



ANNO TRICESIMO NONO ET QUADRAGESIMO
VICTORIÆ REGINÆ.
A.D. 1876.

No. 52.

An Act to amend the Licensed Victuallers Act.

[Assented to, 17th November, 1876.]

WHEREAS it is expedient to amend the “Licensed Victuallers Act, 1869,” by giving additional power to memorialists against the granting of publicans’ or wine licences, and for other purposes as hereinafter mentioned—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 :

Preamble.

1. No certificate, authorizing the granting of a licence under the said “Licensed Victuallers Act, 1869,” shall be granted if a memorial against the granting of the same, signed by at least two-thirds of the ratepayers in the immediate neighborhood, be presented to the Licensing Bench. The genuineness of the signatures to such memorial to be verified on oath before the Bench by the person or persons in whose presence the same may have been written: Provided that no such memorial shall be received unless it be signed by twenty persons at the least, and that the same be proved to amount to two-thirds of the adult ratepayers: Provided also that nothing herein contained shall be held to apply to or in any way affect houses in respect of which licences shall have previously been granted, and this clause shall only apply to publicans’ and wine licences.

Valid objection.

Signature to be verified.

2. The words “ratepayers in the immediate neighborhood,” shall mean those persons only whose names appear on the assessment book of the Corporation or District Council within which the house for which the licence is sought and is being objected to shall be situated at the date when such petition shall be presented, and who, if

Definition of “Ratepayer.”

The Licensed Victuallers Amendment Act.—1876.

if resident in a city, town, or village, shall reside within a radius of two hundred yards from the front door of such house, or if beyond the boundaries of a city, town, or village, of not more than one mile from the front door of such house.

Form of memorial.

3. Such memorial shall be in the form contained in the Schedule hereto appended, or to the like effect.

Permission to issue licences within specified neighborhood upon memorial only.

4. A memorial having been presented in terms of this Act against the granting of a licence or licences, it shall not be lawful for the Licensing Bench, at any future sitting, to entertain an application from any person or persons within the said area in respect of any house for which a licence has been refused, unless there should be presented a memorial in favor of granting a licence or licences, signed by a majority of the ratepayers, and the genuineness of the signatures verified, as provided for in case of valid objection in section 1 of this Act.

Memorial to be lodged.

5. The memorial mentioned in section 1 of this Act, with a copy thereof for service on the applicant by the Clerk of the Licensing Bench, shall be lodged with the said Clerk within three calendar months after any person shall have deposited with the said Clerk plans of any building which it may be intended to erect, and in respect of which it may be intended to apply for a publican's or wine licence: Provided that notice of the deposit of such plans shall be given by the said Clerk by three advertisements (at least) in the *Government Gazette* forthwith, after the deposit of such plans with him.

Short title of Act.

7. This Act may be cited as "The Licensed Victuallers Amendment Act, 1876."

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

A. MUSGRAVE, Governor.

The Licensed Victuallers Amendment Act.—1876.

SCHEDULE.

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

We, the undersigned ratepayers in respect of property in the immediate neighborhood of the house (or houses) for which a licence (or licences) is (or are) applied for by [*here give name of applicant or applicants*], do hereby request that no certificate shall be granted to enable a publican's licence (or wine licence) to be issued in respect to house (or houses) [*here describe it or them*] within the boundaries of our neighborhood [*here define the boundaries from each cardinal point*].

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