



WESTERN AUSTRALIA.

ANNO QUADRAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. IX.

AN ACT to Consolidate and Amend the Laws relating to the Licensing of Public Houses and the Sale of Fermented and Spirituous Liquors.

[Assented to, 6th September, 1880.]

WHEREAS it is expedient to consolidate and amend the laws relating to the licensing of public houses and the sale of fermented and spirituous liquors: Be it 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:—

1 THIS Act may be cited for all purposes as “The Wines, Beer, and Spirit Sale Act, 1880,” and shall come into operation on and after the first day of November, 1880; and the sections thereof are arranged in parts, as follows:—

Title and arrangement of Act.

PART I.—Various Licenses and Fees payable thereon: s.s. 4 to 15.

PART

The Wines, Beer, and Spirit Sale Act, 1880.

PART II.—Conditions of obtaining Licenses: s.s. 16 to 19.

PART III.—Hearing of, and objections to, Applications: s.s. 20 to 31.

PART IV.—Rehearing of Applications and Renewal of Licenses: s.s. 32 to 33.

PART V.—Transfer and removal of Licenses: s.s. 34 to 38.

PART VI.—Duties and liabilities of Licensees and others: s.s. 39 to 87.

PART VII.—Application of fees and penalties: s.s. 88 to 89.

Repeal of certain Acts.
First Schedule.

Saving Clause.

2 THE Acts mentioned in the First Schedule are hereby repealed, except as to any proceeding under the said Acts or any of them, and all offences committed, and all penalties, forfeitures, and liabilities incurred under any of the said Acts may be respectively prosecuted, levied, and enforced as if this Act had not been passed; and any license issued under the authority of any of the said Acts, and in force at the date of the commencement of this Act, shall confer the same rights and subject the licensee to the same duties, disabilities, obligations, penalties, and forfeitures as if the license had been issued under the authority of this Act.

Interpretation.

3 THE following words, unless where the contrary appears from the context, are used in this Act with the meaning hereby assigned to them respectively:—

“Liquor” shall mean any wine, spirits, ale, porter, cider, perry, or other spirituous or fermented liquor of an intoxicating nature.

“Spirituous Liquors” shall mean any liquors exceeding in strength thirty per centum of proof spirit.

But nothing in this Act shall apply to any person selling any spirituous or distilled perfume *bonâ fide* as perfumery, nor to any person who may sell wine, cider, or perry in quantities not less than twenty-five gallons at any one time, the produce of grapes, apples, or pears respectively of his own growth, and not to be consumed on the premises; nor to any apothecary, chemist, or druggist who may administer or sell any spirituous or fermented liquors for medicinal purposes; nor to any Military canteen established under the regulations of Her Majesty's service; nor to any person or persons occupying any premises *bonâ fide* as a club.

PART I

The Wines, Beer, and Spirit Sale Act, 1880.

PART I.—VARIOUS LICENSES AND FEES PAYABLE THEREON.

4 THE Licenses granted under this Act shall, with the exception of the temporary license hereinafter mentioned, be in force to the end of year for which the same shall be granted respectively in the forms following:—

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| 1.—A Publican's General License in the form contained in the Second Schedule. | Second Schedule. |
| 2.—A Packet License in the form contained in the Third Schedule. | Third Schedule. |
| 3.—A Wine and Beer License in the form contained in the Fourth Schedule. | Fourth Schedule. |
| 4.—A Spirit Merchant's License in the form contained in the Fifth Schedule. | Fifth Schedule. |
| 5.—A Gallon License in the form contained in the Sixth Schedule. | Sixth Schedule. |
| 6.—A Colonial Wine License in the form contained in the Seventh Schedule. | Seventh Schedule. |
| 7.—A Billiard Table License in the form contained in the Eighth Schedule. | Eighth Schedule. |
| 8.—A Temporary License in the form contained in the Ninth Schedule. | Ninth Schedule. |
| 9.—An Eating Boarding and Lodging House License in the form contained in the Tenth Schedule. | Tenth Schedule. |
| 10.—A Wayside House License in the form contained in the Eleventh Schedule. | Eleventh Schedule. |

5 A PUBLICAN'S General License shall authorise the licensee to sell and dispose of any liquor in any quantity on the premises therein specified.

Effect of Publican's General License.

6 A PACKET License shall authorise the master of the vessel therein mentioned, being a vessel by which passengers shall be conveyed from any place within the said Colony or its dependencies to any other place within or without the said Colony and exercising such license on her passage between any such places, to sell and dispose of liquor to any passenger on board of such vessel. Provided that no license shall be necessary to authorise the granting of allowances of liquor to the crew of such packet or vessel.

Effect of Packet License.

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Effect of Wine and Beer License. **7** A WINE and Beer License shall authorise the licensee to sell and dispose of any wine or beer the produce of the Colony in any quantity on the premises therein specified.

Effect of Spirit Merchant's License. **8** A SPIRIT Merchant's License shall authorise the licensee to sell and dispose of any imported spirituous liquors or wine in quantities not less than two gallons, or any other imported fermented liquors in quantities not less than eight gallons. Provided that no such license shall authorise the sale of any such liquors except in the casks or cases in which such liquor was imported.

Effect of a Gallon License. **9** A GALLON License shall authorise the licensee to sell and dispose of any liquor in quantities not less than one gallon, not to be drunk on the premises in which such liquor is sold: Provided that such liquor shall consist of but one description of liquor, and be delivered and shall be taken away from the premises at one and the same time, and not by instalments, at the time of sale.

Effect of Colonial Wine License. **10** A COLONIAL Wine License shall authorise the licensee to sell and dispose of any wine, cider, or perry, the produce of fruit grown in the Colony, in quantities not less than one pint, and not to be drunk on the premises. For the purposes of this Section the word "premises" shall mean not only the licensed house but the appurtenances thereof over which the licensee may reasonably be expected to exercise due supervision; provided that nothing herein shall prevent such licensee from supplying liquor for the use of members of his household or servants residing on his premises. Provided, that if any such wine cider or perry shall contain more than twenty-five per centum of proof spirit, it shall be deemed to be for all purposes of the law "spirituous liquors;" And all liquor sold or offered for sale by any person licensed or not licensed under this Act as being wine cider or perry produced in the Colony or sold or offered for sale by any other name by which such liquors are usually designated or known shall, as against such person so selling or offering for sale, be deemed to be wine cider or perry within the meaning of this Act.

Effect of a Billiard Table License. **11** A BILLIARD Table License shall authorise the holder thereof to keep and maintain a billiard table or a bagatelle table or both in his licensed house. Provided that the holder of a publican's general license shall be entitled to keep and maintain such billiard table or bagatelle table in his licensed house without paying any fee beyond that paid for such license.

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12 A TEMPORARY License shall authorise the licensee, being also the holder of a publican's general license, or the holder of a wine and beer license, or the holder of a wayside house license, to exercise the privileges of his license at any fair, military encampment, races, regatta, rowing match, cricket ground, or other place of public amusement, during the continuance of such public amusement.

Effect of a Temporary License.

13 AN Eating, Boarding, or Lodging House Keeper's License shall not authorise the licensee to sell or dispose of any liquor to any boarder or lodger in his licensed house, but it shall authorise him to cause such boarders and lodgers to be supplied from any house licensed for the sale of fermented or spirituous liquors with any liquor to be consumed in the house and upon the premises; And for the purposes of this Act any person taking any meal in such house shall be considered a boarder or lodger.

Effect of an Eating, Boarding, or Lodging House Keeper's License.

14 A WAYSIDE House License shall authorise the licensee to sell and dispose of any liquor in any quantity on the premises therein specified: Provided that no license for a wayside house shall be granted for any house or premises situated within a distance of ten miles from any Townsite, houses licensed at the date of the coming into operation of this Act alone excepted: Provided further that notwithstanding anything herein contained the majority of Licensing Justices assembled at any quarterly licensing meeting may issue certificates for wayside houses in or near any Townsite in which the population does not exceed fifty persons. Provided, also, that it shall be competent for the Licensing Justices to insert a Clause in any Wayside License prohibiting any liquors from being taken off the premises, excepting liquors sold to *bonâ fide* travellers.

Effect of a Wayside House License.

15 THE annual fees which shall be paid for such annual licenses and for such temporary license shall be as follow:—

Fees payable for different Licenses.

1. For a Publican's General License, Fifty pounds in Perth and Fremantle, and Forty pounds elsewhere.
2. For a Packet License, Ten pounds.
3. For a Wine and Beer License, Five pounds.
4. For a Spirit Merchant's License, Five pounds.
5. For a Gallon License, Ten pounds.
6. For a Colonial Wine License, Two pounds.
7. For a Billiard Table License, Ten pounds.
8. For a Temporary License, One pound.
9. For an Eating, Boarding, or Lodging House License, One pound.
10. For a Wayside House License, Ten pounds.

Provided

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Provided that if the certificate for such annual licenses respectively be granted after the 31st day of March, the licensee shall pay only three-fourths of such annual fee; and if granted after the 30th day of June, one-half of such fees; and if after the 30th day of September, only one-fourth of such fee.

PART II.—CONDITIONS OF OBTAINING LICENSES.

16 EVERY person who shall desire to obtain a license under this Act, not being a temporary license, shall, fourteen days at least before applying for a certificate authorising the granting of such license, deliver in to the clerk of the Resident Magistrate or Police Magistrate of the District wherein the premises for which such license is applied for are situate, or (in the case of application for a Packet License) to the Clerk of the Magistrates designated by Section 19, and (except a person applying for a certificate authorising the granting of a Spirit Merchant's License or a Packet License) shall affix on the outer side or front of the principal entrance door of the said premises, there to be kept until the day upon which the licensing meeting shall be holden, notice in writing signed by such applicant setting forth the applicant's name, abode, condition, and such desire, at least fourteen days before he shall so apply; and every applicant shall also publish a copy of such notice in a newspaper circulated in the place wherein the premises are situate, or (in the case of a Packet License in the port designated by Section 19) at least seven days before he shall so apply; and the notice of application shall be in such one of the forms in the Twelfth Schedule as shall be applicable; and the applicant shall deliver such notice in triplicate to such clerk, and the said clerk immediately after the receipt of such notices shall post one of such notices inside and another of such notices outside on some conspicuous part of the Court House, office, or building in which the licensing meeting shall be held.

