



WESTERN AUSTRALIA.

ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ,

No. 8.

An Act for repealing the Laws now in force relative to the Licensing and regulating of Public Houses, and for the better regulating the granting of Licenses for the Sale of Ale, Beer, Wine, Spirits, and other Liquors in Western Australia in future.

WHEREAS the laws for licensing and regulating Public Houses ^{Preamble.} require amendment, and whereas, with this view, it is expedient to repeal the Act of the Governor and Council No. 3 of the ^{4 Gul. IV., No 3, repealed.} 4th year of His late Majesty King William the Fourth, entitled "An Act to regulate the Licensing of Public Houses," and to enact other regulations and provisions in lieu thereof;—Now, therefore, be it enacted, by His Excellency the Governor of Western Australia,

by and with the advice of the Legislative Council thereof, that from and after the passing of this Act, the said recited Act shall be, and the same is hereby repealed.

Persons guilty of permitting distilled or fermented Liquors sold by them to be consumed on their premises without first obtaining a License subject to a penalty not less than £10, nor more than £50.

II. AND be it enacted, that from and after the passing of this Act, if any person shall permit any distilled or fermented Liquors, sold by him or her, to be consumed by or on account of the purchasers thereof in his or her house or premises, or any out-house, yard, garden, close or appurtenance adjacent thereto, without having first obtained such license as is hereinafter mentioned and required, every person so offending, being thereof convicted, shall forfeit and pay a sum not less than Ten Pounds, nor more than Fifty Pounds.

General Annual Licensing Meeting of Justices when and where to be holden for granting Licenses.

III. AND be it enacted, that a General Meeting of the Justices of the Peace acting in and for each district in the said Colony, to be called "The General Annual Licensing Meeting," shall be holden on the 31st day of December in the present and every succeeding year, (or in case the said day should fall on a Sunday or public holiday, then on the next preceding day, not being a Sunday or public holiday) for the purpose of taking into consideration all applications which shall be made to them for Licenses to keep Public Houses during the ensuing year, commencing on the first day of January next after the day of such Meeting; and it shall be lawful for the Justices assembled at such Annual Licensing Meeting, being three in number at least, to grant to such persons as shall be approved by the majority of such Justices, after taking the required certificates and recognisances, Licenses in the form in the annexed Schedule, and to adjourn such Annual Licensing Meeting, and the consideration of any applications there submitted to them, to such day or days, and to such place or places within the district for which such Meeting shall be holden, as they may deem most convenient for enabling persons resident within such district to apply for Licenses.

Meetings may be adjourned.

Justices under certain circumstances disqualified from acting at such Meetings.

IV. AND be it enacted, that no Justice of the Peace being a Brewer, Malster or Distiller, or an Importer of or Dealer in Wine or any Malt or Spirituous Liquors, or concerned in partnership with any Brewer, Malster, Distiller, Importer or Dealer in Wine or Malt or Spirituous Liquors, or being the owner or part owner of, or Trustee, Manager or Agent for any owner or part owner of any house about to be licensed or relicensed, or being directly or indirectly interested in any such house, shall sit or act in any meeting of Justices during the consideration of any application for a License, or of any thing relating thereto.

In case of deficiency of District Justices, Justices of an adjoining district may act,

V. AND be it enacted, that whenever at any such Annual Licensing Meeting to be holden for any district as aforesaid, or at

any such Special Session as is hereinafter mentioned, there shall not be present at least three Justices not disqualified as aforesaid, it shall be lawful, upon the request in writing of any Justice of such district, for any Justice or Justices of an adjoining district, not disqualified as aforesaid, to act within such first-mentioned district, and with the Justice or Justices thereof who shall be present at any such Annual Meeting or Special Session, for the purpose of granting or transferring Licenses under, or of hearing complaints for offences against this Act.

