



WESTERN AUSTRALIA,
ANNO QUARTO
VICTORIÆ REGINÆ,
No. 7.

An Act to render illegal the Distillation of
Ardent Spirits in this Colony, after the
18th March, 1841.

Preamble.

WHEREAS it has been found by the experience of several other Colonies, that the practice of Internal Distillation has proved to be extremely prejudicial to the Revenues of those colonies respectively; and it has, therefore, been deemed expedient entirely to prohibit the Manufacture of Distilled Spirits in the Colony of Western Australia;

I. BE it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that it shall not be lawful to manufacture any Distilled Spirits in this Colony from and after the 18th day of March, in the year of our Lord 1841.

II. AND be it further enacted, that any person who shall be convicted of having distilled any Ardent Spirits, or of having been engaged in the process of distilling any Ardent Spirits in the Colony aforesaid after the said 18th day of March, 1841, shall forfeit and pay for the first offence the sum of £100; for a second offence the sum of £200; and for every subsequent offence, £400.

It shall not be lawful to manufacture distilled spirits in this Colony after the 18th March, 1841.

Any person convicted of distilling, to forfeit, for the first offence, £100; for the second offence, £200; and for every subsequent offence, £400.

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III. AND be it further enacted, that all Informations and proceedings on account of any offence under this Act, shall be heard and determined, and all forfeitures and penalties in respect of the same shall be awarded and imposed in a summary way by any two Justices of the Peace; and that it shall be competent to any one Justice of the Peace to receive the original information and complaint, and thereupon to summon the party accused and all necessary witnesses before any two Justices of the Peace, of whom such summoning Justice need not be one; and upon appearance of the party accused (or in his absence upon proof by oath of his having been served with the said summons either personally or by the same being left at his usual place of abode), such two Justices shall hear the matter of such information, and examine all necessary witnesses upon oath, and make such order thereon as to them shall seem meet; and in case the party accused shall be by them convicted, and shall fail to pay any fine or penalty, costs or expences, awarded by such order, within three days next after such order shall have been personally served on him, or left at his usual place of abode, it shall be lawful for the said convicting Justices to levy and raise such fine or penalty, costs or expences, by distress and sale of the goods and chattels of the party convicted; and in case such goods and chattels shall be insufficient for that purpose, it shall be lawful for the convicting Justices to commit the party so convicted to any jail, for any time not exceeding six calendar months.

Convictions to be made in a summary way before two Justices.

Power to Justices to enforce their orders and convictions by distress and sale, or imprisonment not exceeding 6 months.

IV. AND be it further enacted, that all informations and proceedings in respect of offences against this Act shall be commenced within six calendar months after the offences thereby respectively charged shall have been committed.

Information to be laid within six months after commission of the offence.

V. AND be it further enacted, that if any person shall think himself aggrieved by any judgment or conviction made under this Act, such person may appeal therefrom to the next Court of Quarter Sessions, which Court shall hear and determine the matter of such appeal, and shall summon all necessary parties and witnesses, and shall make such order in affirmance or reversal of the judgment or conviction appealed from, and for the payment of the costs of the appeal, as to such Court shall seem meet; and shall enforce such order, if necessary, by distress and sale of the goods and chattels of any person refusing or neglecting to obey such order, or by imprisonment of any such person for any time not exceeding six calendar months, in case the goods and chattels shall be insufficient to pay the required amount, provided that notice of such appeal be given by the appellant to the Justices from whose judgment or conviction such appeal shall be made, within three days next after such judgment or conviction, and that such appellant deposit the sum of Five Pounds with the last mentioned Justices, or enter into a recognizance, with two sureties, for the purpose of securing the costs of such appeal.

Appeal to the Quarter Sessions.

Security for costs.

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Reservation of penalties in equal moieties to the Crown and the Informer.

VI. AND be it further enacted, that all forfeitures and penalties hereby imposed, shall be payable in equal moieties to the use of Her Majesty, her heirs, and successors, for the support of this Colony, and to the party or parties informing.

JOHN HUTT,
GOVERNOR AND COMMANDER-IN-CHIEF.

Passed the Legislative Council
the 2nd day of July, 1840.

WALKINSHAW, COWAN,
Clerk of the Council.