17 NO Publican's General License, Packet License, Wine and Beer License, or Wayside House License shall be granted or transferred as hereinafter mentioned to any person holding office or employment under the Government, nor to any constable nor his deputy or bailiff, nor to any licensed auctioneer with authority to sell by auction on the premises for which any license may be granted under this Act, nor to any person serving under a sentence for any criminal offence whether such sentence be partially remitted or not; nor shall any License, in pursuance of this Act, be granted for any premises

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premises or packet of which, respectively, a constable is the owner, landlord, or proprietor, or wherein such constable has any partnership or share; nor shall any publican's general license or wine and beer license be granted or transferred to any person of the female sex not being a widow of a publican dying during the currency of his license, or a female already so licensed at the coming into operation of this Act.

18 EVERY house for which a publican's general license shall be granted, and every house for which a wine and beer license shall be granted, and every house for which a wayside house license shall be granted, as to which the Justices shall declare in the certificate authorising the license that the same is to be liable to the conditions applicable to an inn or place of resort for travellers, shall at the time of granting such license contain at least two sitting rooms and two sleeping rooms actually ready and fit for public accommodation, independent of the apartments occupied by the family of the publican, and shall also be provided with a place of accommodation in or near the premises for the use of the customers thereof, in order to prevent nuisances or offences against public decency; and shall also be provided with stabling sufficient for the accommodation of six horses at the least, and with a stockyard for the accommodation of twelve bullocks at the least, and with a sufficient supply of hay, oats, barley, or other wholesome and usual provender and water for the horses and bullocks of travellers and others; and such oats and barley shall be sold at a price not exceeding sixpence for each imperial quart; and in case any such licensed house as aforesaid shall cease to be so provided as hereinbefore required, it shall be lawful for any two or more Justices of the Peace, upon proof thereof to their satisfaction, to declare the license of such house to be suspended until such house shall be duly so provided to the satisfaction of the suspending Justices; but in case on the granting of a certificate for a license by such Justices as aforesaid it shall appear to them expedient to grant such certificate upon any other conditions with reference to the extent of accommodation to be afforded to the public in the aforesaid or any other respects, it shall be lawful for the said Justices to insert such conditions in the certificate for such license; and in every case such conditions shall, as regards such person, be taken to be the conditions imposed and binding upon him, under the present Section of this Act.

Every licensed house to possess certain accommodation for travellers and guests.

19 IF any vessel in respect of which an application for a certificate for a packet license shall be applied for shall ply to or from the port or town of Fremantle, such application shall be made to the licensing

Application for Packet Licenses for vessels plying to or from Fremantle.

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licensing Magistrates for the town of Fremantle; and in all other places to the licensing Magistrates nearest to the place or port to which such vessel belongs.

PART III.—HEARING OF AND OBJECTIONS TO APPLICATIONS.

Applications for granting transferring and forfeiting licenses to be judicial proceeding.

20 EVERY hearing of an application for a license and every application for the transfer or forfeiture of such license shall be deemed to be a judicial proceeding, and shall be open to the public, and every applicant shall attend, either personally or by his agent, but the licensing Magistrates may, if they think proper, require the applicant to attend personally at the hearing of an application, at such time and place as may be appointed by the licensing Magistrates at a licensing meeting; and the licensing Magistrates shall hear and determine such applications or objections thereto, and shall and may summon and examine on oath such witnesses as they may think necessary and as near as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of Justices in summary convictions and orders, and shall grant to such persons as may be approved of by such Magistrates certificates in the form in the Seventeenth Schedule authorising the granting of such license as herein mentioned: Provided that every application for a license under this Act and every application for the transfer or forfeiture of a license shall be heard and determined by the licensing Magistrates for the district as hereinafter provided.

Seventeenth Schedule.

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.

21 WHENEVER any application shall be made for any license, or for the transfer of any license, it shall be lawful for the licensing Magistrates or any one of them, although no other objection is made to such application by any person or by any corporate body, 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 this Act, as they may see fit.

Licensing Magistrates.

22 THE licensing Magistrates for a licensing district shall be the Resident Magistrate or Police Magistrate and the Justices of the Peace resident within such licensing district, and all applications for the

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the granting, renewing, transfer, or forfeiture of such licenses shall be heard before such licensing Magistrates, and on such hearing if there be a difference of opinion among them the license may be granted, renewed, transferred, or declared forfeited, as the case may be, by a majority of such licensing Magistrates: Provided that no certificate shall be granted, or license renewed, transferred, or declared forfeited, unless three Justices of the Peace shall be present, of whom the Resident Magistrate or Police Magistrate or person acting as such in the licensing district shall be one.

23 NO Justice of the Peace being a brewer, spirit merchant, malster, or importer of or dealer in wine, or any malt, or spirituous liquors, or concerned in any partnership with any brewer, malster, or dealer in wines, or being the landlord, owner, or part owner of any house licensed, or about to be licensed, or being directly, or indirectly interested in such house, shall sit at or act in any meeting of Justices during the consideration of any application for a certificate for a license, or for the transfer thereof, under any provisions hereinafter contained, or during the consideration of anything relating thereto, or shall convict or join in any conviction or in the consideration or determination of any appeal under this Act; and every Justice who shall knowingly offend in the premises shall, for every such offence, forfeit and pay a penalty or sum of One hundred pounds, to be recovered by action of debt at the suit of the Attorney General for the time being of the said Colony, in the Supreme Court of the said Colony.

What Justices disqualified to Act.

24 IT shall be the right and privilege of any ratepayer in the district to the licensing Magistrates for which district any application for a license is made, or of any other applicant for a license, or of any person already licensed in such district, or of any member of the police force in charge of such district, or the owner or lessor of the premises or vessel proposed to be licensed, to object at any licensing meeting or adjournment thereof to the granting, renewal, removal, transfer, or transmission of a license; and the objections that may be taken at the time of hearing of such application may be one or more of the following: That the applicant is of bad fame and character or of drunken habits, or has within six months previously been deprived of a license, or that the premises in question have not the accommodation required by the seventeenth and eighteenth sections of this Act, or reasonable accommodation if the said premises be not subject to the said statutory requirements, or that the licensing thereof is not required in the neighborhood, or that the premises are in the immediate vicinity of a place of public worship,
hospital,

Objections to licenses.

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hospital, or school, or that the quiet of the place in which such premises are situate will be disturbed if a license be granted, or any other objection (whether or not of the same kind as any of the preceding objections) which appears to the licensing Magistrates to be sufficient: Provided that it shall not be necessary to give to the applicant any previous notice of objections to the granting of a license; but the applicant may if he think fit, on objections being raised thereto at the hearing of which previous notice has not been given to the applicant three days before the hearing of such application, apply for an adjournment thereof.

Objection by corporate bodies.

25 IT shall be lawful for the Council of any city or town, or the board of any road district, to authorise any person on behalf of such council or board to object on behalf of the ratepayers of the same to the granting of any application for a license on the ground that there are already a sufficient number of licensed premises within the boundaries of such city, town, or road district, or in the part thereof in which the license for the said house is sought; or on any ground of objection mentioned in or authorised by the preceding Section; and the licensing Magistrates, or such majority of them as aforesaid, shall at the licensing meeting entertain any petition or memorial from the ratepayers of the said district, on proof of the authenticity of the signatures thereto, and if it shall appear to such licensing Magistrates that a majority of the ratepayers in the neighborhood of the house proposed to be licensed object to the granting of such application, such licensing Magistrates shall refuse to grant such application; and the licensing Magistrates, or the majority of them as hereinbefore mentioned, shall in each case at their discretion determine what is to be deemed the neighborhood for the purpose of this Section.

Licensing meetings to be appointed.

26 EVERY application for a license shall be made to the licensing Magistrates for the district wherein the premises are situated, and such licensing Magistrates shall on the first Monday in the months of September, December, March, and June, in each year, hold one licensing meeting in the said district. And such licensing meeting shall be held during the said months and not oftener, and shall be called quarterly licensing meetings; but in case the Resident Magistrate or Police Magistrate for a licensing district shall from any cause whatever not be present at any Licensing Meeting in the said district such meeting shall be adjourned by the Justice or Justices present thereat for any period not exceeding one month. And if any applicant for a license shall, as hereinbefore mentioned, require an adjournment, such meeting

In case of absence of Resident Magistrate at a Licensing Meeting same to be adjourned.

may

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may be (at the discretion of the licensing Magistrates) adjourned for any period not exceeding one month, or to the nearest or next licensing meeting, upon such terms as to costs or otherwise as the Magistrates may think proper.

27 TEMPORARY licenses may be granted, upon payment of the fee herein specified for the same, by the Resident or Police Magistrate of the district wherein the applicant may reside, or (in the absence of such Resident or Police Magistrate) by any Justice or Justices or majority of Justices of the Peace present at any holding of a Court of Petty Sessions as well as at any licensing meeting as aforesaid, and subject to such conditions as may be deemed fit, and the judgment of such Resident Magistrate or Police Magistrate or other Justice or Justices shall be final to all intents and purposes.

Provision for granting certain licenses at any time.

Decision of licensing Magistrate to be final.

28 IF the licensing Magistrates, or such majority as aforesaid, shall refuse to grant any application, they may order payment of a sum to meet the reasonable costs and expenses of the person who shall have objected successfully to the granting of such application to be paid to such person by the unsuccessful applicant: Provided also that if the opposition to such application shall appear vexatious or malicious, such licensing Magistrates may order payment of a sum to meet the reasonable costs and expenses of the successful applicant to such successful applicant by the person so unsuccessfully opposing the application; and every such order and every other order for the payment of costs and expenses under this Act may be enforced in like manner as any order of Justices may be enforced under any Act now or hereafter to be in force relating to Justices.

Costs of application.

29 IF the licensing Magistrates, or such majority as aforesaid, shall grant the application, the Resident Magistrate or Police Magistrate shall forthwith transmit to the Collector of Internal Revenue for the time being, or to such other person or persons as may be appointed by the Governor for the purpose of issuing licenses under this Act a list signed by himself, specifying the names and residences of all persons to whom any such certificates shall have been so granted, and the nature of the license authorised by each certificate; and specifying further with regard to all publican's general licenses, wine and beer licenses, and wayside house licenses, the situation and sign or name of each house, and if not in a town its distance from the nearest licensed house in each line of road, and the name of the owner or proprietor, and also whether before licensed or not.