VI. AND be it enacted, that when at any such Annual Licensing Meeting as aforesaid, or at any such Special Session as is hereinafter mentioned, any question shall arise touching the granting, withholding or transferring any License, or the fitness of the person applying for such License, or of the house intended to be kept by such person, such question shall be determined by the majority of Justices, not disqualified as aforesaid, who shall be present.

All questions as to granting or transferring Licenses to be decided by the majority of Justices.

VII. AND be it enacted, that the Justices acting at any such Annual Licensing Meeting as aforesaid shall receive all applications for Licenses, with the certificates in support thereof, which shall then be presented to them; but nevertheless it shall be lawful for such Justices, in the exercise of their discretion as aforesaid, to grant Licenses to such persons only as, upon the said certificate and upon other information before them, shall appear likely to keep orderly houses.

All applications to be received at such Meetings, but the Justices to exercise their discretion in granting or refusing Licenses.

VIII. AND be it enacted, that every person desirous of obtaining a License for keeping a Public House under the provisions of this Act, or of obtaining the renewal of a license before granted, shall, before such Annual Licensing Meeting as aforesaid in every year, deliver to the Clerk of the Magistrates acting for the district in which such house may be situated, a notice in writing of his or her intention to apply for such License; and that in every such notice there shall be contained a full description of the dwelling-house or premises proposed to be licensed, with a statement of the applicant's trade or calling and situation in life, and whether married or unmarried, together with the names, residences, and additions of his or her proposed sureties; and every such notice shall be accompanied by a certificate, signed by two respectable householders within the district last aforesaid, purporting that the person delivering such notice and certificate is of good fame, and fit to keep a public house, and is able to provide accommodation hereinafter mentioned for the public convenience; and which notice and certificate shall be in the form in the annexed schedule.

Applicants for Licenses to give a written notice of their application, containing a description of the house proposed to be licensed, the applicant's trade or calling, and the names, residences and additions of his proposed sureties; and certificate as to character and means of accommodation.

IX. AND be it enacted, that every person applying for a License

A Recognisance with two sureties to be entered into

before any License be granted. shall, before the same be delivered to him, enter into a recognisance in the form in the annexed schedule, in the sum of Fifty pounds, with two sureties in the sum of Twenty-five pounds each; and all such recognisances shall be regularly recorded in the records of the respective Benches, and shall, within one month after the same are entered into, be transmitted to the Clerk of the Peace, and be by him, or the person acting as Clerk of the Peace, or his deputy, filed in his office.

If applicant for License should be unable to attend such Meeting, Justices may dispense with attendance.

X. AND be it enacted, that if any person desirous of applying at any such Annual Licensing Meeting as aforesaid, or at any such Special Session as is hereinafter mentioned, for a License under this Act, or for the transfer of any such license, shall be hindered by sickness, infirmity, or any other reasonable cause, from attending in person at any such meeting or session, it shall be lawful for the Justices there assembled to grant or transfer such license to such person so hindered, proof being adduced to the satisfaction of such Justices, who are hereby empowered to examine upon oath into the matter of such allegation, that such person is hindered from attending by good and sufficient cause.

Mode of issuing and duration of License.

XI. AND be it enacted, that every License to be granted under the provisions of this Act shall be signed by the majority of the Justices present, qualified as aforesaid, at the Licensing Meeting or Session at which the same shall be granted, and shall be in force until the next General Annual Licensing Meeting, and no longer; and every such License shall forthwith, after the granting thereof, be deposited by the Clerk of the Magistrates granting the same with the Collector or Sub-Collector of Revenue, who shall forthwith, after the receipt of the proper license, issue the same to the person licensed thereby, together with a Publican's Retail license in the form in the annexed schedule.

Special Session for transferring Licenses, and granting Licenses for broken periods, how and when to be holden.

