



WESTERN AUSTRALIA.

ANNO TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. IX.

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

[Assented to, 24th July, 1873.]

WHEREAS it is expedient to amend "The Wines Beer and Spirit Sale Act 1872" in manner hereafter appearing; 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 THE prohibition against the grant or transfer of a license mentioned in the seventeenth section of the said Act shall only extend to the grant or transfer of a Publican's General License a Packet License a Wine and Beer License and a Wayside House License.

Restriction of prohibition against holding Licenses.

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

2 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.

Applicant for a License to attend personally or by agent.

3 ON the hearing of an application under the twentieth section of the said Act it shall not be necessary for an applicant to attend personally but he may if he prefers it appear 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.

Section 48 of the said recited Act.

4 THE forty-eighth Section of the said Act shall be and the same is hereby amended by omitting the words “and if any person serving under a criminal offence whether such sentence be partially remitted or not” down to the end of the Section.

Prohibition against the supply of fermented liquor to natives.

5 AND whereas notwithstanding the prohibition contained in the fifty-second section of the said Act against selling supplying or giving fermented liquor or mixed liquor part whereof is fermented in any quantity which shall produce intoxication to any aboriginal native of Western Australia a large amount of drunkenness exists among the said aboriginal natives; Be it enacted that if any person whatever licensed or unlicensed shall sell supply or give any 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 he or she 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.

Where any penalty is inflicted under this Act and unpaid and no sufficient distress can be had defendant may be imprisoned for a certain term in proportion to the amount of the penalty.

6 IN all cases under the said recited 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

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of correction common gaol or lock-up house for the following terms of imprisonment: in case there remain unpaid of the said penalty costs and charges of distress any sum not exceeding five pounds imprisonment not exceeding two calendar months; in case there remain unpaid as aforesaid any sum not exceeding twenty pounds imprisonment not exceeding three calendar months; in case there remain unpaid as aforesaid any sum not exceeding thirty pounds imprisonment not exceeding four calendar months; and in case there remain unpaid as aforesaid any larger sum than thirty pounds imprisonment 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.

7 AND be it enacted that from and after the passing of this Act any person who 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 the said “Wines Beer and Spirit Sale Act, 1872” 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 on keepers of Eating House Boarding House or Lodging House.

8 FROM and after the passing of this Act the provisions of section fifty-four of “The Wines Beer and Spirit Sale Act, 1872” shall be and the same hereby are extended to all Eating Houses Lodging Houses and Boarding Houses kept open to the public.

Provisions of section 54 of “The Wines Beer and Spirit Sale Act 1872” extended to Eating Houses Lodging Houses and Boarding Houses.

9 SECTION seventy-five of the said recited Act shall be and the same is hereby amended by omitting the word “spirituous” as it occurs therein.

Section 75 of the said recited Act.

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

Certain games not to be played in Public Houses after 12 o’clock, except by *bonâ fide* lodgers.

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This Act and “Wines Beer and Spirit Sale Act, 1872,” to be read as one Act.

11 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.