Certificate to issue to licensees and lists to be transmitted by Resident or Police Magistrate.

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Certificate to be void for non-payment of license fee.

30 EVERY certificate shall be void, unless the sum to be paid for every such license be paid as herein required to such Collector of Internal Revenue, or to such other person as aforesaid, within fourteen days after the granting of such certificate. And the Collector of Internal Revenue or such other person as aforesaid shall forthwith after the receipt of every such certificate and payment, issue such license as is authorised by every such certificate.

Resident Magistrate or Police Magistrate may act if no others attend.

31 WHENEVER at any Quarterly Licensing Meeting to be holden for any town or district as aforesaid, or any adjourned Meeting thereof, three Justices qualified to form a licensing meeting for proceeding under this Act shall not be present by one o'clock of that day at the Court House or other place appointed for the meeting, it shall be lawful for the Resident Magistrate or Police Magistrate of such town or district, being present, to grant any certificate or certificates for a license or licenses under this Act.

PART IV.—REHEARING OF APPLICATIONS AND RENEWALS OF LICENSES.

Application may be renewed.

32 IF such licensing Magistrates shall at any quarterly licensing meeting have refused any application under this Act, such application may, save as hereinafter provided, be renewed at a quarterly licensing meeting (held not less than six months after such refusal) for the district or place in which the premises in respect of which such license is sought are situate, and the provisions hereinbefore contained as to the giving of notices, the hearing of applications and objections, and the ordering of costs to be paid, shall apply to the proceedings at such meeting and to such renewed application, but if the application shall have been refused on the ground that the majority of persons being ratepayers in the neighborhood of the house proposed to be licensed object thereto, the application shall not be renewed until twelve months after such refusal.

Renewal of License on production thereof and payment of annual fee.

33 EVERY licensee shall be entitled, subject to the proviso hereinafter mentioned, to demand and obtain from the licensing Magistrates a certificate authorising the renewal of his license on producing such license and upon payment to the proper officer of the annual fee due in respect of such license, provided such license has not been allowed to expire or has not become void or liable to be forfeited from any cause whatever; Provided also that no objection to such renewal as is hereinbefore mentioned shall have been taken and established in manner by this Act provided to the satisfaction

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satisfaction of the licensing Magistrates on the application for such renewal.

PART V.—TRANSFER AND REMOVAL OF LICENSES.

34 ANY Resident Magistrate or Police Magistrate for the district may, on application in writing by the proposed transferor and transferee, at any time transfer the license of any licensee, other than a temporary license, to the appointee of such licensee if approved of by him, by an indorsement upon the license in the form in the Thirteenth Schedule, for which a fee of Two pounds shall be paid; and thereupon such appointee shall, until the first day of the month following the next quarterly licensing meeting, possess all the rights of such original licensee, and shall be subject and liable to the same duties obligations and penalties as if such license had been originally granted to him: Provided that such appointee shall at the next quarterly licensing meeting apply for an original license; and the provisions hereinbefore contained as to the giving of notices, the hearing of applications for licenses and objections thereto, and the ordering of costs to be paid, shall apply to the proceedings at such meeting, and to such application. No such transfer of a license shall be made nor shall any application for such transfer be entertained until the expiration of three months from the time of the granting or transfer of such license.

Transfer of licenses.

Thirteenth Schedule.

35 IN case of the decease or insolvency of a licensee, his executor or administrators or assignee may, by an agent specially authorised in writing by any Resident Magistrate or Police Magistrate of the district or place within which the premises are situated for that purpose, carry on the business of the person so licensed without any renewal or formal transfer for six months from the date of such decease or insolvency, if the license have so long to run: Provided that such agent shall be subject to the same obligations as the licensee; and in case of the decease of any such licensee, his widow, or if he shall not have left a widow any member of his family or any person on behalf of such family, may carry on the business for a period not exceeding three months from the period of his death, provided that probate of his last will and testament or letters of administration of his effects shall not be sooner granted; and every license under this Act shall confer upon the executor or administrator the same privileges, and (if such executor or administrator shall avail himself of such privileges) shall impose upon him the same duties, obligations, and liabilities as if such license had been granted to him originally.

Business may be carried on by executors, &c., in certain cases.

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- Removal of license from one house to another. **36** IF any holder of a publican's general license, or holder of a wayside house license, or holder of a wine and beer license, shall desire to remove his business from the house described in such license to any other house within the same district, he shall deliver in duplicate to the Clerk of the Resident Magistrate or Police Magistrate of the district a notice in writing in the form in the Fourteenth Schedule, and insert a copy thereof in a newspaper generally circulated in any such district, and also produce the personal or written consent of the landlord; and such Clerk shall cause one of such notices to be posted up in the manner hereinbefore directed as to the application for the granting of a license.
- Fourteenth Schedule.
- Objections to removals. **37** OBJECTIONS to the removal of a license from one house to another may be in the same terms, so far as the same are applicable, and subject to the same restrictions as hereinbefore set forth in reference to the unfitness of the premises for a licensed house. And also it may be objected that the house to which it is proposed to remove the license is not in the same district as that from which it is proposed to remove such license; or that the lease under which the holder of the license occupies his house contains a covenant or condition against removing the license to any other house without the consent of the lessor, and that such consent has not been obtained.
- Mode and effect of removal of license. **38** THE majority of the Justices assembled at any Quarterly or adjourned Licensing Meeting may transfer the license from one house to another (if approved by them) by an endorsement upon the license in the form in the Fifteenth Schedule, and thereupon the holder of such license shall be authorised to sell and dispose of liquor in the house to which such license shall have been transferred, instead of his former house, as if such license had been originally granted to him for the house to which such license shall be so transferred; and every transfer of a license authorised by any Justices under this Act, whether as regards the person or the house to which such license shall apply, and every forfeiture of a license, shall, within fourteen days after such transfer or forfeiture, be reported to the Collector of Internal Revenue, or other person or persons appointed as aforesaid, by the Resident Magistrate or Police Magistrate of the town or district in which such transfer shall be made.
- Fifteenth Schedule.
- Resident Magistrate or Police Magistrate to report Transfers to the Collector of Internal Revenue.
- Penalties on sales by unlicensed persons. **39** IF any person shall (except as the agent or servant of a licensed person) sell or dispose of within the Colony of Western Australia

PART VI.—DUTIES AND LIABILITIES OF LICENSEES AND OTHERS.

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Australia any liquor, or shall permit or suffer any liquor to be sold or disposed of by any other person within the said Colony without having first obtained in manner and form hereinbefore directed a license authorising such sale or disposal at the time and place and in the quantity and manner in which such licensee is by such license authorised to sell and dispose of such liquor, every such person shall forfeit and pay for a first offence the sum of Thirty pounds; and for every subsequent offence the sum of Fifty pounds together with the costs of the prosecution in every case to be recovered before two or more Justices of the Peace, and every such person shall further, upon conviction of any such offence, be rendered incapable of holding any license whatever under this Act for the period of three years from the time of such conviction: Provided that every offence shall be deemed a first offence, within the meaning of this section, unless it shall have been committed subsequent to a previous conviction and within twelve months thereafter.

40 IF any licensee shall suffer any person to play any unlawful game or sport within his licensed premises or the appurtenances thereto, or permit reputed prostitutes or thieves to remain upon his premises, he shall forfeit and pay for every such offence any sum not exceeding Twenty pounds with costs: And the playing of such game or sport or the presence of reputed prostitutes or thieves upon such licensed premises shall be deemed *prima facie* evidence that such licensee knowingly permitted such playing and permitted such reputed persons to be present with the knowledge that they were prostitutes or thieves: And for a second or subsequent offence shall forfeit and pay any sum not exceeding One hundred pounds. Provided that the games of tennis, rackets, fives, skittles, bowls, or quoits shall not be deemed unlawful games within the meaning of this section.

Prohibition of unlawful games under certain penalties.

41 IF any person shall, under any of the provisions of the two last preceding clauses, be convicted twice within a period of twelve consecutive months, the Justices sitting at the Court of Petty Sessions at which such person has been convicted may, if they think fit, by an order under their hands in the form of the Sixteenth Schedule, declare such license to be forfeited; and the same shall thereupon be void.

Forfeiture of license after repeated convictions.

Sixteenth Schedule.

42 ANY person convicted under the thirty-ninth section of this Act shall, in addition to the penalties therein 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

Persons convicted under section 39 to be imprisoned as well as fined.

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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.

Penalty on keepers of eating house, boarding house, or lodging house, without a license.

43 IF any person shall keep an eating house, boarding house, or common lodging house open to the public without being duly licensed to keep the same in accordance with the provisions of this Act, he shall be liable on conviction thereof before two Justices of the Peace for the first offence to a penalty of Five pounds, and for a second or subsequent offence to a penalty of Ten pounds, and for any third or subsequent offence to imprisonment with or without hard labor for any term not exceeding one month.

Penalty for keeping billiard or bagatelle table without license.

44 ANY person not being the holder of a publican's general license who shall in any house keep or maintain a billiard table or 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.

Penalty for supplying liquor to intoxicated persons.

45 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: And 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, 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.

Penalty for allowing intoxicated persons to remain on premises.

Proviso.

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46 EVERY person who shall hold a publican's general license or a wayside house license shall and is hereby required to have his name at length painted in legible letters at least three inches long, with the words "licensed to retail fermented and spirituous liquors," and every person holding a wine and beer license shall have his name painted as aforesaid, with the words "licensed to retail wine, beer, and fermented liquors," constantly and permanently remaining and plainly to be seen and read on a conspicuous part of the outside of his house; and every holder of a publican's general license, or wine and beer license, or wayside house license shall also keep a lamp, with a sufficient light, affixed outside over the door of his house, lighted, and to be kept burning the whole of each and every night from sunset to sunrise, during the time of his holding such license; and any such licensed person who shall fail or neglect to comply with the regulations hereby imposed or either of them, shall forfeit and pay, for every such offence, any sum not exceeding Five pounds, upon conviction thereof before any one or more Justice or Justices of the Peace.

