



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XII.

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

[Assented to, 3rd July, 1878.]

WHEREAS 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, 1878," and this Act and the said
Act of 1872 shall be read and taken together as one Act.

Short Title and incorpor-
ation with 36 V., No. 5.

42° VICTORIÆ, No. 12.

Wines, Beer, and Spirit Sale Act, 1872—Amendment.

Any Licensing Justice may state an objection to the granting of any license, and after hearing applicant thereon, it shall be in the discretion of the Justices to grant or withhold certificate.

2 WHENEVER any application shall be made for any license, or for the transfer of any license under the twentieth section of the said Act of 1872, it shall be lawful for the licensing magistrates or any one of them, although no objection is made to such application by any person or by any corporate body pursuant to the provisions of section twenty-three or section twenty-four of the said Act, to make any objection that may be lawfully made to the granting of such application by stating the same in open court as matter within his or their knowledge, and thereupon the applicant shall be heard by himself and his witnesses upon the matter of such objection, and may, if necessary, apply for an adjournment of the case, to afford him a better opportunity of answering such objection; and after hearing such objection and the applicant as aforesaid, it shall be in the absolute discretion of the Licensing Justices to grant or withhold the certificate set forth in the Seventeenth Schedule of the said Act, as they may see fit.

Penalty for keeping billiard or bagatelle table without license.

3 ANY person not being the holder of a publican's general license, who shall after the 30th September next, in any house keep or maintain a billiard table or a bagatelle table open to the public, without being duly licensed to keep and maintain such table in such house, shall, on conviction thereof, forfeit and pay any sum not exceeding Ten pounds.

Sec. 6, 39 V. 11, repealed.

4 SECTION six of "The Wines, Beer, and Spirit Sale Act, 1872, Amendment Act, 1875," shall be and the same is hereby repealed.

Penalty for supplying liquor to intoxicated persons.

5 IF any person shall, in any house licensed under this Act, or upon any of the appurtenances thereof, supply to any other person whilst in a state of intoxication any intoxicating liquor, the person so supplying such liquor shall forfeit and pay, for every such offence, any sum not exceeding Five pounds.

Penalty for allowing intoxicated persons to remain on premises.

6 IF any holder of any license under this Act, or any agent, barman, or servant acting for or on behalf of such holder, shall knowingly or carelessly allow any intoxicated person to remain in or upon his licensed house or any of the appurtenances thereof, the holder of such license shall in each case be liable to a penalty of any sum not exceeding Five pounds. Provided, nevertheless, that if upon the hearing of any information or complaint against any such licensed person for a breach of this section, it shall be proved to the satisfaction of the Justice or Justices of the Peace by whom such information or complaint shall be heard or determined, that the intoxicated person whom such licensed person, his agent, barman,

Proviso.

42° VICTORIÆ, No. 12.

Wines, Beer, and Spirit Sale Act, 1872—Amendment.

or servant as aforesaid, has allowed to remain in or upon his licensed premises, was, at the time of the alleged offence, a *bonâ fide* lodger at such licensed person's house, and that every due and proper precaution was observed by such licensed person, his agent, barman, or servant as aforesaid, to prevent such lodger from drinking, or expending his money upon intoxicating liquor whilst in a state of intoxication, then such information or complaint shall be dismissed as against such licensed person.

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

H. ST. GEORGE ORD, Governor.