XII. AND be it enacted, that if any person shall be desirous, after any such General Annual Licensing Meeting as aforesaid, of obtaining a License to keep a Public House for the residue of the then current year until the next annual licensing day, or of transferring his or her license, and of such his or her desire shall give notice to the Clerk to the Magistrates of the district in which such license, or transfer of license, is desired to be given or made, such Clerk shall forthwith give notice of such application to the Magistrates of the district, who shall, with all convenient despatch, hold a Special Session for the purpose of considering such application; and it shall be lawful for the majority of the Justices assembled at such Special Session, three at least being present, to grant Licenses for keeping Public Houses until the General Annual Licensing Meeting

next following such Special Session, and to transfer the license of any house previously licensed to the nominee or nominees of the original holder of such license ; provided that such nominee or nominees, and the person or persons so newly licensed at any such Special Session, produce the like certificate, and enter into the like recognisances, as are hereinbefore required from persons obtaining Licenses at any such General Annual Licensing Meeting as aforesaid ; and every License so granted or transferred at any such Special Session as aforesaid shall be lodged by the said Clerk with the Collector or Sub-Collector of Revenue, who shall thereupon issue it to the person or persons entitled to receive the same, together with a corresponding Retail License, or transfer of Retail License, as the case may require.

XIII. AND be it enacted, that it shall be lawful for the Clerk of such Justices at any such Licensing Meeting or Special Sessions as aforesaid, to demand and receive from every person obtaining a License, or transfer of License, such fees or sums as the Justices of the said colony in Quarter Sessions assembled shall from time to time limit and appoint, but so as the same shall not in any case exceed the following fees or sums ;—that is to say, for every original License, the sum of Ten shillings and sixpence ; for every transfer of a License, the sum of Two shillings and sixpence ; for every Notice served on a District Magistrate for the purpose of assembling a Special Session, the sum of Two shillings and sixpence (such notices not to exceed three in number, unless absolutely necessary) ; and for preparing and taking every Recognizance and lodging the same with the Clerk of the Peace, the sum of Ten shillings and sixpence.

XIV. AND be it enacted, that the Executor or Administrator of any person holding a License under this Act shall be entitled, so far as the provisions of this Act are concerned, to carry on the business of the house hereby licensed, without renewing such License until the next General Annual Licensing Meeting following the decease of the person so holding such license. Provided always, that the License of such house shall be subject to the same regulations as if it had continued to be holden by the person or persons to whom the same was originally granted, and that new recognizances be entered into according to the provisions of this Act.

XV. AND be it enacted, that the Justices by whom any Licenses shall be granted under the provisions of this Act, shall transmit to the Colonial Secretary for the time being within ten days after the granting of such Licenses as aforesaid or by the earliest proper opportunity, a list signed by the said justices of all the persons to whom they shall have so granted Licenses, specifying the situation and sign, and name of each house, and if not in a town, its distance from

Fees to be received by Clerk to the Licensing Justices.

Executors or Administrators may hold the License of deceased without renewal till the next Licensing day, subject to the same regulations, and under like recognisances, as the deceased.

Justices to transmit lists of the Certificates granted by them to Colonial Secretary.

the nearest licensed house in each line of road, the name of the owner or proprietor, whether before licensed or not, and the names and residences of the sureties.

Governor may grant Licenses to Steam-packets, &c.

XVI. AND be it enacted, that it shall and may be lawful for the Governor of the said colony for the time being, whenever he shall deem it expedient, to order and direct that a License for twelve months from its date shall be granted at any period of the year by the Collector or Sub-Collector of Revenue to the Master or Commander of any Steam-vessel or other vessel by which passengers shall or may be conveyed from or to any place, port or harbour within the said colony or its dependencies, for the sale of Ale, Beer and other malt Liquors, and Wine, Cider, Ginger-beer, Spruce-beer, Brandy, Rum, Gin, Whiskey and other fermented or Spirituous Liquors on board of such steam-vessel, or other vessel, to any such passengers; provided always that no such License shall be granted until payment be made to the Collector or Sub-Collector of Revenue as aforesaid of the sum of One Pound.