Licensed persons to have their names painted on their premises.

And to keep a lamp burning over their doors during the night.

47 IF any person not actually holding a license shall keep up any sign writing painting or mark on or near to his or her house or premises which may imply or give reasonable cause to believe that such house or premises is or are licensed for the sale or barter of any such liquors as aforesaid, or that such liquors are sold or served therein, he or she shall for every such offence forfeit and pay any sum not exceeding Twenty pounds, to be recovered before any one or more Justice or Justices of the Peace.

Unlicensed persons keeping up signs, &c., to be fined.

48 IF any holder of a publican's general license, or a wayside house license, or wine and beer license, shall without reasonable cause refuse to receive a traveller as a guest into his house, or to find any such traveller victuals and lodgings, or to receive the horse or horses or other beast or beasts of burden of a traveller and to provide such horse or horses or beast or beasts as aforesaid with sufficient provender and water, whether the owner or person in charge thereof lodge in his house or not, every such licensed person shall for every such offence forfeit and pay any sum not exceeding Twenty pounds, upon conviction before any one or more Justice or Justices of the Peace.

Penalty for refusing entertainment.

49 EVERY house for which a publican's general license or a wayside house license, or a wine and beer license, shall be granted shall be considered a common inn, and no goods or chattels whatsoever

Immunity from distress for rent, &c., of stranger's property.

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ever, *bonâ fide* the property of any stranger or strangers and being in such licensed houses or the appurtenances thereof, shall be subject to be distrained or seized for or in respect of any claim of rent for such licensed house or appurtenances, or in respect of any claim soever against any such house or appurtenances, or the owner or occupier thereof; and if any such goods shall be so seized or distrained for rent, or in any other manner contrary to the provisions of this Act it shall be lawful for any two or more Justices of the Peace to inquire into any complaint made in respect of such distress or seizure, and to order such goods or chattels to be restored to the owner or proprietor thereof; and further, to award such costs as they may deem reasonable, and such costs to levy by distress and sale of the goods or effects of the person or persons so distraining or seizing such goods or chattels as aforesaid.

No action to be maintained on account of liquors illegally supplied.

Debts for liquor sold or delivered in less quantity than one gallon not recoverable.

Not to prevent Innkeepers, &c., having accounts with lodgers.

Licensed persons to receive payment in money or bank cheques only.

No licensed person to employ convicts in management of the house.

50 NO person shall maintain any action for or recover in any court in this Colony any debt or demand on account of any liquors sold or disposed of in contravention of this Act, whether the same be sold without a license or by exceeding the authority or violating the conditions annexed to any license in the express terms thereof or in the provisions of this Act: and no person, however licensed, shall maintain any action for or recover as aforesaid any debt on account of any liquors which shall be sold or delivered in any quantity less than one gallon and delivered or taken away all at one time. Provided that nothing herein contained shall extend to prevent innkeepers or holders of packet licenses from keeping an account with *bonâ fide* lodgers, passengers, and travellers, in which any charge for liquors may be included and lawfully recovered as part of the amount thereof.

51 IF the holder of any license under this Act shall take or receive from any person whomsoever, in payment or in pledge for liquors, or for any entertainment whatsoever supplied in or out of his or her house or premises, any article of clothing or slops or any tool or other article or thing except metallic or paper money or bank cheques, such occupier or possessor of a public house so offending shall, upon conviction before any one or more Justice or Justices of the Peace, forfeit and pay any sum not exceeding Twenty pounds, independently of any other punishment arising out of any other Law or Ordinance now or hereafter to be in force in this Colony.

52 IT shall not be lawful for any person holding a publican's general license, a wine and beer license, or a wayside house license under

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under this Act, to have, retain, or employ or to permit or suffer to be retained or employed any person suffering under any sentence, whether colonial or otherwise, for a criminal offence, whether such sentence be partially remitted or not, in the care, charge, conducting, or management of the house or place in which such license shall be exercised, or the sale of any of the said liquors therein or thereout during the absence of such licensed person either on the ground of illness or from any other cause soever, under a fine or penalty not exceeding Fifty pounds, to be recovered before any one or more Justice or Justices of the Peace; and the convicting Justice or Justices may at his or their discretion cancel such license forthwith in addition to the fine aforesaid.

53 ANY holder of a publican's general license, or of a wine and beer license, or of a wayside house license, who shall knowingly and wilfully admit or receive any convict under sentence into his house, or any other place held or occupied therewith, except in the presence or by the written direction of some superintendent, overseer, warder, or constable, shall forfeit and pay any sum not exceeding Fifty pounds, to be recovered before any one or more Justice or Justices of the Peace: Provided that nothing herein contained shall apply to any convict holding a ticket-of-leave or other partial or temporary remission of sentence.

Restriction on receiving convicts into licensed houses.

54 ANY person holding a publican's general license, or a wine and beer license, or a wayside house license, who shall knowingly sell or dispose of any liquors as aforesaid to any convict under sentence, or who shall deliver any liquors to any convict under sentence except in the presence and with the permission of an overseer, warder, or superintendent, shall forfeit and pay any sum not exceeding Fifty pounds, to be recovered before any one or more Justice or Justices of the Peace: Provided always that nothing herein contained shall be construed to extend or apply to any convict holding a ticket-of-leave or other partial or temporary remission of sentence.

Penalty on licensed persons selling liquors to convicts without permission of overseer, &c.

55 NO License to be obtained under this Act shall authorise the furnishing of any of the aforesaid spirituous or fermented liquors to any soldier after the hours of roll-call or tattoo in the evening, that is to say, after the hour of nine o'clock from the eleventh day of October to the fourteenth day of May inclusive, and after the hour of half-past eight o'clock from the fourteenth day of May to the eleventh day of October inclusive; and any person convicted before any one or more Justice or Justices of the Peace of having furnished

Liquors not to be supplied to soldiers after roll-call.

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furnished any of the aforesaid spirituous or fermented liquors to any soldier after the hours aforesaid, or of harbouring any soldier after the hours aforesaid, shall forfeit and pay any sum not exceeding Ten pounds.

Prohibition against the supply of liquor to natives.

56 IF any person whomsoever, licensed or unlicensed, shall sell, supply, or give any spirituous liquors or mixed liquor part whereof is spirituous in any quantity whatsoever or fermented liquor or any mixed liquor part whereof is fermented in any quantity whatsoever to any aboriginal native of Western Australia for himself or for any other person, the person so selling, supplying, or giving the same shall for every such offence forfeit and pay (over and above any penalty which may be incurred for the sale of such liquors without a license) a penalty of Five pounds, to be recovered before any one or more Justice or Justices of the Peace. Provided always that the prohibition contained in this section shall not extend to the giving or supplying of fermented liquor by unlicensed persons to aboriginal natives in their service.

Proviso.

As to allowing natives to loiter about public houses.

57 ANY person holding a publican's general license, a wine and beer license, or a wayside house license under this Act, who shall knowingly or wilfully permit any Aboriginal Natives to remain on or loiter about his licensed premises, shall on conviction thereof forfeit and pay for the first offence the sum of Two pounds, and for every subsequent offence the sum of Five pounds.

Justices and authorised constables to have free ingress into licensed houses at all times.

58 IT shall be lawful for any Justice of the Peace or any constable with a general authority in writing signed by two Justices of the Peace, together with his assistants, to demand entrance from time to time into the house or the appurtenances thereof of any person holding a publican's general license, a wine and beer license, a colonial wine license, an eating, boarding, or lodging house license, or wayside house license under this Act, or for any constable specially authorised in any particular instance, whether verbally or in writing, by any such Justice, to demand entrance into the house, or the appurtenances thereof, of any person holding a publican's general license, a wine and beer license, a colonial wine license, an eating, boarding, or lodging house license, or a wayside house license under this Act, at any time by day or night; and if admittance be delayed for such time as shall make it appear to any such Justice or Justices that wilful delay was intended, it shall be lawful for such Justice or Justices to summon the person so offending before any two or more Justices of the district, and upon conviction before such two or more Justices, the license of the party so offending

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offending shall be forfeited, anything hereinafter contained to the contrary notwithstanding; and no license shall again be granted for the space of three years from the date of such conviction to any person who shall be so convicted of refusing or wilfully delaying admittance: Provided always, that if such admittance be refused or wilfully delayed, it shall be lawful for such Justice or constable to break into or employ force to enter such public house or other place as aforesaid, with his assistants, to serve process, or for any other lawful purpose.

59 NO person holding a publican's general license, or a wine and beer license, or a wayside house license under this Act, shall have or keep his house open for the sale of any liquor, nor shall any person licensed under this Act sell or retail any liquor or suffer the same to be drunk or consumed in or at such house, at any time before the hour of four o'clock in the morning nor after the hour of ten o'clock in the evening from the first day of October to the thirty-first day of March, nor before the hour of six o'clock in the morning nor after the hour of ten o'clock in the evening from the first day of April to the thirtieth day of September, both inclusive, upon any day in the week, except as hereinafter provided: and if any such licensed person shall offend against the terms of this provision, he shall, for every such offence, forfeit any sum not exceeding Fifty pounds, to be recovered before any one or more Justice or Justices of the Peace: Provided that nothing herein contained shall be construed to prohibit the sale or delivery of such liquor at any time to persons being *bonâ fide* lodgers: Provided also that it shall be lawful for any Resident or Police Magistrate at his discretion by special authority in writing signed by such Magistrate, to dispense with the whole or any part of the restrictions and prohibitions of this present provision so far as may regard any licensed house within such district respectively, and for a time to be specified in such written authority, but which said authority it shall be lawful for the said Justices to revoke whenever they shall see fit, by causing a notice to that effect, signed by such Justices, to be served on the person to whom the said authority shall have been given.

Public houses not to be open before or after certain hours.

Magistrates may grant permission to keep house open after hours.

60 NO person holding a publican's general license, or a wine and beer license, or a wayside house license shall permit any billiards, bagatelle, or other games to be played within such licensed house after the hour of twelve o'clock in the evening by any other than *bonâ fide* lodgers; and if any such licensed person shall offend against the terms of this provision he shall for every such

Certain games not to be played in public houses after 12 o'clock, except by *bonâ fide* lodgers.

