



ANNO QUADRAGESIMO ET QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1877.

No. 68.

*An Act to amend the "Licensed Victuallers Amendment Act, 1872,"
and the "Licensed Victuallers Amendment Act, 1876."*

[Assented to, 21st December, 1877.]

WHEREAS it is expedient to amend the "Licensed Victuallers Amendment Act, 1872," and the "Licensed Victuallers Amendment Act, 1876"—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and the 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 Victuallers Amendment Act, 1877," and shall commence and take effect from and after the passing hereof.

2. Except so far as the same is inconsistent with or altered by this Act, the "Licensed Victuallers Act, 1869," the "Licensed Victuallers Amendment Act, 1872," and the "Licensed Victuallers Amendment Act, 1876," shall be incorporated and read herewith as forming one Act.

3. Sections 18, 19, and 20, of the "Licensed Victuallers Amendment Act, 1872," are hereby repealed except so far as may be necessary for supporting any conviction or other proceeding under the same, made or taken before the passing of this Act.

4. If any person holding a publican's or wine licence shall not keep the outer doors which face a public thoroughfare and which are immediately connected with one of the taprooms of his licensed house,

Preamble.

Short title.

Incorporation of Act with the "Licensed Victuallers Act, 1869," the "Licensed Victuallers Amendment Act, 1872," and the "Licensed Victuallers Amendment Act, 1876."

Repeal of sections 18, 19, and 20 of the "Licensed Victuallers Amendment Act, 1872."

Outer doors connected with taproom and facing a public thoroughfare to be closed on Sunday.

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Liquor not to be sold on that day.

house, closed on Sundays, he shall for every such offence forfeit and pay a fine of not more than Five Pounds; and if any such person shall on that day sell or supply to any person not being a *bonâ fide* traveller calling for liquor or refreshment on his journey, or a *bonâ fide* lodger, living or staying in his licensed house during the day and night, in the tap or taproom or upon or from or out of any part of his licensed premises, any liquor or refreshment whatsoever, except between the hours of one and three in the afternoon, he shall, for any such offence forfeit and pay for the first or second offence a fine of not less than Five Pounds nor more than Fifty Pounds, and for the third offence, in addition to a like penalty, shall be incapable of holding a licence under the "Licensed Victuallers Act, 1869," or the Acts incorporated therewith: Provided that such person holding a publican's or wine licence shall not be liable for the aforesaid penalties if it can be shown to the satisfaction of the Court, who shall hear the case, that the person holding such licence was imposed upon by the person who had been unlawfully admitted to such house as a *bonâ fide* traveller by false representations.

Who are *bonâ fide* travellers.

5. No person shall be deemed a *bonâ fide* traveller within the meaning of the next preceding section, unless he shall reside at least five miles from the licensed premises where he shall be supplied with liquor or refreshment, and shall have travelled at least that distance on the day when he shall be so supplied. Every person who, by falsely representing himself to be a *bonâ fide* traveller, or a lodger, buys or obtains, or attempts to buy or obtain, at any licensed premises, liquor or refreshment on Sunday, or between the hours of eleven o'clock p.m. and five o'clock a.m. on week days, shall forfeit and pay for any such offence a fine of not less than Five Pounds nor more than Ten Pounds.

Penalty for false representation.

Houses may be closed on Sundays.

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

Certified list of rate-payers equivalent to assessment book.

7. Any person notifying his intention to oppose the granting of a publican's or wine licence may apply to the Clerk of the City, Town, or District Council, and shall be furnished by the said Clerk with a certified list of the ratepayers residing within the radius prescribed for the operation of this Act on payment of Ten Shillings; and such certified list shall be *prima facie* evidence of the number and names of the ratepayers residing within such radius.

Notice in daily and weekly papers of deposit of plans.

8. Notice of the deposit with the Clerk of the Licensing Court of plans of the house for which a licence is sought, shall be given by the applicant by three advertisements in each of two daily and two weekly newspapers in the said Province.

Penalty for removal of liquor, &c., on Sunday.

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

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

10. Notwithstanding anything in the second section of the "Licensed Victuallers Amendment Act, 1876," contained, the words defining the "ratepayers in the immediate neighborhood" to be persons who reside in a City, Town, or Village, within a radius of two hundred yards from the front door of the house for which a licence is sought; it is now provided that where less than thirty ratepayers are residing within such radius the immediate neighborhood shall include those ratepayers residing within five hundred yards from the front door of the house for which a licence is sought.

Distance of 200 yards in section 2 of Licensed Victuallers Amendment Act, 1876, extended to 500 yards.

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

WM. F. DRUMMOND JERVOIS, Governor.