



*Licence, in dead man's  
name, is void: ever  
can't renew it:  
7/10/12.*

*Repealed by 1910/80*

ANNO TRICESIMO TERTIO

# VICTORIÆ REGINÆ.

A.D. 1869-70.

## No. 16.

*An Act to consolidate and amend the Laws regulating the retail of  
Liquor and for preserving good order in Licensed Public  
Houses, and for other purposes.*

[Assented to, 9th February, 1870.]

**W**HEREAS it is expedient to consolidate and amend the laws Preamble.  
regulating the retail of liquor and for preserving good order  
in licensed public-house—Be it therefore Enacted by the Governor  
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 :

1. This Act may be cited for all purposes as the “Licensed Short title.  
Victuallers Act, 1869.”

2. The following Acts, namely, “The Licensed Victuallers Act,  
1863,” “The Licensed Victuallers Amendment Act, 1865-6,” and  
an Act, No. 10 of 1868-9, intituled “An Act to further amend  
the Licensed Victuallers Act of 1863,” are hereby repealed, except  
as to any matter or thing done, or commenced to be done under  
the said Acts, or any of them : Provided that nothing herein con-  
tained shall be construed to revive any Act, or portions of any  
Act or Acts by the said Acts, or portions of the said Act or Acts  
repealed ; and all offence committed before the passing of this  
Act shall be punished in the same manner as if this Act had not  
been passed, and licences issued and recognizances entered into  
under the authority of any of the said Acts, and certificates issued  
under the authority of the said Act, No. 10 of 1868-9, and not  
expired at the time of the passing of this Act, shall confer the same  
rights and privileges as if granted under the authority of this Act. Repeal of Acts.

3. In

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## Interpretation of terms.

3. In the construction of this Act, the following words shall, unless inconsistent with the context or subject matter, have the meaning hereby assigned to them respectively, that is to say, the word "Liquor" shall mean brandy, gin, rum, whisky, cordials, wine, ale, porter, beer, or any other spirituous, malt, vinous, or fermented liquors; the word "Town" shall mean the City of Adelaide and all other Corporate Towns within the said Province, and any township or village containing thirty dwelling-houses within a radius of one mile, and any place which may be proclaimed as a township for the purposes of this Act, by the Governor in Council; the word "Justice" shall mean Justice of the Peace for the said Province; the word "Street" shall mean any public square, place, road, terrace, or thoroughfare, in any town or place subject to the provisions of this Act; the expression "Governor in Council," shall mean the Governor, with the advice and consent of the Executive Council; the word "*Gazette*" shall mean the *South Australian Government Gazette*; the expression "Public notice" shall mean notice by advertisement in the *South Australian Government Gazette*; the words "Mead, wine, cider, and perry," whenever used in this Act, in reference to persons holding wine licences, 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, and perry not containing a greater proportion than thirty-five per centum of proof spirit.

## Division of Act.

4. This Act shall be divided into six parts, relating to the following matters, viz. :—

PART I.—Relating to licences, and how the same may be granted, renewed, transferred, transmitted, removed, or forfeited :

PART II. To the rights, duties, and liabilities of persons holding licences :

PART III.—To offences against this Act by persons not holding licences :

PART IV.—To legal procedure and evidence :

PART V.—To the distribution and application of penalties and moneys received for licences and otherwise :

PART VI.—Protection of officers, and general matters.

PART I.

PART I.—With regard to licences, and how the same may be granted, renewed, transferred, transmitted, removed, or forfeited :

## Nature of licences.

5. The licences to be granted by virtue of this Act shall be of the kinds following, viz., one to be denominated a "Publican's Licence," which shall be in the form in Schedule E to this Act; another to be denominated a "Storekeeper's Licence," which shall be in the form in Schedule F; and another to be denominated a "Wine Licence," which shall be in the form of Schedule G; another to be denominated a "Storekeeper's Colonial Wine Licence," which shall be in the form in Schedule H.

6. Every

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6. Every publican's licence shall authorize 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.

PART I.  
Publican's licence.

7. 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 the City of Adelaide, or in any town, or within five miles of the City of Adelaide, or two miles of any town, the fee shall be Twenty Pounds, and if the house be situated elsewhere, the fee shall be Ten Pounds.

Annual fee for publican's licence.

8. Every storekeeper's licence shall authorize 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 or two dozen of pint bottles of wine or other fermented liquors: Provided that no part thereof be consumed on the premises.

Storekeeper's licence.

9. The annual fee to be paid for a storekeeper's licence shall be Five Pounds.

Annual fee for Storekeeper's licence.

10. Every storekeeper's colonial wine licence shall authorize the person thereby licensed to sell and dispose of wine, cider, mead, and perry, grown and manufactured in the said Province, in the house or on the premises therein specified, in quantities of not less than one reputed quart bottle at a time: Provided that no part thereof be consumed on the premises.

Storekeepers' colonial wine licence.

11. The annual fee for a storekeeper's colonial wine licence shall be One Pound.

Annual fee for storekeeper's colonial wine licence.

12. Every wine licence shall authorize the person therein licensed to sell in the house or shop, or on the premises therein specified, mead, wine, cider, and perry, the produce of the said Province, in any quantity, and the same may be consumed on the premises or otherwise.

Wine licence.

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

Annual fee for wine licence.

14. The Governor may, by Order in Council, to be published in the *Gazette* from time to time, declare that the area in such Order mentioned shall constitute a Licensing District as in such Order shall be declared, and in any such Order may define the boundaries of any such districts and such boundaries from time to time to alter and vary, 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 in Council, to nominate and appoint a Licensing Bench for each such district, and to fix the days for the annual and quarterly meetings of such Bench, which shall consist of not less than three nor more than nine

Licensing Districts may be proclaimed.

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## PART I.

Governor may appoint and remove Clerks to Licensing Benches.

nine Justices of the Peace for the said Province, three of whom shall be a quorum, with power, by Order as aforesaid, to vary and alter from time to time the members constituting such Bench : The Governor in Council may from time to time appoint and remove a clerk to each Licensing Bench, who shall give such security for good behaviour as the Governor in Council shall from time to time direct.

Applications for licences.

15. Application for publicans', storekeepers', or wine licences, or for any such licences being transferred, shall be considered by the Licensing Benches for the districts in which the premises proposed to be licensed respectively 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 Licensing Bench, then the application shall be made to the Licensing Bench nearest to the locality in which such premises are situated, or to the Adelaide Licensing Bench.

General meeting to be held on the second Monday in March in every year unless otherwise directed.