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such offence forfeit any sum not exceeding Twenty pounds, to be recovered before any one or more Justices of the Peace.

61 NO person licensed under this Act shall sell or retail any liquor on a Sunday, Good Friday, or Christmas Day; and no person holding a publican's general license, a wine and beer license, or a wayside house license, shall suffer any liquor to be drunk or consumed on his premises, except by *bonâ fide* travellers or lodgers, on a Sunday, Good Friday, or Christmas Day; and if any such person shall offend against the terms of these provisions he shall, on conviction thereof, forfeit and pay for the first offence the sum of Fifty pounds and for any subsequent offence the sum of One hundred pounds; and shall further in case of a subsequent conviction within a period of 12 calendar months from any former conviction under this section, forfeit his license.

No liquor to be sold or consumed on Sundays, Good Friday, or Christmas Day.

62 IF any holder of a license shall be convicted of felony, perjury, or any other infamous offence, or if holding a publican's general license, or a wine and beer license, or a wayside house license, he shall permit any person to manage, superintend, or conduct the business of such house during his absence for a longer period than twenty-eight days in any one year without the previous consent in writing of two Justices, or shall whether present in such house or not permit any unlicensed person to be in effect the keeper thereof, or shall allow such house to become ruinous or dilapidated, then, upon complaint thereof and proof of any of the facts aforesaid to the satisfaction of any two Justices, such Justices shall, by an order under their hands in the form in the Sixteenth Schedule, declare such license to be forfeited, and the same shall thereupon be void. But if such house shall have become ruinous or dilapidated by reason of fire tempest or other cause beyond the control of the licensee, the license shall not be forfeited until a reasonable time has elapsed for the reinstatement of such house.

Forfeiture of license if licensee convicted of felony, &c.

Sixteenth Schedule.

63 EVERY holder of a publican's general license, or of a wine and beer license, or a wayside house license, shall at the request of any officer or constable of police receive into the house mentioned in such license or upon the premises occupied therewith, any dead body that may be brought to such house for the purpose of an inquest being held thereon; and for every dead body so received he shall be paid the sum of One pound out of any money which may be appropriated for such purpose. And if he shall refuse to receive such dead body for the purpose aforesaid, he

Inquests to be held in public houses.

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he shall on conviction thereof before any Justice forfeit and pay any sum not exceeding Five pounds.

64 ANY Justices declaring any license forfeited may, if they think fit, order the person whose license is forfeited to pay such costs to the person on whose complaint such forfeiture shall have been ordered; and payment of such costs may be enforced under the provisions of any law now or hereafter to be in force relating to duties of Justices upon or relating to summary convictions or orders.

Payment of costs by licensee on forfeit of license.

65 NO holder of any license shall permit any body, union, society, or assembly of persons declared to be illegal, or any body, union, society, or assembly who shall require from persons on or before admission thereto any illegal oath, test, declaration or affirmation, or who shall observe on the admission of members or at any other proceeding any religious or pretended religious or other rite or ceremony not sanctioned by law, or who shall wear, carry about or display on assembling any arms, flags, colors, symbols, decorations or emblems whatsoever, to meet or assemble on any occasion or pretence whatsoever in the house, premises or other place of sale of the person so licensed; nor shall the owner of such license display or suffer to be displayed on from or out of any part of such premises, any sign, flag or symbol, decoration or emblem whatsoever, of any such body or society as aforesaid. And if any such holder of a license shall offend against any of the provisions in this clause contained, he shall forfeit and pay for every such offence any sum not exceeding Five pounds. Provided that nothing herein shall apply to the societies or bodies of men called Freemasons, Foresters, Ancient Druids, Odd Fellows, or to any Benefit or Friendly Society.

Prohibition of unlawful assemblies in licensed houses.

66 IF any licensed person shall employ any unlicensed person to sell or dispose of by retail as aforesaid any such liquors as aforesaid in any house, or in any cart dray or carriage, or in any vessel or boat, or in any place whatsoever out of the house or place in which such licensed person is authorised to sell or dispose of the same by virtue of his or her license, and notwithstanding in such house or place if otherwise than as the servant or agent under the immediate superintendence and control of such licensed person; or if any licensed person shall sell barter or lend to any unlicensed person any such liquors with the knowledge or upon the understanding that such liquors are to be sold or bartered by such unlicensed person contrary to the true intent and meaning of this Act, every such licensed

Penalty for employing unlicensed persons to retail liquors out of their houses, or disposing of them for that purpose.

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licensed person shall, upon conviction before any two or more Justices of the Peace, forfeit and pay for every such offence any sum not exceeding Fifty pounds.

If it be suspected that liquors are in any unlicensed house, they may be seized; and if after examination it shall so appear, they shall be forfeited.

67 UPON information on oath being made before any one or more Justice or Justices of the Peace by any constable or credible person that he or she doth verily suspect and believe that any liquor has been sold or retailed by any person not holding a license authorising such sale in any particular unlicensed house or other unlicensed place, and such constable or other person shall in such information set forth and show reasonable grounds for such belief and suspicion, then and in such case it shall be lawful for such Justice or Justices, in his or their discretion, to grant his or their warrant or warrants to any constable to enter and search any such house or other place by day or night; and such constable may break open the doors if not opened within a reasonable time after demand, and seize all such fermented or spirituous or mixed liquors as aforesaid as he shall then and there find, and the vessel or vessels in which such liquors shall be contained, and shall and may detain the same until the owner thereof shall appear before two or more Justices to claim such liquors, and shall satisfy the said Justices how and for what purpose he became possessed of the same, or, after being summoned, shall fail to appear; and if it shall appear to the said Justices after due enquiry and examination that such liquors were in the said house or other place for the purpose of being illegally sold or disposed of by retail, then such Justices shall adjudge the said liquors and vessel or vessels to be condemned and forfeited, and the same shall and may be sold, and the proceeds thereof, after payment of such costs as may be assessed and awarded by such Justices, shall be appropriated in like manner as fines are herein directed to be appropriated; but if otherwise, then such liquors and vessel or vessels shall be forthwith restored to the proper owner.

Liquors hawked about to be seized and condemned.

68 IT shall be lawful for any Justice of the Peace, constable, or other peace officer, to seize and take away or to destroy, or cause to be seized taken away or destroyed, all such fermented or spirituous or mixed liquors as shall be hawked about or exposed to sale in any street, road, or footpath, or in any booth, tent, stall or shed, or in any boat or vessel, or in any other place whatever, by any person not licensed to sell the same in such place, and the vessels containing the same, and all the vessels and utensils used for drinking or measuring the same, and any cart, dray, or other carriage, and any horse or horses or other animal or animals employed in

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in drawing or carrying the same, as well as any boat or vessel used in the conveyance of such liquors as aforesaid; and it shall be lawful for any one or more Justice or Justices of the Peace, on his or their own view, or on confession of the party or by proof of such offence by the oath of one or more credible witness or witnesses, to convict any person so offending of selling such liquors without a license, and to adjudge him, her, or them liable to all the penalties imposed by this Act for such offence, and to cause such liquors, vessels and utensils containing the same, and any cart, dray or other carriage, horse or horses, or other animal or animals, and any boat or vessel used in conveying the same, to be sold; and the proceeds thereof, after deducting the expenses of sale, shall be appropriated in like manner as fines are herein directed to be appropriated.

69 UPON information before any Justice by any person that he believes that liquor is being sold or otherwise disposed of by any person without a license, it shall be lawful for such Justice to cause to be posted up or affixed on the Court House door, Police Station, or some other conspicuous place in his district, a list of the name or names of persons so suspected as aforesaid; and it shall be lawful thereafter for any police officer or constable to search the person, cart, dray, or other carriage, or boat, or vessel, of the person or persons whose names shall appear in such list without having first obtained a search warrant, and to seize any liquor found on the person, or in the cart, dray, or other carriage, or boat or vessel, and the cart, dray, or other carriage, and every horse or other animal used in drawing or carrying the same, and the boat or other vessel used in the conveyance thereof; and any Justice on proof of such offence by oath may convict any person so offending, and on conviction he shall pay any sum not exceeding Fifty pounds; and such Justice may adjudge such liquor, vessels, and utensils containing the same, and any cart, dray, or other carriage, horse or other animal, and any boat or vessel used in conveying the same to be forfeited, and may direct the same to be sold and the proceeds thereof after deducting the expenses of sale to be appropriated in like manner as fines are herein directed to be appropriated.

Lists of names of persons suspected of selling spirits, &c., without a license to be fixed on Court House or Police Station.

Constable may search person, cart, dray, &c., and seize spirits, &c.

Spirits, &c., seized may be forfeited.

70 IN case the holder of any wine and beer license, colonial wine license, or eating, boarding, or lodging house license, under this Act shall possess or have any spirituous liquor whatsoever, or mixed liquor part of which is spirituous, in or about his house or premises or in any other house or premises in which the same shall be proved to the satisfaction of any one or more Justice or Justices of the Peace

Spirituous liquors found in possession of holder of certain licenses to be seized and forfeited.

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Peace to have been placed for the purpose of being sold or disposed of by or on behalf of the holder of such license aforesaid, or for the purpose of evading the provisions of this Act in any manner, then and in every such case all such spirituous liquors or mixed liquors as aforesaid shall be absolutely forfeited, and the same, with the vessels and utensils used for the same, shall be dealt with and disposed of as herein provided in cases of liquors hawked about or exposed to sale, for which purpose the same, if in or about the house or premises for which a wine and beer license, colonial wine license, or eating, boarding, or lodging house license shall be granted, shall be seized by any constable authorised as required by this Act, without any warrant, wheresoever the same shall be found; and if the same shall be in or about any other house or premises, a search warrant shall be issued as hereinbefore directed in other cases of suspected unlicensed houses.

Persons selling or offering for sale adulterated liquors to be fined.

71 IF any person shall sell or dispose of or offer for sale any fermented or spirituous liquor, or any mixed liquor part of which is fermented or spirituous, which shall be adulterated or mixed with any deleterious ingredient whatever, he or she shall on conviction before any two or more Justices of the Peace forfeit and pay any sum not exceeding Fifty pounds.

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

72 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 under the preceding section unless the requirements of this section respecting the same are strictly complied with.

