



## WESTERN AUSTRALIA.

ANNO TRICESIMO OCTAVO

## VICTORIÆ REGINÆ.

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No. XV.

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

[Assented to, 6th August, 1874.]

**W**HEREAS it is expedient further to amend the Wines, Beer, and Spirit Sale Act of 1872; 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:—

Preamble.

**1** WHENEVER a defendant shall be committed to a house of correction, common gaol, or lock-up house for a term of imprisonment in default of payment of a penalty, the committing Justice or Justices of the Peace may, by the warrant of commitment, order the said defendant to be so imprisoned with or without hard labor.

Imprisonment in default of payment to be with or without hard labor.

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- Licensee to be entitled to renewal of license.      **2** THE thirty-second section of "The Wines, Beer, and Spirit Sale Act, 1872," shall be repealed, and in lieu thereof be it enacted, That every licensee shall be entitled, subject to the proviso hereinafter mentioned, to demand and obtain from the licensing magistrates a certificate authorizing 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 mentioned in the twenty-third section of the said Act shall have been taken and established in manner therein provided to the satisfaction of the licensing magistrates on the application for such renewal.
- Proviso.
- Proviso.
- Exceptions, &c., in description of offence in the said Acts need not be specified or negatived in information.      **3** ANY exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in the said Acts, 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.
- Debts for liquor sold or delivered in less quantity than one gallon not recoverable.      **4** 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.
- Not to prevent Innkeepers, &c., having accounts with lodgers.
- Mode of applying for a Packet License.      **5** SECTION 16 of "The Wines, Beer, and Spirit Sale Act, 1872," shall be read as if the words "or a packet license" were inserted in the second line thereof, after the words "temporary license."
- Section 56 of "The Wines, Beer, and Spirit Sale Act of 1872," amended.      **6** SECTION 56 of the before recited Act shall be and the same is hereby amended by adding at the end of the Section the words as follows: "Provided, however, that such subsequent offence is committed within a period of twelve months from the commission of the first offence."

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7 THAT the provisions of Section 16 of the said recited Act, requiring that every person applying for a license under that Act should among other things affix on the outer side or front of the principal entrance door of the premises for which a license is applied for the notice in the said Section mentioned, shall not apply to a person applying for a Spirit Merchant's License in the said Act mentioned. Provided, nevertheless, that the said notice shall be published as in the said Section provided for.

Mode of applying for a Spirit Merchant's License.

8 THIS Act may be cited as "The Wines, Beer, and Spirit Sale Amendment Act, 1874."

9 THAT this Act and the said recited Act shall be read together as one Act.

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

FRED. A. WELD, Governor.