Persons disqualified from holding Licenses, &c.

XVII. AND be it enacted, that no person holding office or employment under the Government, no Sheriff's officer or Constable, shall hold any License under the provisions of this Act; nor shall any Publican be received or taken as surety in any such recognizance as aforesaid.

No house to be licensed unless it contains certain accommodation.

XVIII. AND be it enacted, that no house shall be licensed under this Act unless the same shall contain one sitting room and one sleeping room for public accommodation, independent of the apartments occupied by the family of the Publican; and if any Keeper of a licensed Public House shall without reasonable cause refuse to furnish reasonable lodging and refreshment to any traveller, or to the horse or horses of any traveller by night or day, such keeper of such Public House shall forfeit and pay a sum not exceeding Ten Pounds nor less than Forty Shillings.

Publicans refusing reasonable refreshment to travellers, subject to a penalty not exceeding Ten Pounds nor less than Forty Shillings.

XIX. PROVIDED always and be it enacted, that it shall be lawful for any two or more Justices of any district to grant under their hands, without any fee, temporary licenses to Publicans already licensed within such district to retail liquors, in any tents, booths, or other edifices during the holding and at the place of any public entertainment within said district.

Publicans to have their names and the words "Licensed Publican," painted on some conspicuous part of their premises, under a penalty not less than Forty Shillings nor exceeding Ten Pounds.

XX. AND be it enacted, that every person licensed to keep a Public House under this Act shall have his or her name at length painted in legible letters, with the words "Licensed Publican" in like letters, on some conspicuous part of his or her premises, and any such licensed person who shall neglect to have his or her name with the

said words so painted shall for every such offence forfeit a sum not less than Forty Shillings nor exceeding Ten Pounds.

XXI. AND be it enacted, that if any person not actually holding a License shall keep up any sign, writing, painting, or other mark on or near to his house, or premises, which may give reasonable cause to believe that such house is licensed as a Public house, every person so offending shall for every such offence forfeit a sum not less than Forty Shillings nor exceeding Ten Pounds.

Unlicensed persons keeping up any sign or other mark implying a License, subject to a penalty not less than Forty Shillings nor exceeding Ten pounds.

XXII. AND be it enacted, that if any licensed person shall abandon the occupation of his or her licensed house as his or her usual place of residence, and knowingly permit any unlicensed person or persons to become virtually or in effect the keeper or keepers thereof, then upon proof of such facts to the satisfaction of any two or more Justices of the Peace, it shall be lawful for such Justices to declare the License of such house absolutely void, or at the discretion of such Justices, such licensed person shall forfeit a sum not less than Ten Pounds nor exceeding Fifty Pounds.

Licensed Publicans abandoning the licensed premises to the virtual keeping of any unlicensed person, subject to loss of License or penalty not less than Ten Pounds nor exceeding Fifty Pounds.

XXIII. AND be it enacted, that if the keeper of any Public house licensed under this Act, shall take or receive from any person in payment or in pledge for liquor consumed in his or her house any article of clothing or slops or any tools or any other article or thing excepting metallic or paper money, such keeper of a Public house so offending shall for every such offence forfeit a sum not less than Twenty Shillings nor exceeding Five Pounds.

Publicans bartering Liquors or taking payment in any thing but money subject to a penalty not less than Twenty Shillings nor exceeding Five Pounds

XXIV. AND be it enacted, that no licensed person shall maintain any action for, or recover any debt or demand on account of spirituous liquors consumed on the premises, unless such debt shall bonâ fide have been contracted at one time, to the amount of twenty shillings or upwards; nor shall any item in any account for spirituous liquors be allowed, where the liquors bonâ fide delivered at one time to be consumed on the premises shall not amount to the full sum of twenty shillings; provided always that nothing herein contained shall extend to prevent Innkeepers from keeping an account with lodgers and travellers, in which any charge for spirits may be included, and recovering the amount thereof in a Court of Justice.