Persons not producing license to be deemed unlicensed.

73 IN all proceedings whatever against any person for selling or permitting to be sold any fermented or spirituous liquors or any mixed liquors part of which is fermented or spirituous without a license or sufficient license, such person shall for all purposes connected with those proceedings be deemed and taken to be unlicensed, unless he or she shall at the hearing of the case produce
his

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his or her license before and exhibit the same to the sitting Justice or Justices, or shall then and there produce other proof of the same which shall be satisfactory to such Justice or Justices, and which he or they shall in his or their discretion choose to receive, of his or her being a licensed person, and of the description of the license held by him or her.

74 IN any proceeding before any Justice or Justices of the Peace against any person alleged to be a licensed person and liable as such to any such proceeding, the production of his or her certificate shall be conclusive evidence of his or her being licensed in manner therein recited: Provided nevertheless that it shall be lawful for any such Justice or Justices (not being assembled as a court of Quarter Sessions) if he or they shall in his or their discretion see fit to admit any other proof which shall be satisfactory to him or them of any such certificate or the contents thereof, or as to the fact of any person being licensed in manner and form alleged in any such proceeding as aforesaid: but in case any question arise relating to any such license upon appeal or otherwise before any court of Quarter Sessions under this Act, then such question shall be decided only by production of such certificate as aforesaid.

Mode of proving License.

Certificate evidence in certain cases.

75 EVERY person holding any license under this Act shall, on demand, at his or her licensed house or place wherein or whereat such license shall be exercised, produce his or her license to any Justice of the Peace, or any constable authorised by any Justice by any writing under his hand in that behalf: and if any such licensed person shall refuse or neglect to produce his or her license, he or she shall forfeit and pay for every such refusal or neglect the sum of Five pounds, to be recovered before any one or more Justice or Justices of the Peace.

Licenses to be produced on demand of Justice or authorised constable.

76 WHENEVER any Justice of the Peace, or any chief or other constable acting under the order of any such Justice, shall find any person drinking in any reputed disorderly house, or if any such Justice or constable without a warrant shall find any person drinking in any house, shop, storehouse, or other building, or any booth, shed, or hut, tent, stall, or place in which or where any ale, beer, wine, cider, perry, brandy, rum, or other fermented or spirituous liquors shall be sold or disposed of by retail, and the license for such sale shall not, on demand, be produced to such Justice or constable, it shall and may be lawful for such Justice of the Peace or constable to apprehend all such persons so found drinking there; and every such person so found drinking shall, upon

Persons drinking in unlicensed houses to be apprehended.

The Wines, Beer, and Spirit Sale Act, 1880.

upon the view of such Justice, or upon conviction before any one or more Justice or Justices of the Peace, forfeit and pay for every such offence a sum not exceeding Five pounds, to be recovered in manner hereinafter directed, unless such person shall inform against such unlicensed person, or voluntarily become a witness against him or her, in respect of such act of selling and retailing.

Evidence sufficient to convict the owners and persons found drinking in disorderly houses.

77 IN any proceedings before any one or more Justice or Justices of the Peace under this Act against any person or persons charged with unlawfully selling any such liquors as aforesaid in a reputed disorderly house, the proof of the reputation of such house, and of any person or persons (not being the owner or owners, or occupier or occupiers thereof) being found drinking therein, shall be deemed full and sufficient evidence to warrant such Justice or Justices in convicting the person or persons so found drinking in such house, and the proprietor or proprietors thereof.

Delivery of liquors to be *prima facie* evidence of sale.

78 THE delivery of any such spirituous or other liquors as aforesaid shall be deemed and taken to be good and sufficient *prima facie* evidence of money or other consideration being given for the same, so as to support a conviction, unless proof shall be made to the contrary to the satisfaction of the Justice or Justices hearing the case.

Payment of wages where liquors are sold.

79 ANY master or other person (not being licensed under this Act) employing journeymen, workmen, servants, or laborers, who shall pay or cause any payment of wages to be made to any such journeyman, workman, servant, or labourer, in or at any house in which any of the liquors as aforesaid shall be sold by retail, shall forfeit and pay for every such offence any sum not exceeding Five pounds, to be recovered before any one or more Justice or Justices of the Peace.

Justices may prohibit supply of spirits, &c., to drunkards.

80 WHEN any person shall, by excessive drinking of spirituous or fermented liquors, or mixed liquor, part of which is spirituous or fermented, so misspend, lessen, or waste his or her estate, or thereby expose himself or herself, or his or her family, to want or indigent circumstances, or greatly to injure his or her health, or endanger the loss thereof, the Justices of the Peace of the town or district in which such drunkard shall reside, in Petty Sessions assembled may, in writing under the hands of any two of such Justices, forbid all persons licensed under this Act, whether resident in such town or district or not, to sell to him or her any liquors as aforesaid for the space of one year; and such Justices may in like manner renew such prohibition

The Wines, Beer, and Spirit Sale Act, 1880.

prohibition from year to year as to all such persons as have not in their opinion reformed within the year; and if any such licensed person shall after notice of such prohibition knowingly sell or deliver to any person or persons so prohibited any liquors as aforesaid, he or she shall forfeit for every such offence any sum not exceeding Five pounds, to be recovered before any one or more Justice or Justices of the Peace; And every person so prohibited as aforesaid who shall loiter about or enter any licensed house for the purpose of obtaining liquor shall be liable to imprisonment in the common gaol or lock-up for any time not exceeding seven days with or without hard labor.

Such prohibition renewable.

Penalty for disobedience by licensed persons and prohibited persons.

81 WHENEVER the Justices of Petty Sessions in any town or district shall, in execution of the foregoing provisions, have prohibited the sale of such liquors as aforesaid to any such drunkard, if any person shall, with a knowledge of such prohibition, give, sell, purchase, or procure for, or on behalf of, such prohibited person or for his or her use, any such liquors, he or she shall forfeit for every such offence any sum not exceeding Five pounds, to be recovered before any one or more Justice or Justices of the Peace.

Penalty for procuring liquors for prohibited persons.

82 WHEREAS it is expedient to extend the powers of Justices regarding drunkenness; be it enacted, that, on conviction before any one or more Justice or Justices of the Peace of any person for being found drunk in any licensed public house, public street, highway, or other public place whatsoever on a Sunday, Good Friday, or Christmas Day, such Justice or Justices may sentence the offender to imprisonment in any common gaol for any time not exceeding seven days, with or without hard labor.

Justices may imprison persons found drunk on a Sunday, Good Friday, or Christmas Day.

83 IF any constable or any other Peace Officer shall refuse or knowingly neglect to execute any part of the duty imposed upon constables or peace officers by this Act, or to make an immediate report to the Resident Magistrate or Police Magistrate of the town or district, or other Justice of the Peace, or other superior officer to whom he may in the usual course of his duty be required to make such report after he shall have received information or shall otherwise have obtained a knowledge of any proceedings in violation of any of the provisions herein contained, such constable or other peace officer, upon conviction before any one or more Justice or Justices of the Peace of any such refusal or neglect, shall be subject and liable to a fine not exceeding Ten pounds, or to be imprisoned for any term not exceeding three months for every such offence.

Penalty for constable neglecting duty.

The Wines, Beer, and Spirit Sale Act, 1880.

Where any penalty is inflicted under this Act and unpaid, and no sufficient distress can be had, defendant may be imprisoned with or without hard labor for a certain term in proportion to the amount of the penalty.

84 IN all cases under this Act where a penalty has been inflicted, and not paid, and it is returned to a warrant of distress issued for the levying of such penalty that no sufficient goods of the party against whom such warrant shall have been issued can be found, it shall be lawful for the Justice to whom such return is made, or to any other Justice of the Peace for the Colony, if he or they shall think fit, by his warrant, to commit the defendant to the house of correction, common gaol, or lock-up house, for the following terms of imprisonment, with or without hard labor; in case there remain unpaid of the said penalty costs and charges of distress any sum not exceeding Five pounds, for any period not exceeding two calendar months; in case there remain unpaid as aforesaid any sum not exceeding Twenty pounds, for any period not exceeding three calendar months; in case there remain unpaid as aforesaid any sum not exceeding Thirty pounds, for any period not exceeding four calendar months; and in case there remain unpaid as aforesaid any larger sum than Thirty pounds, for any period not exceeding six calendar months; unless in any such case the sum or sums adjudged to be paid, and all costs and charges of the distress and of the commitment, and conveying the defendant to prison (the amount thereof being ascertained and stated in such commitment) shall be sooner paid.

Exceptions, &c., in description of offence need not be specified or negatived in information.

85 ANY exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence, may be proved by the defendant, but need not be specified or negatived in the information; and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant.

Persons aggrieved may appeal to Supreme Court.

Except in certain cases.

Appellant to give notice of appeal and security for costs.

86 ANY person who shall think himself or herself aggrieved by any fine or penalty imposed, or by any act done by any Justice or Justices of the Peace under or concerning the execution of this Law or Act (unless such act shall relate to the refusal of a certificate for the granting, renewal, or transfer of any license under this Act, or the suspension of any license under this Act as hereinbefore mentioned), may appeal against such act at the next sitting of the Supreme Court: Provided that notice of such appeal be given by the appellant to the Justice or Justices from whose judgment or conviction such appeal shall be made within three days after such judgment or conviction, and that such appellant deposit with such Justice or Justices such sum as such Justice or Justices may, in his or their discretion, deem sufficient, not exceeding Fifty pounds. or
enter

The Wines, Beer, and Spirit Sale Act, 1880.

enter into a recognizance to that amount with two sureties for the purpose of securing the costs of such appeal.

PART VII.—APPLICATION OF FEES AND PENALTIES.

87 ALL fees for licenses or transfers of licenses shall be paid to the Colonial Treasurer to the use of Her Majesty her heirs and successors for the public use of the said Colony, and in support of the Government thereof. And one-half of all fines and penalties and forfeitures under this Act shall be paid to such Treasurer as aforesaid, and the other half to the person who has informed against the offender.

Appropriation of fees and penalties.

88 THAT the sections in the Schedule of "The Shortening Ordinance, 1853," lettered therein respectively A., C., F., and G., shall be incorporated with and taken to form part of this Act, to all intents and purposes and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

Sections A. C. F. and G. of Shortening Ordinance.

