



## WESTERN AUSTRALIA.

ANNO TRICESIMO NONO

## VICTORIÆ REGINÆ.

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No. XI.

AN ACT to further amend “The Wines, Beer, and Spirit Sale Act, 1872.”

[Assented to, 21st December, 1875.]

**W**HEREAS it is expedient further to amend “The Wines, Beer, and Spirit Sale Act, 1872;” Be it therefore enacted by His Excellency The Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:— Preamble.

**1** THIS Act may be cited as “The Wines, Beer, and Spirit Sale Act, 1872, Amendment Act, 1875,” and shall be read and taken as one with the said Act. Short Title.

## 39° VICTORIÆ, No. 11.

### *Wines, Beer, and Spirit Sale—Amendment.*

Amendment of sec. 22 of the Act of 1872.

**2** THE twenty-second section of the said Act is hereby amended by omitting the proviso at the end thereof.

Persons convicted under section 38 to be imprisoned as well as fined.

**3** ANY person convicted under the thirty-eighth section of the said Act shall, in addition to forfeiting and paying the sums there mentioned, and irrespectively of any commitment to prison to which he may subject himself by reason of the non-payment of any such fines or penalties, for a first offence be imprisoned and kept to hard labor for a term not exceeding three calendar months, and for every subsequent offence be imprisoned and kept to hard labor for a term not exceeding six calendar months.

Provisions of secs. 54 & 65 extended to all licensed houses.

**4** FROM and after the passing of this Act, the provisions of section fifty-four of the said Act shall be and the same are hereby extended to all houses, shops, or premises licensed for the sale of Colonial Wine, and the provisions of section sixty-five of the said Act shall be and the same are hereby extended to all houses, shops, and premises licensed for the sale of Colonial Wine, and to all licensed eating, boarding, and lodging houses.

Power to Justices and police to take samples of liquor for analysis.

**5** IT shall be lawful for any Justice of the Peace, or for any Sergeant or Corporal of Police, to demand and take for analysis samples of any liquor found by him upon any licensed house or the appurtenances thereof, upon payment of a reasonable sum for the same; but the proprietor or other person in charge of the said licensed house shall be entitled to seal up the bottle or other vessel in which such liquor is put, and to be present, personally or by his agent, at the breaking of such seal and the analysis of such liquor, and such seal shall not be broken or such liquor analysed without due notice to the said proprietor of the said house. The result of any analysis made of any samples taken under this section shall not be given in evidence in any proceeding taken under section sixty-six of the said Act unless the requirements of this section respecting the same are strictly complied with.

Penalty for supplying liquor to intoxicated persons.

**6** NO holder of any license shall, either in his house or on any of the appurtenances thereof, supply any liquor to any person in a state of intoxication, under a penalty, for each such offence, of any sum not less than Two pounds nor more than Five pounds. And if any such intoxicated person be allowed to remain on such premises the holder of such license shall in each case be liable to the same penalty.

## 39° VICTORIÆ, No. 11.

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### *Wines, Beer, and Spirit Sale—Amendment.*

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**7** THE sixty-fourth section of the said recited Act is hereby amended by omitting therefrom the words “and of proof to the satisfaction of any Justice that such person has been previously convicted of a like offence.” Section 64 of 36 V. 5 amended.

**8** SECTION forty-one of “The Wines, Beer, and Spirit Sale Act, 1872,” is hereby repealed. Section 41 of 36 V. 5 repealed.

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

WILLIAM C. F. ROBINSON, Governor.