaide [*or as the case may be*]
Gaol for the space of

Chairman of the said Licensing Bench.