Debts for Spirits not recoverable unless contracted for Twenty Shillings at one time.

Not to prevent Innkeepers having accounts with lodgers.

XXV. AND be it enacted, that if a Coroner's Jury or any three Justices who shall inquire by examination of witnesses into the causes of the death of any person dying suddenly or under other extraordinary circumstances, shall find that the death of such person was caused by intoxication in any Public house, the keeper of such house shall from the date of such finding be deemed to be unlicensed, and no new license shall be granted to him.

Death by intoxication found by Coroner's Jury or Magistrates' inquiry to void the License of the house in which the same shall happen.

Justices and Constables
empowered to enter Pub-
lic Houses at all hours.

XXVI. AND be it enacted, that it shall be lawful for any Justice of the Peace or any Constable generally authorised by a Justice of the Peace in that behalf to demand entrance into any Licensed Public House at any time by day or night, and if admittance be not granted within such reasonable time as shall make it appear that no wilful delay was intended, the License shall be forfeited upon conviction before any two Justices of the Peace, and no License shall again be granted to any person who shall be so convicted of refusing or wilfully delaying admittance, for the space of one year from the date of such conviction ; provided that if such admittance be refused or wilfully delayed, it shall be lawful for such Justice or Constable to break into such Public House with his assistants to serve process or for any other lawful purpose.

Stranger's goods in Li-
censed houses not liable
for Rent or any other
claim against such houses.

XXVII. AND be it enacted, that every house licensed as herein provided shall be considered as a common Inn, and no goods or chattels whatsoever, bonâ fide the property of any stranger or strangers, and being in such licensed house or the appurtenances thereof or any place used and occupied therewith in the ordinary course of resort at such licensed house, 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 other claim soever against the said house or appurtenances or the owner thereof ; and if any such goods or chattels shall be distrained or seized for rent or in any other manner contrary to the provisions of this Act, it shall be lawful for any two Justices of the Peace to enquire into any complaint made in respect of such distress or seizure in a summary manner, and to order such goods and chattels to be restored to the owner or proprietor thereof ; and further, to award such reasonable costs as shall be incurred by such summary proceeding, and such costs to levy by distress and sale of the goods or effects of the person or persons distraining or seizing such goods or chattels as aforesaid.

Penalties and disability
incurred by breaches of
conditions of Recogni-
zance.

XXVIII. AND be it enacted, that if any person licensed under this Act shall offend against the tenor of his or her License, or shall in any respect commit a breach of, or otherwise be guilty of any offence against any condition of the recognizance by him or her entered into, he or she shall on conviction thereof, forfeit and pay or become liable to the several penalties and to the disability hereinafter mentioned ; that is to say, for the first offence, a sum not exceeding Five Pounds nor less than Twenty Shillings, and for the second offence a sum not exceeding Ten Pounds nor less than Forty Shillings, and for the third or any subsequent offence it shall be lawful for any one Justice upon complaint or information of such third or subsequent offender to be summoned to the Quarter Sessions for the said colony, then and there to answer the matter of such com-

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plaint or information ; and also to bind the complainant or informant, and any other person or persons, to appear at such Sessions and give evidence against such licensed person, and in the event of such person being convicted of such third offence by the said Court, he or she shall forfeit and pay a sum not less than Ten Pounds nor exceeding Fifty Pounds (at the discretion of the said Justices), his or her recognizances shall be declared forfeited and his or her License void, and the person whose License shall so be declared void shall be thenceforth incapable of receiving or holding any License to keep a Public House for the space of three years, to be computed from the date of such adjudication.

On a third conviction the offender to forfeit his License or pay a penalty not less than Ten Pounds nor exceeding Fifty Pounds.
If the License be declared forfeited, the party forfeiting the same to be incapable of holding another License for the next Three Years.