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

WILLIAM C. F. ROBINSON, Governor.

SCHEDULES.

SCHEDULES.

First Schedule.

Date of Act.	Title of Act.	Extent of Repeal.
36 Vic. No. 5.	<i>"An Act to consolidate and amend the laws relating to the licensing of Public Houses, and the Sale of Fermented and Spirituous Liquors."</i>	The whole.
37 Vic. No. 9.	<i>"An Act to amend 'The Wines, Beer, and Spirit Sale Act, 1872.'"</i>	The whole.
38 Vic. No. 15.	<i>"An Act to amend 'The Wines, Beer, and Spirit Sale Act, 1872.'"</i>	The whole.
39 Vic. No. 11.	<i>"An Act to further amend 'The Wines, Beer, and Spirit Sale Act, 1872.'"</i>	The whole.
42 Vic. No. 12.	<i>"An Act to further amend 'The Wines, Beer, and Spirit Sale Act, 1872.'"</i>	The whole.
43 Vic. No. 26.	<i>"An Act to further amend 'The Wines, Beer, and Spirit Sale Act, 1872.'"</i>	The whole.

The Wines, Beer, and Spirit Sale Act, 1880.

Second Schedule.

Form of a Publican's General License.

Western Australia, }
to wit. }

WHEREAS A.B., of _____, hath deposited in this office a certificate from the major part of the Justices of the Peace assembled at the Quarterly Licensing Meeting, held at _____ on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, authorising the issue to the said A.B., of a publican's general license for the house known (*or*, to be known) by the sign of _____ situated at _____, in the said Colony of Western Australia; and whereas the said A.B. hath paid into my office the sum of _____ pounds sterling, as the duty on such license: Now I, by virtue of the powers vested in me, hereby license the said A.B. to keep a common inn, alehouse, or victualling house, and to sell liquor, in any quantity, in the house in which he now dwelleth (*or*, is about to dwell), being the sign of _____, situated at _____ aforesaid, and in the appurtenances thereto belonging, but not elsewhere; and this license shall commence upon the first day of _____ next, and continue in force until the _____ day of _____ then next ensuing, both days inclusive, provided it be not forfeited in the mean time.

Section 4.

Given under my hand and seal at _____ this _____ day
of _____ one thousand eight hundred and

N. O. (L.S.)

Collector of Internal Revenue.

(*or other person, as the case may be.*)

Third

The Wines, Beer, and Spirit Sale Act, 1880.

Third Schedule.

Form of a Packet License.

*Western Australia, }
to wit. }*

WHEREAS A.B., of _____, being the master,
(or owner, or owners,) of the steam packet (or if any other kind of vessel
describe it), conveying passengers between _____ (name the place)
and _____ (name the place), hath deposited in this office a
certificate from the major part of the Justices of the Peace assembled at the
Quarterly Licensing Meeting held at _____
on the _____ day of _____, one thousand eight
hundred and _____, authorising the issue to the said A.B.
of a packet license, and whereas the said A.B. hath paid into my office the
sum of _____ pounds sterling, as the duty on such license:
Now I, by virtue of the powers vested in me, do hereby license the said
Section 4. A.B. to retail liquor to any passengers on board of such vessel during
the actual passage of such vessel between one such place and another;
and this license shall commence upon the
day of _____ next, and continue in force until the
day of _____, both days inclusive, provided it be not
forfeited in the meantime.

Given under my hand and seal at _____ this _____ day
of _____, one thousand eight hundred and _____

N.O. (L.S.)

Collector of Internal Revenue.

(or other person, as the case may be.)

Fourth

The Wines, Beer, and Spirit Sale Act, 1880.

Fourth Schedule.

Form of a Wine and Beer License.

Western Australia, }
to wit. }

WHEREAS A.B., of _____, hath deposited in this office a certificate from the major part of the Justices of the Peace assembled at the Quarterly Licensing Meeting, held at _____ on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, authorising the issue to the said A.B. of a license for the sale of wine and beer, the produce of the Colony, in the house of the said A.B., situate at _____, in the said Colony of Western Australia; and whereas the said A.B. hath paid into my office the sum of _____ pounds sterling as the duty upon such license: Now I do hereby license the said A.B. to sell wine and beer, the produce of the Colony, in any quantity, in the house in which he now dwelleth (*or is about to dwell*), situated at _____ aforesaid, and in the appurtenances thereto belonging, but not elsewhere; and this license shall commence from the _____ day of _____ next, and continue in force until the _____ day of _____ then next ensuing, both days inclusive, provided it be not forfeited in the meantime; and provided that the said A.B. shall not sell or dispose of, or permit to be sold or disposed of, any spirituous liquor, or mixed liquor part whereof is spirituous, in the said house or its appurtenances, in which case this license shall thereby and thenceforth become and remain absolutely void. Section 4.

Given under my hand and seal at _____ this _____ day
of _____, one thousand eight hundred and _____

N.O. (L.S.)

Collector of Internal Revenue.

(or other person, as the case may be.)

Fifth

The Wines, Beer, and Spirit Sale Act, 1880.

Fifth Schedule.

Form of a Spirit Merchant's License.

*Western Australia, }
to wit. }*

Section 4. WHEREAS A. B., of _____, hath deposited in my office a certificate from the major part of the Justices of the Peace assembled at the Quarterly Licensing Meeting held at _____ on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, authorising the issue to the said A. B. of a Spirit Merchant's License for the premises of the said A. B., situated at _____; and whereas the said A. B. hath paid into my office the sum of _____ pounds sterling as the fee on such license; now I do hereby license the said A. B. to sell and dispose of any imported spirituous liquors or wine in quantities not less than two gallons, or any other imported fermented liquors in quantities not less than eight gallons. This license does not authorise the licensee to sell any such liquor except in the casks or cases in which such liquor was imported. And this license shall commence upon the _____ day of _____ instant (*or* next), and continue in force until the 31st day of December then next ensuing, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand and seal at _____, this _____ day of _____, one thousand eight hundred and _____

N. O. (L.S.)

Collector of Internal Revenue.

(*or other person, as the case may be.*)

Sixth Schedule.

Form of a Gallon License.

*Western Australia, }
to wit. }*

Section 4. WHEREAS A. B., of _____, hath deposited in my office a certificate from the major part of the Justices of the Peace assembled at the Quarterly Licensing Meeting held at _____ on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, authorising the issue to the said A. B. of a Gallon License for the shop (or rooms) of the said A. B. situated at _____. And whereas the said A. B. hath paid into my office the sum of _____ pounds sterling, as the fee on such license: Now I do hereby license the said A. B. to sell and dispose

The Wines, Beer, and Spirit Sale Act, 1880.

dispose of liquor in quantities not less than one gallon, so that such liquor shall not be drunk on the premises above described, and shall consist of but one description of liquor, and be delivered and shall be taken away from the premises at one and the same time, and not by instalments, at the time of sale. And this license shall commence upon the _____ day of _____ instant (*or next*), and continue in force until the 31st day of December then next ensuing, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand and seal at _____ this _____ day
of _____ one thousand eight hundred and _____

N. O. (L.S.)
Collector of Internal Revenue.
(*or other person, as the case may be.*)

Seventh Schedule.

Form of a Colonial Wine License.

*Western Australia, {
to wit. }*

WHEREAS A.B., of _____ hath deposited in my office a certificate from the major part of the Justices of the Peace assembled at the Quarterly Licensing Meeting held at _____ on _____ Section 4. the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, authorising the issue to the said A.B., of a Colonial Wine License for the shop (or premises) of the said A.B., situated at _____: and whereas the said A.B. hath paid into my office the sum of _____ pounds sterling, as the fee on such license: Now I do hereby license the said A.B. to sell any wine, cider, or perry, the produce of fruit grown in the Colony, in quantities not less than one pint, the said wine, cider, or perry not to be consumed in the shop (or on the premises) of the said A.B. And this license shall commence on the _____ day of _____ instant (*or next*) and continue in force until the 31st day of December then next ensuing, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand and seal at _____ this _____ day
of _____ one thousand eight hundred and _____

N. O. (L.S.)
Collector of Internal Revenue.
(*or other person, as the case may be.*)

Eighth

The Wines, Beer, and Spirit Sale Act, 1880.

Eighth Schedule.

Form of a Billiard Table License.

*Western Australia, }
to wit. }*

Section 4. WHEREAS A.B., of _____ hath deposited in my office a certificate from the Justices of the Peace assembled at the Quarterly Licensing Meeting held at _____ on the _____ day _____, in the year _____ of our Lord one thousand eight hundred and _____, in the said Colony of Western Australia, authorising the issue to the said A.B. of a billiard table license for the house situate at _____ in the said Colony; and whereas the said A.B. hath paid into my office the sum of _____ sterling as the fee on such license; Now I the said _____ do hereby license the said A.B. to keep set up and maintain billiard tables or bagatelle tables in the said house but not elsewhere; and this license shall commence upon the _____ day of _____ instant (or next) and continue in force until the 31st day of December then next ensuing, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand and seal at _____ this _____ day of _____ one thousand eight hundred and _____
C.D. (L.S.)
Collector of Internal Revenue.
(or other person, as the case may be.)

Ninth Schedule.

Form of Temporary License to sell Fermented and Spirituous Liquors at Public Fairs.

*Western Australia, }
to wit. }*

Section 4. BE it remembered, that on the _____ day of _____, one thousand eight hundred and _____, A. B. of _____ holding a license, (*describe the nature thereof, and the house, place, or district for which the same is granted*), and having applied to me (or to the Justices assembled in Petty Sessions) (or to me Resident or Police Magistrate as the case may be) for authority to exercise the privileges of the said license at a public fair (*or other place of amusement as the case may be*), to be holden at _____, on the _____ day of _____ Now we (*being the majority of the Justices assembled at such Petty Sessions as aforesaid*), (or, I) do hereby grant to the said A.B. authority to exercise the said license at the said fair (*or other place of amusement*), on the said _____ day of _____, between the hours of _____ in the morning, and _____ in the evening: Provided always (*here add any conditions which the Justices may see fit to attach to the grant of the permission applied for*).

Given under our (or my hand) hands on the day and year aforesaid.
C.D., J.P.
E.F., J.P.
G.H., R.M., or P.M.