16. General meetings of the Licensing Benches shall be holden respectively at such places as may from time to time be appointed by the Governor in Council for that purpose, on the second Monday in March in every year, unless otherwise fixed, as hereinbefore mentioned, for the consideration of applications for publicans', storekeepers', or wine licences, which may respectively be adjourned for any time that may appear to be necessary; but decisions as to granting licences shall not be given on any other than original or adjournment days, and when the Licensing Benches are assembled for the consideration of applications as aforesaid, and meetings of the Licensing Benches shall also be holden at such places as aforesaid on the second Monday in the months of June, September, and December in every year, unless otherwise fixed, as hereinbefore mentioned, for the consideration of applications for permission to transfer existing publicans', storekeepers', or wine licences, and of applications for the issue of such licences for new premises, which meetings may be adjourned as the Licensing Benches find necessary: Provided that such Licensing Benches, so assembled at such quarterly meeting, shall not have power or authority to receive or consider any application rejected at the preceding annual meeting or at any preceding quarterly meeting, 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, except when the Licensing 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 respect of new or other premises at such quarterly meeting.

Which may be adjourned.

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

May be adjourned as necessary.

Storekeeper's colonial wine licence to be granted by the Treasurer.

17 The Treasurer, upon payment of the licence fee hereinbefore mentioned, and upon receiving the certificate of two Justices of the Peace, or a Special Magistrate, that the person named therein is a fit and proper person to receive a storekeeper's colonial wine licence, may grant to the person named in such certificate a storekeeper's colonial wine licence, in the form in Schedule H, which licence shall authorize

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authorize the person thereby licensed to sell and dispose of wine, cider, mead, and perry, under the provisions of this Act, until the twenty-fifth day of March then following.

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18. Upon the death or insolvency of any holder of a storekeeper's colonial wine licence under this Act, the Treasurer may, without fee or further duty, by endorsement on the licence, or otherwise in writing, authorize the legal personal representative of such holder, or his assignees, in case of insolvency, to carry on the business under such licence during the residue of the term for which the same has to run; and the person so authorized shall be deemed for all purposes to be the only holder of such licence under this Act.

Provision for death or insolvency of person holding storekeeper's colonial wine licence. 7ca12

19. No Justice who shall be a brewer, maltster, distiller, wine maker, or licensed dealer in liquors, or in partnership with any such person or persons, or directly interested as owner or manager of any house licensed or to be licensed, shall take part in the discussion or adjudication upon any application for any licence, or for the transfer of any licence of any premises in which he may be interested, either directly or by reason of his dealings and business as a brewer, maltster, distiller, wine maker, or licensed dealer in liquors, nor shall any such Justice sit or act on the hearing of any information, or of any appeal against any conviction under this Act, whenever such information or appeal relates to any premises in which he has such interest as aforesaid; and nothing herein shall be construed or taken to prevent any Justice of the Peace, who may be a brewer, maltster, distiller, wine maker, or licensed dealer in liquors, from taking part in such discussions or adjudications as aforesaid, or in the hearing of any information or appeal as aforesaid, unless he has an interest in the particular application, information, or appeal being discussed, adjudicated upon, or heard; nor shall any Justice, interested as aforesaid, grant any permission to keep open house beyond the ordinary hour for closing; and any Justice, who, being hereby disqualified, shall knowingly so offend, shall for every such offence, forfeit and pay the sum of One Hundred Pounds, with full costs of suit, to be sued for and recovered by action of debt in any Local Court of competent jurisdiction, by any one who will sue for the same.

On hearing applications for certificates for licences, certain Justices not to adjudicate.

20. Every person desirous of procuring a publican's, storekeeper's, or wine licence, under this Act, shall, twenty-eight days before the date of such meeting, post on the outer door of the premises proposed to be licensed a written notice in the form contained in Schedule A, as the case may be, and shall deliver to the Clerk of the Licensing Bench for the District written notices in the forms, as the case may be, contained in Schedule A, accompanied by a certificate of at least three known housekeepers residing in the district wherein the intended premises are situated and in the form described in Schedule B; 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 his *bona fide* dwelling-house, or in such house, but having any other outer door thereto than the house

Manner of application for new licences.

Separate tap or taproom.

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Persons disqualified  
to hold licences.

house itself has (which desire shall be fully expressed in his notice), accompanied by another certificate from at least two known housekeepers, residing in the said Province, in the form described in such Schedule, 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 always that every person applying for a licence, except storekeeper's licence, for premises which have not been licensed before shall, twenty-eight days before the meeting immediately previous to the meeting at which such application is to be made, deposit with the Clerk of the Licensing Bench for the District, plans of the buildings erected or to be erected on such premises, which plan shall be open to inspection, and shall be produced by the Clerk to the Licensing Bench of the District to which the application is to be made at such first-mentioned meeting; and provided also, that no persons in situations under Government, nor any constable, sheriff's officer, or other person employed to execute any legal process, nor any licensed auctioneer, shall hold licences, under this Act.

Manner of application  
for renewal of licences.

21. It shall not be necessary for any person desirous of procuring a renewal of his or her licence under this Act, to post any written notice on the outer door of the premises proposed to be licensed, but every such licensed person shall, on or before the first Monday in February in every year, deliver to the Clerk of the Licensing Bench for the District written notices in the forms, as the case may be, contained in Schedule A; 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 *bona fide* dwelling-house, or in such house but having any other outer door thereto than the house itself has (which desire shall be fully expressed in his notice), accompanied by a certificate from at least two known housekeepers residing in the said Province, in the form lastly given in Schedule B, 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 tap-  
room.

Proviso.

Applications to be  
filed, and notice  
thereof given.

22. Upon the receipt of every such notice of application, the Clerk to the Licensing Bench for the District 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 such District, to be appointed as hereinafter is mentioned.

Proceedings on con-  
sideration of applica-  
tion to be public.

23. The proceedings on the consideration of any application, or any objection to such application for any licence, and also of every application

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application or objection to any application to renew, transfer, or remove any such licence granted under this Act, shall be public; and the Licensing Bench of Justices 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 summon and examine on oath such witnesses as they may deem necessary, and to grant to such persons as shall be approved of by such Licensing Bench, such licence as aforesaid: Provided that whenever 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 Licensing Bench to have lost his good character, and provided also that renewals of licences shall in every case be granted as a matter of course by such Licensing Benches, unless notice of objection has been given as hereinafter provided.

Proviso.

§12 QAD 620

24. No licensed person having given such notice as by this Act prescribed, shall be required to attend any licensing meeting for the purpose of procuring a renewal of his licence, unless notice of opposition to the renewal of such licence as hereinafter mentioned, stating the grounds thereof, shall have been given to the Clerk of the Licensing Bench to which the application for renewal shall be made, who shall forthwith forward a copy of such objections, by post, to the person interested.