XXIX. AND be it enacted, that in case of any offences against the tenor of the License or recognizance under this Act where the same shall have been committed on a Sunday, the party offending shall forfeit and pay double the amount of fines and forfeitures imposed in such cases under this Act.

Persons offending on a Sunday liable to double Penalty.

XXX. AND be it enacted, that all informations and proceedings in respect of any offence under this Act shall be heard and determined, and the forfeitures and penalties in respect of the same shall be awarded and imposed in a summary way by any one Justice of the Peace in all cases where it is not by this Act otherwise provided.

Mode of recovering penalties imposed by this Act by summary conviction before one Justice where not otherwise provided.

XXXI. AND be it enacted, that upon hearing of any information under this Act against any person for keeping a Public House, it shall be incumbent upon the person accused to produce a satisfactory proof to the sitting Magistrate that he or she is duly licensed.

Burden of proof of License to be upon accused.

XXXII. PROVIDED always and it is hereby enacted, that nothing in this Act contained shall extend or be construed to cancel, annul, or modify the provisions of any other Act not herein referred to and now in force in this colony, or to prohibit any sale or consumption of distilled or fermented Liquors authorised under any such Act.

Act not to annul or modify provisions of any other Act now in force.

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

Limitation of prosecutions.

XXXIV. AND be it 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. Provided that notice of such appeal be given by the appellant to the Justice from whose judgment or conviction such appeal shall be made within three days after such judgment or conviction ;

Appeal to Quarter Sessions.
Appellant to give notice, and deposit £5.

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and that such appellant deposit the sum of Five pounds with such last-mentioned Justice, or enter into a recognizance with two sureties, for the purpose of securing the costs of such appeal.

No action to lie against any Justice or Constable without proof of malice, and unless it be commenced in three months.

XXXV. AND be it enacted, that no action at law shall lie against any Justice of the Peace, Constable, or other peace officer, for or on account of any matter or thing whatsoever done, or to be done or commanded by him in the execution of his duty or office under this Act, against any party or parties offending, or suspected to be offending, against the provisions of this Act, unless there be direct proof of corruption or malice, and unless such action be commenced within three calendar months after the cause of action or complaint shall have arisen; and if any person shall be sued for any matter or thing which he has done in the execution of this Act, he may plead the general issue, and give the special matter in evidence.

Appropriation of fines.

XXXVI. AND be it enacted, that all fines and forfeitures shall be divided and paid and applied as follows;—that is to say, after deducting charges of prosecution and sale from the produce thereof, one moiety shall be paid to the Colonial Treasurer, to be appropriated towards the Government of the said colony, in such manner as the Governor, acting with the advice and consent of the Legislative Council, shall by law appoint, and the other moiety to the party or parties informing.

Act may be amended:

XXXVII. AND be it enacted, that this Act may be amended or repealed by any Act to be passed in the present Session.

JOHN HUTT,
GOVERNOR AND COMMANDER-IN-CHIEF.

Passed the Council }
14th May, 1841. }

WALKINSHAW COWAN,
Clerk of the Council.

SCHEDULE

REFERRED TO BY THE ANNEXED ACT.

No. 1.

FORM OF MAGISTRATES' LICENSE TO KEEP A PUBLIC HOUSE.

