



ANNO VICESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1858.

No. 14.

An Act to further alter and amend an Ordinance intituled "An Act to regulate the retail of Liquors, and to preserve good order in Licensed Public Houses."

[Assented to, 24th December, 1858.]

WHEREAS, by an Ordinance passed in the second year of the reign of Her present Majesty, intituled "An Act to regulate the retail of Liquors, and to preserve good order in Licensed Public Houses," provision is made for the issuing of licences for the sale of wine, ale, beer, and other malt liquors only; and whereas it is expedient that so much of the said Ordinance as provides for the issue of the aforesaid licences should be repealed and such Ordinance should be amended in other particulars—Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:—

1. From and after the passing of this Act, so much of the said Ordinance as provides for the issue of licences for the sale of wine, ale, beer, and other malt liquors only, shall be repealed.

Left to its operation
Preamble. *George H. D. G.*
14th July 1859

Wine and beer licences abolished.

2. If a holder of a general publican's licence die, become insolvent, or suffer his person or premises to be taken in execution under any process issuing out of any court of competent judicature in the said Province, or become incapable of keeping an inn by reason of sickness or other infirmity, or if he, or his executors, administrators, or assigns, or any person claiming under him or them shall remove from or yield up possession of the house licensed before the expiration of the licence, or if the occupier of a licensed house, about to

Transfer of licence in certain cases provided for.

quit, have wilfully neglected to apply at the annual meeting for a new licence, then it shall be lawful for the family, executors, or administrators of the person dying, or for the assignee or assignees of any insolvent, or any person appointed by him or them, or for the Sheriff or other officer executing such process as aforesaid, or some person or persons authorised by him, or for the creditors or creditor at whose suit such process shall have issued, or in case of sickness or other infirmity, for the wife or some one or more of the family of such licensed person, or his appointee or appointees, or in case of removal or of the possession of the licensed premises becoming vacant, or the occupier having so neglected to give notice as aforesaid, then for the landlord or his agent, or other person *bona fide* entitled to the said premises by sale, mortgage, or otherwise, to enter upon the said licensed premises and continue and carry on the business thereof until the then next quarterly meeting of Justices, or of the District Council of the district, when an application shall be made to the said Justices or District Council, to transfer the licence of such premises to some person appointed by the family, executors, or administrators of such deceased person, or by the Sheriff or such other officer, creditor or creditors as aforesaid, or by such licensed person, in case he shall be incapacitated by sickness or other infirmity, or by the landlord or his agent, or person *bona fide* entitled to the said premises in case of removal or vacancy of possession, or such neglect as aforesaid; and such Justices or District Council shall, if it shall appear to them that no objection to the applicant exists, grant permission to such applicant to continue the business of such premises until the next annual meeting of Magistrates or of such District Council: Provided always, that in case any person or persons as aforesaid shall enter upon any licensed premises and continue the business thereof, under the provisions in that behalf hereinbefore contained, such person or persons shall, within seven days after such entry, give notice thereof, in writing, to the Clerk to the Magistrates or District Council or other officer appointed for that purpose, with the names of two housekeepers, proposed as sureties in lieu of the sureties of the licensed person so dying, becoming insolvent, suffering execution to be levied, becoming incapacitated, or removing as aforesaid; and shall, on receiving notice from the said Clerk to the Magistrates or District Council or other officer, attend before a Special Magistrate within or nearest to the district in which the premises shall be situated with his sureties, and enter into a recognizance in the form prescribed in Schedule B annexed to the said Ordinance, so far as the same shall be applicable: And provided also, that in case a licensed person shall remove, or the possession of licensed premises shall become vacant, and the occupier shall have neglected to give such notice as aforesaid, then the person entering shall, upon permission being granted by such Justices or District Council as aforesaid to carry on the business of the licensed premises, pay to the Colonial Treasurer the amount of annual licence-money due in respect thereof under the provisions of the said Ordinance.

3. It shall be lawful for the Governor, upon the recommendation of the Trinity Board (such recommendation to be signed by the Master and Secretary of the said Board), to make such regulations, respecting the lamp required to be kept by any licensed publican residing near to the sea coast, as the said Trinity Board may recommend; and such regulations shall be published in the *South Australian Government 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.

Governor may make regulations respecting publicans' lamps, on recommendation of Trinity Board.

4. This Act shall take effect from the passing thereof.

Commencement of Act.

5. This Act may be cited as "The Licensed Victuallers' Act Amendment Act of 1858."

Title of Act.