Personal attendance of licensed persons at licensing meeting not requisite unless notice of objection given.

25. Public notice shall be given by advertisement in the *Gazette* published not less than five weeks before the annual meetings of Licensing Benches, signed by the Clerk of the Adelaide Licensing Bench, requiring all persons having any complaint against the management and condition of any public house to forward such complaint to the Clerk to the Licensing Bench of the district in which such public house is situated, twenty-one days before such annual meeting, and to attend at such annual meeting and substantiate such complaint.

Notice to be given of time for making objections.

26. No person shall be heard in support of any objection before the said Licensing Bench assembled at their annual or quarterly meetings, or at any adjournment thereof, unless notice thereof in writing, signed by the objector, and giving his place of residence, and his occupation or style, stating the nature and grounds of the objections shall have been delivered to the Clerk of the Licensing Bench to which the application is intended to be made, at least twenty-one clear days before the day on which such application is to be heard, nor unless the person objecting shall appear before such Bench personally, or by counsel, on the day on which such application shall be heard.

Notice of objections to be served.

27. The objections, of which notice may be so given, shall be one of the following:—That the applicant is of bad fame and character, or is of drunken habits, or has within six months previously been deprived of a licence under this Act; or that the house mentioned

Nature of objections.

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tioned in the application has not sufficient accommodation for the public, or if the house be situated more than ten miles from Adelaide, that the same does not contain a sitting-room and two sleeping-rooms for the accommodation of travellers, separated from the tap by a space of at least twelve feet, with a separate entrance; or that there is not a stable on the premises capable of containing at least six horses, with a sufficient quantity of hay and corn; or that there is inclosed 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 general management of such house has not been satisfactory; or if the application is for a licence for new premises, 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 a certificate authorizing the granting of such licence for such house shall be presented to the Licensing Bench to which the application shall be made, signed by at least two-fifths of the occupiers of houses in the immediate neighborhood of such house; or if a licence has been already granted for the sale of liquor in any other house in such locality.

Consideration of objection.

28. 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 renewal or transfer of any existing licence, the Licensing 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 state at the same time, and in the same manner, the grounds and reasons of such refusal, and shall also specify the particular objection or objections on account of which such application has been refused.

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

Costs may be given against unsuccessful objector.

29. The Licensing Benches, assembled at their annual or quarterly meetings as aforesaid, may order that any person having given such notice of objections as hereinbefore mentioned, shall pay to the applicant for a licence a sum not exceeding Five 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.

30. The



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30. The Clerk to each Licensing Bench shall attend the annual and quarterly meetings thereof and minute the result of the proceedings; and whenever any Licensing Bench shall grant any licence under the authority of this Act, the Chairman of such Licensing 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 to the Bench, which notification shall be a valid authority to the Clerk to such Bench for the signing of a licence to such applicant; and such Clerk shall, on receipt of Two Shillings and Sixpence for each licence, immediately sign a licence in the form contained in Schedules E, F, or G, as the case may be, and shall, after registering the same in the said list of applications, with the date of signing the licence, forthwith forward such licence to the Treasurer, and the Treasurer shall, on receipt of the annual fee payable in respect of the licence granted, issue and deliver such licence to, or to the order of, the person in whose favor the same shall have been granted, the Treasurer having first minuted at the foot of the licence the day on which the same was so issued by him.

31. Every such 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, and if not previously forfeited shall be in force until the twenty-fifth day of March in the year next following the date of the licence inclusive.

32. Whenever the Licensing Bench shall approve of a tap or taproom, 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 made at the foot of the licence which may be 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 of by two or more members of the Licensing Bench, granting the original approval at a meeting to be convened for that special purpose, by notice at the request and expense of the applicant, under the hand of the Clerk to the said Licensing Bench or other authorized person, inserted in two succeeding numbers of the *Gazette*, stating the specific object of the meeting.

33. 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.

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Clerk to Licensing Bench to sign licences.

And after registering to forward same to Treasurer,

Who will issue licence on payment of licence fee.

Licence to be in force from date of issue until 25th March in following year.

Approved tap and taprooms.

To be managed by approved persons.

Until paid, the party declared unlicensed.

If not paid within two months, licence not to be issued.

34. When

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Non-payment to be advertised.

34. When any such case of non-payment of licence money as is mentioned in the last preceding section shall arise, the Treasurer shall cause a notice thereof, and also full particulars of every licence issued, to be inserted in the *Gazette*, on the first, or, at the latest, on the third day of its publication after the expiration of the said period of two calendar months, or the issue of the licence, as the case may be.

Transfer of licences.

35. If any person holding any such licence shall be desirous of transferring his licence to any other person, he shall deliver to the Clerk to the Licensing Bench for the District in which the premises are situated, 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 I, or as near thereto as circumstances will permit, and also a certificate from three known householders in favor of the nominee, which certificate may be in that one of the forms given in Schedule B required by the circumstances.

Notice of objection to transfer of licence.

36. No objection to a transfer shall be entertained, unless notice thereof in writing shall have been delivered to the Clerk of the Licensing Bench, to which the application for a transfer is intended to be made, at least twenty-one clear days before the day on which such application for a transfer is made: Provided that any Inspector of Public-Houses may be heard in support of any objection to a transfer without giving such notice as aforesaid, upon his appearing personally to state such objection, at the time when any application for such transfer may be made.

Proviso.

Nature of objections.

37. The objections, of which notice shall be given, shall be one or more of the following:—

That the licence of the person proposing to transfer the same is liable to be forfeited for offences against this Act; that the person to whom it is proposed to transfer such licence is of bad fame and character, or is of drunken habits, or has within six months previously been deprived of a licence under this Act; 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.

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

38. The provisions hereinbefore contained as to the proceedings at the annual meetings of the Licensing Benches, as to the hearing of applications for licences, and the ordering of costs to be paid by the person who shall have given notice of objections, shall apply as nearly as may be to the proceedings upon an application for the transfer of a licence from one person to another, or from one house to another.

Licensing Bench at quarterly meeting

39. The Licensing Bench assembled at any quarterly meeting,  
upon

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upon the application of any holder of a licence as aforesaid, and upon being satisfied that the provisions of this Act have been complied with, may, if they shall think fit, transfer such licence to the nominee of the person holding such licence by an endorsement on the original licence in the form of Schedule J, signed by the Clerk to such Bench, and thereupon and on payment of the sum of two shillings and sixpence for such certificate or endorsement, such nominee shall 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 so transferring such licence shall cease to be a licensed person under this Act.

may transfer licence  
by endorsement.