Tenth

The Wines, Beer, and Spirit Sale Act, 1880.

Tenth Schedule.

Form of an Eating, Boarding, or Lodging House License.

WHEREAS A.B. of _____ hath deposited in my office a certificate from the major part of the Justices of the Peace assembled at the Quarterly Licensing Meeting held at _____ on the _____ day of _____ A.D. one thousand eight hundred and _____ authorising the issue to the said A.B., of the license in the said Act called (an eating, boarding, or lodging house license, as the case may be) for the house situated at _____ in the said Colony of Western Australia; and whereas the said A.B. hath paid into my office the sum of _____ sterling as the duty on such license; Now I do hereby license the said A.B. to keep (an eating, boarding, or lodging house, as the case may be) open to the public, in the house situated at aforesaid, but not elsewhere; and this license shall commence upon the _____ day of _____ instant (*or, next*) and continue in force until the thirty-first day of December then next ensuing, both days inclusive; provided it be not forfeited in the meantime.

Given under my hand and seal at _____ this _____ day of _____ one thousand eight hundred and _____

C. D.
Collector of Internal Revenue.
(*or other person, as the case may be.*)

Eleventh Schedule.

Form of a Wayside House License.

*Western Australia, }
to wit. }*

WHEREAS A.B. of _____ hath deposited in my office a certificate from the major part of the Justices of the Peace assembled at the Quarterly Licensing Meeting held at _____ on _____ the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ authorising the issue to the said A.B., of a wayside house license for the house situated at _____ : And whereas the said A.B. hath paid into my office the sum of _____ sterling as the fee on such license: Now I do hereby license the said A.B. to sell liquor in any quantity in such house. And this license shall commence upon the _____ day of _____ instant (*or, next*) and continue in force until the thirty-first day of December then next ensuing, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand and seal at _____ this _____ day of _____ one thousand eight hundred and _____

N. O.
Collector of Internal Revenue.
(*or other person, as the case may be.*)

Twelfth

The Wines, Beer, and Spirit Sale Act, 1880.

Twelfth Schedule.

Form of Application for a Publican's General License, or a Wayside House License.

To the Worshipful the Justices of the Peace acting in and for the district of _____, in Western Australia.

I, A. B., (*state the trade or occupation, and if married or single*), now
 Section 16. residing at _____, in the town (*or district*) of _____

do hereby give notice that it is my intention to apply at the next Licensing Meeting to be holden for this district, for a Publican's General License, for the sale of liquor, in the house and appurtenances thereunto belonging, situated at _____, (*here describe the house proposed to be licensed, specifying the situation of it, the number of sitting-rooms and bed-rooms contained in it, exclusive of those required by the family, the person of whom rented, the present occupier, whether now licensed, and, if so, under what sign*), and which I intend to keep as an inn or public house.

I have held a license (*if before licensed, state how many years, and what kind of license*).

Given under my hand this _____ day of _____, one thousand eight hundred and _____

A. B.

Form of Householders' Certificate to be appended to the above.

WE, the undersigned, householders, residing within the town (*or district*) of _____ do hereby certify that the above A. B., of _____, is a person of good fame and reputation, and fit and proper to be licensed to keep an inn or public house, for the sale of liquor therein.

Witness our hands this _____ day of _____, one thousand eight hundred and _____

One
Two
Three
Four
Five

Twelfth Schedule continued.

Form of Notice of Application for Packet License.

To the Worshipful the Justices of the Peace acting in and for the
 Section 16. district (*or town*) of _____ in Western Australia.

I, A. B., being master (*or commander, or owner, or owners*) of the steam packet (*or other vessel, as the case may be*), conveying passengers between _____ (*name the place*) and _____ (*name the place*) do hereby give

The Wines, Beer, and Spirit Sale Act, 1880.

give notice, that it is my intention to apply at the next Quarterly Licensing Meeting, to be holden for the same district, for a license for the sale of liquor to the passengers on board such vessel.

Given under my hand this day of , one
thousand eight hundred and

A. B.

Twelfth Schedule continued.

Form of Application for a Spirit Merchant's License, a Gallon License, an Eating, Boarding, or Lodging House License, or a Billiard Table License.

To the Worshipful the Justices of the Peace acting in and for the district of , in Western Australia.

I, A. B., (*state the trade or occupation*), now residing at , in the town (*or district*) of do hereby give notice that it is my intention to apply at the next Licensing Meeting to be holden for this district, for a (as the case may be) license, in the shop (*or Section 16.* rooms) which I now occupy (*or intend to occupy*) situated at (*here describe the house proposed to be licensed, specifying the situation of it, and whether it is now licensed*).

Given under my hand this day of one
thousand eight hundred and

A. B.

Twelfth Schedule continued.

Form of Notice of Application for Wine and Beer License.

To the Worshipful the Justices of the Peace acting in and for the district of , in Western Australia. Section 16.

I, A. B., (*state the trade or occupation, and if married or single*), now residing at , in the town (*or district*) of do hereby give notice that it is my intention to apply at the next Licensing Meeting, to be holden for this district, for a license for the sale of wine and beer, the produce of the Colony, in the house and appurtenances thereunto belonging, situated at [*If the applicant purposes to keep the house as an inn for the entertainment of travellers and lodgers, describe the particulars as required in Form of Application for a Publican's General License; if not, merely state the person of whom rented, and present occupier.*]

I have held a license (*if before licensed, state how many years and what kind of a license.*)

Given under my hand this day of , one
thousand eight hundred and

A. B.

Form

*The Wines, Beer, and Spirit Sale Act, 1880.**Form of Householders' Certificate to be appended to the above.*

WE, the undersigned, householders, residing within the town (or, district) of _____, do hereby certify that the above A.B., of _____ is a person of good fame and reputation, and fit and proper to be licensed to sell wine and beer, the produce of the Colony, (or, to keep an inn or public house for the sale of wine, beer, and other fermented liquors, *as the case may be*).

Witness our hands this _____ day of _____, one thousand eight hundred and _____

One
Two
Three
Four
Five

Twelfth Schedule continued.

Form of Notice of Application for a Colonial Wine License.

Section 16. To the Worshipful the Justices of the Peace, acting in and for the district of _____, in the Colony of Western Australia.

I, A.B., (*state the trade or occupation, and if married or single*), now residing at _____, do hereby give notice that it is my intention to apply at the next Licensing Meeting to be holden for this district, for the license called a Colonial Wine License, in the premises which I now occupy (or intend to occupy), situate at _____ (*here describe the house proposed to be licensed, specifying the situation of it, and whether now licensed*).

I have held a license (*if before licensed state how many years, for what kind of license, and what district*).

Given under my hand this _____ day of _____, one thousand eight hundred and _____

A.B.

Thirteenth Schedule.

Form of Endorsement on a License of a Transfer thereof.

Section 34. I, the undersigned, being a Resident (or Police) Magistrate for the district of _____ sitting at _____ this _____ day of _____ do hereby transfer the rights and privileges of the within license to C. D. for the residue of the term between this day and the first day of the month following the next Quarterly Licensing Meeting for the said district.

A. B.

Fourteenth

The Wines, Beer, and Spirit Sale Act, 1880.

Fourteenth Schedule.

Form of Notice of application to remove License to other premises.

I, A.B., the holder of a (*state the nature of the license*) license for the house and premises known as (*or the rooms, as the case may be*), situated Section 36.
 , do hereby give notice that it is my intention to apply to the Justices sitting at the Petty Sessions to be holden at
 on to remove the license to (*describe the premises to which it is proposed to remove the business*).

Given under my hand this day of , one
 thousand eight hundred and

A.B.

Fifteenth Schedule.

Form of Endorsement of a Removal from one House to another.

WE, the undersigned, being two of the Justices (*or the Justice*) present at the Quarterly Licensing Meeting (*or adjourned meeting*) at
 on the day of one thousand eight Section 38.
 hundred and and the requisite notice of application for removal having been proved before us to have been duly served and published, do hereby declare that the within license shall henceforth cease to apply to the house and premises described in the within license, and shall henceforth apply to the house and premises known as the and situate at (*described as in original license.*)

C.D. and E.F.

Sixteenth Schedule.

BE it remembered that on the day of complaint was made before of Her Majesty's Justices of the Peace in and for A. B. being the holder of a Section 41.
 license for that (*here set out the acts which have caused the forfeiture*) (*or, proof was made to us that A. B. being the holder of a*
 a license was twice within the period of twelve consecutive months convicted under the provisions of "The Wines, Beer, and Spirit Sale Act, 1880," that is to say, on the
 day of under the
 section of the said Act, and on the day of
 under the section of the said Act, and on the day
 of under the section of the said Act); Now we do therefore adjudge that the said license of the said shall be forfeited.

Given under hand and seal this day of
 one thousand eight hundred and

A. B. (L. S.)
 C. D. (L. S.)

Seventeenth

The Wines, Beer, and Spirit Sale Act, 1880.

Seventeenth Schedule.

Form of Certificate by Justices to authorise the Granting of a License.

Western Australia, }
to wit. }

Section 20. AT the Quarterly Licensing Meeting (*or*, an adjournment of the Quarterly Licensing Meeting) of Her Majesty's Justices of the Peace acting in and for the district of holden at on the day of , in the year of Our Lord one thousand eight hundred and , pursuant to "The Wines, Beer, and Spirit Sale Act, 1880," for the purpose of considering applications made to us for Licenses pursuant to the said Act; we, being the majority of the Justices assembled at the said Sessions, (*or*, I, being the only Justice present after such adjournment of the said Sessions, and notice as required by the said Act), do in virtue of the power vested in us, (*or*, me,) hereby authorise the Collector of Internal Revenue, (*or other proper Officer*), to issue to A.B. of , the License in the said Act called for (*here state the house, sign, district, shop, room, steam packet, vessel, or other particulars, according to the description of license and nature of the case*) for the year commencing from the day of next; and we (*or* I) do hereby certify that we are satisfied the said A.B. is a person of good fame and reputation, and fit and proper to be licensed as aforesaid.

Given under our hands and seals the day of one thousand eight hundred and at the place aforesaid.

G.H., *J.P.*, (L. S.)
I K., *J.P.*, (L. S.)