40. If the holder of a publican's or wine licence shall die, become insolvent, or suffer his person or property to be taken in execution, or shall become incapable of keeping his licensed premises by reason of sickness or other infirmity, or if he, his executors, administrators, or assigns, or any person claiming under him or them, shall yield up possession of the licensed premises before the expiration of the licence, or allow such premises to become vacant, or if the occupier of licensed premises, about to quit, shall have wilfully neglected to apply at the annual meeting for a new licence, then, and in any such cases, any member of the family, or the executors or administrators of any person dying, or the assignee or assignees of any insolvent, or any person appointed by him or them, or the Sheriff, or some person or persons authorized by him, or the creditor at whose suit the execution shall have issued; or, in case of sickness or other infirmity, the wife or some one or more of the family of the licensed person, or his appointee or appointees, or the landlord or his agent, or other person *bonâ fide* entitled to the premises, by sale, mortgage, or otherwise, may enter upon the said licensed premises, and continue and carry on the business thereof until the then next quarterly meeting of the Licensing Bench for the district in which the premises are situated, when an application may be made by any such person in possession for a transfer of the licence, and the proceedings to obtain such transfer shall be the same as in ordinary cases: Provided, that in case any of the persons aforesaid shall enter upon any licensed premises, and continue the business thereof under the provisions hereinbefore contained, such person shall, within seven days after such entry, give notice thereof in writing to the clerk to such Licensing Bench, and shall, on receiving notice from the said clerk, attend before a Special Magistrate; and if such Special Magistrate shall, in his discretion, deem such person to be a proper person to hold a certificate, and if such person shall not have been previously refused a licence by any Licensing Bench, such Special Magistrate may grant a certificate in the form of Schedule N.

Transfer of licence in  
certain cases provided  
for.

41. If any person holding a publican's, storekeeper's, or wine licence, shall be desirous of removing his business to any other suitable and convenient premises in the same district, he shall,

Removal of licence  
to other premises.

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twenty-eight days before any quarterly meeting of the Licensing Benches deliver to the Clerk to the Licensing Bench for the district in which such premises are situated, or in case of such premises not being within a licensing district, to the Clerk to the Licensing Bench nearest to the locality of such premises, or to the Clerk of the Adelaide Licensing 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 K, and the Clerk to such Licensing Bench shall take proceedings thereon similar to those hereinbefore directed with regard to applications for licences.

Notice of objections to removal of licence from one house to another.

42. No objection to a removal of a licence from one house to another shall be entertained unless notice thereof, in writing, shall have been delivered to the Clerk to the Licensing Bench to which the application is intended to be made, at least twenty-one days before the day on which such application is to be heard.

Nature of objections to removal of licence from one house to another.

43. The objections of which notice may be so given shall be one or more of the following: That the house to which it is proposed to remove the licence 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 Licensing Bench signed by at least two-fifths of the occupiers of houses in the immediate neighborhood of such house, nor if a licence has been already granted for the sale of liquor in any other house in such locality), or that the house to which it is proposed to remove the licence is not in the same city, or town, or district (as the case may be) as that from which it is proposed to remove it, 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.

Mode of transfer from one house to another.

44. The Licensing Bench assembled at such quarterly meeting may transfer the licence from one house to another (if such house shall be approved of by them) by an endorsement upon the licence in the form in the Schedule L, under the hand of the Clerk to such Bench, and thereupon the holder of such licence shall be authorized to sell and dispose of liquor in the house 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, authorizing him to sell and dispose of liquor in the house to which such licence shall be so transferred, according to the tenor and effect of such licence, and the house to which such licence was originally granted shall thereupon cease to be licensed.

45. If

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## PART I.

45. If any Special Magistrate, or two Justices shall approve of any person holding a publican's or wine licence selling liquor or mead, wine, cider, or perry, as the case may be, in any booth or building at any fair, military encampment, races, regatta, rowing match, cricket grounds, or other place of public amusement, for a period not exceeding seven days, and shall signify his or their approbation thereof in writing, by a certificate in the form contained in Schedule C, then and there only shall it be lawful for such licensed person to sell such liquor, or mead, wine, cider, or perry accordingly, in such booth or building for the number of days specified in such certificate: Provided always, that the approbation aforesaid shall not be construed as an authority for retailing to drunken persons, nor for admitting them to the said booth or building for liquor, or mead, wine, cider, or perry, or allowing them to remain therein.

Upon written approval of Special Magistrate, or two Justices, seven days' licence may be granted in certain places.

46. Any two or more Justices, or a Special Magistrate, may give permission in writing to any person holding a publican's or wine licence to keep his licensed premises open on the occasion of any ball or dinner party, or on the occasion of any public amusement or entertainment, or public meeting, or on any other special occasion beyond the time otherwise fixed by this Act: Provided that nothing herein contained shall allow the keeping open of any licensed premises after a quarter to twelve o'clock p.m. on any Saturday; and that no such permission shall extend over any longer period than six hours.

Premises may be kept open by special permission.

47. If any Special Magistrate, having communicated with the officer in charge of the gold fields, 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 any goldfields, in any erection or building to be approved of by such Special Magistrate, the said Special Magistrate, may grant certificates in the form contained in Schedule D, 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 for a further like term on like payment, until such time as permanent townships may be declared in the vicinity of such goldfields; 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 authorized 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 are situated.

Certificates to be granted to sell liquors on goldfields.

48. If

*Licensed Victuallers Act.—1869-70.*

## PART I.

Licence to be forfeited if thrice convicted of any offence.

48. If any person holding a licence under this Act shall be convicted of any offence against this Act three several times, or shall be convicted of any of the offences hereinafter mentioned, as offences for which, on conviction, the licence may be declared forfeited, the Special Magistrate or the Justices by whom such person shall be so convicted, may, if they shall think fit, by an order under their hands, which may be in the form of Schedule M, declare such licence to be forfeited, and the same shall thereupon cease to be of force and effect.

Licensed person convicted of felony, &c.

49. If any person holding a licence under this Act shall be convicted of any felony, such licence shall be void ; or if any person holding a publican's licence shall permit any person whomsoever to manage, superintend, or conduct the business of such house during his absence for a longer period than one month without the previous consent in writing of two Justices, or shall, whether residing in such house or not, permit any unlicensed person to become virtually or in effect the keeper thereof, or shall suffer such house to become ruinous and dilapidated, then upon complaint thereof, and proof of the facts to the satisfaction of any Special Magistrate, or any two Justices, such Special Magistrate or Justices shall, by an order under their hands as aforesaid, declare such licence to be forfeited, and the same shall thereupon cease to be of force and effect: Provided that if such house 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 has elapsed for such holder to reinstate such house.

Special Magistrate or Justices may order person whose licence is forfeited to pay costs.

50. Any Special Magistrate or Justices who shall declare any licence under this Act to be forfeited, may, if he or they shall think fit, order the person whose licence shall be forfeited to pay costs to the person on whose complaint such forfeiture shall have been ordered.

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

51. The Clerk of the Court in which any such forfeiture shall be declared by any such Special Magistrate or Justices as aforesaid, or if there be no Clerk, then the Special Magistrate or Justices declaring such conviction shall, within seven days after such forfeiture, duly report the same to the Clerk of the Adelaide Licensing Bench under a penalty not exceeding Five Pounds for every default: Provided, that in case the person whose licence may be so declared forfeited shall appeal against such conviction as hereinafter mentioned, such Clerk shall not report such forfeiture till after the appeal shall be disposed of.

Transfers, removals, and forfeitures, to be advertised, under a penalty.

52. The Clerk to the Adelaide Licensing Bench shall cause full particulars of every transfer or removal of a licence as aforesaid, except such transfers as may be made between the quarter-days, under the powers hereinbefore contained, and also of every forfeiture of a licence to be inserted in the *Gazette*, on the first, or

at

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at the latest on the third day of its publication, next after the occurrence of any of such events, or of receiving such report as aforesaid, or forfeit and pay a penalty of not less than Two Pounds nor more than Twenty Pounds for every default.

53. Whenever any licence granted pursuant to this Act shall be lost or destroyed, the licensee may apply to the Licensing Bench by which 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, upon payment of a fee of One Pound, the Clerk to such Bench shall make out and deliver to such licensee a duplicate of the original licence, which shall for all purposes be deemed to have the same force as the original licence.

Licence lost or destroyed.

54. 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 premises in respect of which the applications are made, the date on which and the Bench before whom the application was heard, and the manner in which the same was disposed of, including, in case of a refusal, the cause thereof, 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 to the Adelaide Licensing Bench without payment of any fee.

Record of applications to be kept.

55. Every Licensing Bench may from time to time make rules and regulations as to the mode of hearing applications for new houses, and new applications for old licensed houses, and generally as to the manner of conducting the business of such Licensing Bench: Provided that any rules and regulations so made shall not be inconsistent with the rules and regulations contained in Schedule O, and shall be approved by the Governor in Council and published in the *Gazette*; and until such approval and publication the rules and regulations contained in Schedule O shall be binding upon and observed by every Licensing Bench throughout the Province.

Power of Benches to make rules and regulations.

PART II.—And as to the rights, duties, and liabilities of, and offences against, this Act by persons holding licences—

PART II.

56. If any person holding a licence under this Act shall suffer any person to exercise any unlawful game or sport within the said licensed house, premises, or appurtenances, or if any such licensed person shall permit or suffer any one 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

Disorderly persons not to be allowed to assemble.

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## PART II.

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.

Liquors to be delivered in imperial measures, and, on demand, remeasured if not removed before demand.

57. All liquor sold and retailed under the authority of this Act, from and including half a pint, shall be measured and delivered according to the English imperial measures, and shall, upon demand of the party receiving the same, be remeasured for his satisfaction in the same house and in the measures, or any other imperial measures he may procure, but not if the liquors have been taken to any other room of or wholly from the licensed house, 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.

Pure wine to be sold.

58. No wine licence shall authorize 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 a penalty of not exceeding Fifty Pounds, or to not exceeding six months' imprisonment with or without hard labor.

Names to be kept up, and also lighted lamps.

59. Every person holding a publican's licence shall keep his name at length, and the words "Licensed Dealer in Wines and Spirits," and every licensed holder of a wine licence his name 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 alight 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 the person holding such publican's licence shall not be liable to a penalty or fine by reason of his lamp having ceased to be lighted after eleven o'clock post meridian, unless he shall have been called upon to relight the same, and shall have neglected so to do.

If kept without approbation.

Or not so managed.

Penalty of the licensed person.

Third, or other offence, loss of licence.

60. If any licensed person shall, without such approbation as hereinbefore provided, keep or have any tap or taproom, or tap and taproom detached from his *bonâ fide* dwelling-house, or in such house, but having any other outer door thereto than the house itself hath, 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 forfeit and pay for every such offence a penalty of not less than Five Pounds nor more than Fifty Pounds, or upon a third or subsequent conviction



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## PART II.

conviction shall, at the discretion of the convicting Justices, be deprived of his licence.

61. 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 public house for the purpose of a Coroner's Inquest being held thereon (the said public house, in respect to which such refusal to receive a corpse may be made, not being within one mile of a police station having cells) such licensed person shall for every such offence forfeit and pay a penalty of not less than One Pound nor more than Twenty Pounds.

Travellers and corpses not to be refused under a penalty.

62. No *bonâ fide* property of any traveller, 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 distrained or seized for or in respect of 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 to order such property to be restored, and to award reasonable costs, and such costs to levy 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, provided they have previously delivered to the person indebted to them an account in writing of such demands, specifying by items the plain particulars thereof, as to dates, articles, quantities, and sums, and such demand shall have arisen at the licensed premises, and in the ordinary course of the business thereof.

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

Justices may order restoration of goods.

And award costs.

Publican's lien on the property saved.

63. No person holding a publican's or wine licence shall maintain an action for or recover any debt or demand for or on account of liquor or wine, unless such debt shall have been *bonâ fide* contracted at one time to the amount of Twenty Shillings or upwards; nor shall any item in any account for liquor or wine be allowed where the quantity *bonâ fide* delivered at one time shall not amount to Twenty Shillings, notwithstanding such debt or demand or any item may have been secured or agreed to be paid, except a written order for the same shall be produced and satisfactorily proved to have been freely given by the maker thereof before the liquor or wine was delivered, or it be clearly shewn that the debtor was then resident in the licensed house, or in the immediate neighborhood thereof, and one of his regular customers for malt liquors or wine, or was a person then on a journey and calling at such house for the purpose of taking refreshment.

Debts for liquor or wine not recoverable unless for Twenty Shillings at one time.

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Licensed persons taking pledges, &c., or taking in payment anything except coin or bank notes.

To pay a penalty of from £10 to £50. Third or other offence, loss of licence.

Liquors not to be supplied to aborigines.

Supplying liquor or wine to children under twelve years of age.

Supplying liquor or wine to persons in a state of intoxication.

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Clauses 65, 66, and 67, to be set up in bar and taproom.

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

64. 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 wine, liquor, or entertainment supplied in or from the licensed house, 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, the same being taken at 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; and in case of a third or subsequent conviction for a like offence such licensed person shall, by the convicting Special Magistrate or Justices be deprived of his licence.

65. No person shall sell, barter, exchange, retail, or give or permit to be sold, bartered, exchanged, retailed, or given, any liquor to an aboriginal native of the said Province, or half-caste of that race, under a penalty of not less than One Pound nor more than Ten Pounds for each and every such offence: Provided that nothing herein contained shall extend to any liquor administered as medicine by or under the directions of any duly qualified medical practitioner.

66. Every person holding a licence under this Act who shall knowingly supply any sort of liquor or wine to any boy or girl under the age of twelve years, to be drunk upon the premises, shall be liable to a penalty of not less than Twenty Shillings nor more than Five Pounds.

67. Any person holding a licence under this Act, or any person responsible to him, who knowingly and wilfully shall supply, or permit to be supplied, any liquor or wine to any person already in a state of intoxication, shall be guilty of a misdemeanor, and shall, on conviction thereof, for the first offence, be liable to a penalty of Ten Pounds; and for the second offence, to a penalty of Twenty Pounds; and for the third conviction, to a penalty of Fifty Pounds; and, in addition to such fine, shall forfeit his licence, and thereafter be incapable of holding a licence.

68. Every person holding a publican's or wine licence under this Act, shall cause clauses Nos. 65, 66, and 67, 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 connexion with his licensed house, or, in the case of a wine licence, in one of the most public parts of his house, 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.

69. No person holding a publican's or wine licence, whose licensed house may be in Adelaide, or any other town within the said Province, shall have or keep any retail store or shop on account of himself

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## PART II.

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 house, or any allowed tap or tap-room detached therefrom, or which shall communicate or admit of communication with such licensed house, 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.

Exception.

70. Every person holding a publican's or wine licence who shall use and 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 house, or any allowed 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 to be kept open between public houses or wine houses and stores, or eating-houses, for supply of liquors.

71. If any person holding a publican's or wine licence shall employ or permit any person who may have forfeited or been deprived of a licence under this or any of the Acts hereby repealed, or who from misconduct or bad character may have been refused a certificate to entitle him to receive a licence, to be employed as an overseer, or as a manager or superintendent of the house, 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; and if subsequently convicted of retaining the same person in the like capacity, shall be deprived by the convicting Special Magistrate or Justices of his own licence.

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

72. 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 his licensed house or tap or taproom, or directly or indirectly agree with any such unlicensed person to let him have any interest whatever in such house or tap or taproom, or the profits thereof, or shall remunerate or suffer him 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 such house or tap and taproom, or of the quantity of liquors sold or retailed on or from the house or tap or taproom, or shall abandon the occupation of such licensed house as his place of residence, and permit any unauthorized person whatever to manage, superintend, or conduct the

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

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the business of such house, or whether residing in such house or not, shall permit any unlicensed or unauthorized person to appear to the public as, or to become virtually or in effect, the keeper of the house, then, and in any or either of the said cases, upon proof of the fact to the satisfaction of any Special Magistrate or two Justices, the licence of the same house for the then current year shall become and be absolutely void, or at the discretion of 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.

Outer doors to be closed on the Lord's Day.

Exception.

73. If any person holding a publican's or wine licence shall not keep the outer doors of his licensed house, or of his separate tap or taproom, closed on Sunday, except a side or private door, from one to three o'clock, and from eight to ten o'clock in the afternoon thereof, unless for the purpose of receiving travellers calling for refreshments on their journey, or remaining at the house during the day or the night thereof, he shall for every such offence forfeit and pay a fine of not less than Five Pounds nor more than Fifty Pounds.

Taps to be cleared, and outer doors closed at eleven o'clock.

Lodgers may be admitted.

74. If any person holding a publican's or wine licence shall not clear his taproom, and close the outer door thereof, and every other outer door of his licensed premises at eleven o'clock of the evening of all working days, and keep the same closed until five o'clock in the morning, he shall for such offence forfeit and pay a penalty of not less than Two Pounds or 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 house after such hour by means of a side or private door: And provided also, that it shall be lawful for every licensed person to clear his taproom and close the door thereof, and every other outer door of his said premises at ten o'clock in the evening.

Liquor not to be sold out of any part of licensed premises when outer doors closed by law.

75. If any person holding a publican's or wine licence shall sell or supply to any person not being a traveller or lodger, living or staying in his licensed house, in the tap or taproom, or upon, or from out of any part of his licensed premises, any liquor or refreshment whatsoever during the hours when every outer door of his licensed house is required to be closed under the provisions contained in the 73rd clause of this Act, he shall forfeit and pay a fine of not less than Two nor more than Ten Pounds for every such offence.

Limitation of hours for opening and closing premises of persons holding store-

76. 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 authorized by his licence,

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licence, except between the hours of six in the morning and eleven at night on the six business days of the week, and not at any hour on Sunday; and if any such holder shall sell any such liquor at any other time than as aforesaid, or shall otherwise act contrary to this enactment, he shall be liable to a penalty not exceeding Two Pounds for every offence, and every separate sale or opening for sale shall be deemed a separate offence.

## PART II.

keeper's, or store-keeper's Colonial wine licences.

77. If any licensed person shall knowingly sell or dispose of, or offer for sale any liquor which shall be adulterated or mixed with any deleterious ingredients whatever, he shall forfeit and pay for every such offence any sum not less than Ten Pounds nor more than Fifty Pounds; and in order to analyze such liquor, it shall be lawful for any Justice, on information on oath made to him, that any such liquor is adulterated as aforesaid, and on the deposit by the complainant of the sum of Two Pounds to defray the expenses of such analysis, to authorize the seizure of such suspected liquor and cause the same to be analyzed by some chemist or other competent person, and the expenses of such analysis shall be a portion of the costs which such Justice shall have power to order to be paid by any person convicted.

Adulterated liquor not to be sold.

78. The Governor in Council may from time to time appoint, and at his discretion remove, any one or more fit and proper person or persons to be Inspector or Inspectors of Public-Houses, wine shops, stores, and premises in respect of which licences shall have been granted under the provisions of this Act.

Appointment of inspectors.

79. 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 Licensing 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 so to do; and such Inspector shall have power, after notice, to object to any application for the granting of new licences, or the renewal or transfer of existing licences, upon any of the grounds specified in this Act as objections to such applications.

Duties of Inspectors.

80. Any Inspector or Inspectors appointed as hereinbefore is mentioned, may at any time enter the house, store, or premises of any person holding a licence under this Act, and search such house, store, or premises, for the purpose of ascertaining whether such licensed person has on his or her premises any ingredient of a deleterious character, which it may reasonably be inferred is kept for the purpose of adulterating the liquor sold, or has for sale any colonial wine or liquor whatever not authorized to be

Inspectors may enter premises of licensed persons.

sold

And seize liquor or take samples.

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And submit same to analysis.

Penalty for obstructing search.

Proviso.

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

Closing of houses against riot.

Admission of Justices from time to time into houses.

sold by the licence held by him or her, and any such Inspector or Inspectors may seize and take away any such colonial wine or liquor, or any colonial wine or liquor whatsoever which he or they may have reasonable grounds for believing is not authorized to be sold as aforesaid, or is unfit for human beings to drink, which he may discover on such licensed premises, and may either on such premises or elsewhere, submit any colonial wine or liquor so seized, or any samples thereof, to any test or analysis which he may consider necessary for determining whether such colonial wine or liquor is authorized to be sold by such licence as aforesaid, or is fit for human beings to drink, and any licensed person as aforesaid, refusing to permit, or wilfully delaying any such search, shall be liable to a penalty of not less than One Pound, nor more than Ten Pounds: Provided always that no such Inspector shall enter any private room or rooms in the actual use or occupation for domestic purposes of any *bona fide* lodger, or of the person holding a licence as aforesaid, unless he shall have first given reasonable notice of his intention to such lodger or licensed person, or in case of the absence of the latter, 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 person appearing to be in charge of such premises as aforesaid.

81. 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 authorize, or employ, or permit or suffer any person to take, or carry any liquor or wine out of, or from the house, shop, store, or 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 house, or in any tent, shed, or other premises of any kind 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 premises of such licensed person, and he shall, for every such offence, forfeit a sum not exceeding Five Pounds.

82. Any two Justices, if any riot or tumult shall happen, or be expected to take place, may order or direct that every person licensed under this Act, and keeping any house situate within their respective jurisdictions where such riot or tumult shall happen, or be expected to take place, shall close his house at any time which the said Justices shall order or direct, and any person who shall keep open his house at or after any hour at which such Justices shall so have ordered or directed such house to be closed, shall forfeit and pay any sum of money not exceeding Ten Pounds.

83. Any Justice, or Commissioner, Inspector, or Sub-Inspector of Police, or Inspector of Public-Houses, may demand entrance, from time to time, into any licensed house, or any constable specially authorized in writing signed by any Commissioner, Inspector, or Sub-Inspector of Police, or by any Justice, or Inspector of Public-Houses

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## PART II.

Houses may, in any particular instance, demand entrance into any licensed house, 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 Ten Pounds: Provided, that if such admittance be refused or wilfully delayed, such Justice, Inspector, Sub-Inspector, or constable, or Inspector of Public-Houses, as aforesaid, may break into and employ force to enter such licensed house as aforesaid.

84. Every person holding a licence under this Act shall, on demand, at his licensed house, 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.

85. 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 authorized 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 selling liquor otherwise than authorized by licence.

86. 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, anything in this Act to the contrary, notwithstanding. Persons holding storekeeper's, or storekeeper's Colonial wine licence not to hold wine licence or retailing licence.

PART III.—And with regard to offences against this Act by persons not holding licences:

## PART III.

87. If any unlicensed 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, he shall forfeit and pay for every such offence a sum not less than Ten Pounds nor more than Fifty Pounds. *See SKIY QBD 182* No person to retail less than five standard gallons without having a licence.

88. The provisions of this Act 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 any known or practising physician, apothecary, surgeon, chemist, or druggist; nor shall any licence under this Act be required for the sale, in quantities of not less than one reputed quart bottle, by any person the occupier of a vineyard or orchard, and the delivery after sale, and in such quantities as aforesaid, by himself or his servants, 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 Exceptions.

*Licensed Victuallers Act.—1869-70.*

## PART III.

## Proviso.

be not consumed on any premises in the possession or occupation of such person or his servants: Provided also, that 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 such mead, wine, cider, or perry, unless such mead, wine, cider, or perry be the produce of such vineyard or orchard, or actually manufactured by such owner or occupier, and be carried about for sale within the limits of a Corporation or District Council, under a penalty of not exceeding Ten Pounds for each offence.

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

89. If any person who shall have purchased any liquor from any person holding a storekeeper's licence, or a storekeeper's colonial wine licence, shall be found drinking such liquor, or opening any bottle containing such liquor, in or about the house, or on the premises described in the licence granted to such holder, 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.

Liquor carried about for sale, to be seized and condemned.

90. Any Justice, 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 or wine as he or they shall have reasonable cause to suspect to be carried about or exposed for sale in any street, road, or footpath, or in any booth, tent, store, or shed, or in any other place whatsoever, by any person not licensed or authorized 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 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 one or more Justice or Justices, on his or their own view, or on proof of such offence by oath, may convict any person so offending of carrying about for or exposing to sale such liquor or wine 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 or Justices may adjudge such liquor, wine, 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.

91. Upon information in writing, and on oath being made before any Justice, by any constable or creditable person, that he suspects and believes that any liquor is habitually sold or retailed in any unlicensed house or place, to be described in such information (such constable or other person in such information setting forth and showing



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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 liquors 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 adjudge the same to be condemned, 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.

## PART III.

Liquors found may be condemned and sold.

PART IV.—And with regard to legal procedure and evidence :

## PART IV.

92. 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 be heard and determined in a summary way by any Special Magistrate or two Justices, under the provisions of an Ordinance of the Governor and Legislative Council No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of Session with respect to summary convictions and orders," 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. I. 2 to the said Ordinance No. 6 of 1850.

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

93. For the purposes of this Act every public notice appearing in the *Government Gazette*, and having the signature of any public officer thereto affixed, shall be deemed and taken to be in all judicial proceedings whatever, without other proof on production only of such *Gazette*, conclusive evidence (unless rebutted by a legally proved negative) of licences having been issued to, the persons named in any official notification inserted in such *Gazette* as having had

Unless legally rebutted, notices appearing in *Gazette* to be conclusive evidence.

*Licensed Victuallers Act.—1869-70.***PART IV.**

had licences issued to him or them, and that the said licences were in the forms prescribed by this Act.

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

94. 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.

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

95. 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 is or are licensed for the sale of any liquor, or that such liquor is sold or served therein, or for there being found 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 as mentioned in clauses 87 and 89, the burden of proving that such liquor was not so carried or exposed for sale shall be cast on the party or parties carrying or exposing the same.

Liquor seized for being carried about, burden of proof on defendant.

Evidence of sale.

96. The delivery of any liquor either by the owner or occupier, or his or her servant, or other person in the house or place, shall be deemed and taken to be good *prima facie* evidence of money or other consideration being given for the same, so as to support a conviction, unless proof shall be made to the contrary to the satisfaction of the Special Magistrate or Justices hearing the case.

What shall be deemed retailing.

97. If any unlicensed person, being a dealer in other things than liquor shall give away or deliver any liquor to any person coming or sending to his house for other things, under the pretence of such person being a customer, or under any pretence whatever, or shall sell or deliver any such 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.

98. 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.

99. No

*Licensed Victuallers Act.—1869-70.*

99. No conviction shall be had under this Act for any offence happening more than three calendar months before the time of filing the information or complaint.

## PART IV.

Informations to be within three months after the offence.

100. 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 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.

Appeal to Adelaide Local Court of Full Jurisdiction.

*In SR 16 QBD 711*

101. 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 to 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.

PART V.—And with regard to the distribution and application of penalties and moneys received for licences:

## PART V.

102. One half of every pecuniary penalty imposed by this Act shall (except where otherwise directed) be paid to the use of Her Majesty, and the other moiety to the use of the complainant or informant, over and above any costs or charges to which he may be entitled: Provided always, that all such fines, penalties, and forfeitures whatever may be remitted wholly or in part, and either with or without conditions, by the Governor.

Distribution of penalties.

103. All

*Licensed Victuallers Act.—1869-70.***PART V.**

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

103. All moneys that may be received for licences or for penalties, excepting moieties of the same assigned to informers by this Act, or as fees under and by virtue of this Act, shall be and are hereby reserved to Her Majesty, Her heirs and successors, for the public uses of the said Province, and the support of the Government hereof.

**PART VI.**

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

**PART VI.**—And with regard to protection to officers and general matters :

104. The Governor, upon the recommendation of the Marine Board (such recommendation to be signed by the President and Secretary of the said Board), may 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 such regulations shall be published in the *Gazette*, and being so published, 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.

Protection to officers.

105. 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.

In the name and on behalf of the Queen I hereby assent to this Act.

JAMES FERGUSSON, Governor.

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## SCHEDULES REFERRED TO.

## SCHEDULE A.

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

[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 in \_\_\_\_\_ street, at \_\_\_\_\_, and which I intend to keep as an inn or public house to be called the \_\_\_\_\_

[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.*

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, and which I intend to keep as a store.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

A.B.

*Form of Application for a Wine Licence.*

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 in \_\_\_\_\_, and which I intend to keep as a wine house.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

A.B.

## SCHEDULE B.

*Form of Housekeeper's Certificate as to the Applicant.*

We, the undersigned housekeepers, 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., of  
K.L. of  
M.N. of

} [Here insert place of residence, and add to it trade or calling.]



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## SCHEDULE F.

*Form of a Storekeeper's Licence.*

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. 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 said Licensing Bench.

Issued the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_. E.F., Treasurer.

## SCHEDULE G.

*Form of Wine Licence.*

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 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 H.

*Form of Storekeeper's Colonial Wine Licence.*

WHEREAS A.B., of \_\_\_\_\_, hath paid into my office the sum of £ \_\_\_\_\_ sterling, for a Storekeeper's Colonial Wine Licence: Now I, the undersigned, being the Treasurer of South Australia, do hereby licence the said A.B. 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\_\_\_\_.  
C.D., Treasurer.

## SCHEDULE I.

*Form of Notice of intention to apply for transfer of Licence from one person to another.*

I, A.B., the holder of [*state the nature of licence*] licence for the house and premises known as [*or the shop, store, or rooms, as the case may be*] situate at \_\_\_\_\_, do hereby give notice that it is my intention to apply to the Licensing Bench

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Bench of Justices for the District of \_\_\_\_\_, sitting at their quarterly meeting, to be holden at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ [next or instant] to transfer the said licence to C.D., of \_\_\_\_\_ [state present occupation, if any, of proposed transferee.]  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_ .

A. B.

## SCHEDULE J.

*Form of Endorsement of a transfer from one Person to another.*

I, the undersigned, Clerk to 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 \_\_\_\_\_, for the purpose of transferring licences, do hereby certify that upon the application of the within named A.B., the requisite notices for such transfer having been proved before the said Bench to have been duly given, the said Bench has transferred the rights and privileges of the within licence to C.D. 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.

## SCHEDULE K.

*Form of Notice of application to remove Licence to other Premises.*

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 L.

*Form of Endorsement of a removal from one House to another.*

I, the undersigned, Clerk to 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 within licence 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 \_\_\_\_\_ .

C.D.

## SCHEDULE M.

*Conviction.*

South Australia } Be it remembered that A.B., of \_\_\_\_\_, being the holder  
 to wit. } of a \_\_\_\_\_ licence, is this day convicted before us, the undersigned, two of Her Majesty's Justices of the Peace for the said Province (or me, the undersigned, a Special 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 before us (or me) that the said A. B. has been twice before convicted within a period of three calendar months of offences against the Licensed Victuallers Act, 1869: 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.

E.F.

SCHEDULE



*Licensed Victuallers Act.—1869-70.*

## SCHEDULE N.

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

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, 1869," and that he is a proper person to enter into and carry on the business of, and in the premises licensed under, a publican's or wine licence, of date of the \_\_\_\_\_ day of \_\_\_\_\_, and I therefore hereby authorize him to enter and carry on business therein until the next 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.  
C.D.

## SCHEDULE O.

*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 conditions 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.

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 record of applications kept by the Clerk of the Adelaide Licensing Bench; 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.

3. At the annual meeting 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.

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 Police Inspectors of Public-houses, 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 objection.

5. At the quarterly meetings, the order of conducting the business shall be the same as at the annual meetings.

6. No applications that have been decided at an annual or quarterly meeting shall be reopened at an adjourned annual or quarterly meeting, unless the Bench is composed of the same Justices who heard the application, or in pursuance of leave granted at the original hearing.

7. On the hearing of any applications, 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.

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

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

10. 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 made 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.

11. The

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*Licensed Victuallers Act.—1869-70.*

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

12. No objection, in respect of the character of any applicant, shall be entertained by the Bench, unless notice has been given 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.

13. 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 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.

14. No objection from the police shall be entertained, unless the nature of the objection shall have been stated in the Commissioner's report or written notice; and no objection of any kind shall be entertained, unless notice thereof has been given in the terms of this Act.