At the General Annual Licensing Meeting (or at a Special Licensing Session) of Her Majesty's Justices of the Peace for the Colony of Western Australia, holden in and for the district of _____ in the said colony, on the _____ day of _____, in the year of our Lord _____, for the purpose of granting Licenses to keep Public Houses, WE, being the majority of the said Justices assembled at the said Meeting (or Session), do hereby authorise and empower A B to keep a Public House at and in the house now occupied by him at _____, under the sign of _____, and to permit all such spirituous and fermented Liquors as the said A B shall be licensed and empowered to sell under the authority of any retail License issued by the Collector of Colonial Revenue, to be drunk or consumed in his said house, or premises thereunto belonging. Provided that he do not fraudulently dilute or adulterate any liquors by him sold; or sell the same knowing them to have been fraudulently diluted or adulterated; and shall not use in the selling thereof any measures that are not of the legal standard; and shall not wilfully or knowingly permit drunkenness or other disorderly conduct in his house or premises; and shall not knowingly suffer any unlawful games or any gaming whatsoever therein; and shall not knowingly permit persons of notoriously bad character to meet together therein; and shall not keep open his house, or permit any person to remain tippling or drinking therein, after the hour of ten at night, always excepting refreshment to travellers and lodgers; and shall not allow any spirituous or fermented liquors to be drunk in or conveyed out of his premises during the hours of morning and afternoon Divine Service on Sunday, Christmas Day, or Good Friday; and shall not refuse to admit any Magistrate or Constable to any part of his house or premises by night or day; and shall maintain good order and rule therein. And this License shall continue and be in force until the next General Annual Licensing Meeting of the said Justices, and no longer.—Given under our hands and seals the day above written.

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No. 2.

FORM OF APPLICATION FOR A LICENSE TO KEEP A PUBLIC HOUSE, AND
OF CERTIFICATE OF CHARACTER.

To the Worshipful the Justices of the Peace acting for the
District of

I, A B (trade or occupation, and whether single or married),
do give notice, that it is my intention to apply at the next General
Annual Licensing Meeting to be holden for the above district for a
License to permit spirituous and fermented Liquors, sold by retail,
to be consumed in my house and premises thereunto belonging, situate
at , and which I intend to keep as an Inn or Public
House. And I propose C D, of , and E F, of
, as my sureties to enter into the required recognizance.

Dated this day of

(Signed) A B.

We the undersigned Householders, residing at
do hereby certify, that the above-named A B is a person of good
fame and reputation, and fit to keep a Public House.

Witness our hands

No. 3.

FORM OF PUBLICAN'S RECOGNISANCE.

Colony of Western Australia } Be it remembered, that on the
to wit. } day of , 18 ,
A B, of , C D, of , and E F, of
came personally before us,
the undersigned Justices of the Peace for the said Colony, act-
ing for the district of , and acknowledge themselves
to owe to our Sovereign Lady the Queen—to wit, the said A B, the
sum of Fifty pounds, the said C D, the sum of Twenty-five pounds,
and the said E F, the sum of Twenty-five pounds, of lawful British
money, to be respectively levied of their several goods and chattels,
lands and tenements, to the use of our said Lady the Queen, her
heirs and successors, in case default shall be made in the performance
of any of the conditions hereunder written.

The Conditions of this Recognizance are such, that whereas the

said *A B* is to be licensed to keep a common Inn or Public House at and in the house now occupied by him at _____, and to permit all such spirituous and fermented Liquors as he may be licensed and empowered to sell under the authority of any retail License issued by the Collector of Colonial Revenue, to be drunk or consumed in his said house, or premises thereunto belonging, until the next General Annual Licensing Meeting of Justices of the Peace for the said district; if the said *A B* do not fraudulently dilute or adulterate any liquors by him sold; or sell the same knowing them to have been fraudulently diluted or adulterated; and do not use in the selling thereof any measures that are not of the legal standard; and do not wilfully or knowingly permit drunkenness or other disorderly conduct in his house or premises; and do not knowingly suffer any unlawful games or any gaming whatsoever; and do not knowingly permit persons of notoriously bad character to meet together therein; and do not keep open his house, or permit any person to remain tippling or drinking therein, after the hour of ten at night, always excepting refreshment to travellers and lodgers; and do not allow any spirituous or fermented liquors to be drunk in or conveyed out of his premises during hours of morning and afternoon Divine Service on Sunday, Christmas Day, or Good Friday; and do not refuse to admit any Magistrate or Constable to any part of his house or premises by night or day; but do maintain good order and rule therein;—then the said Recognizances to be void, otherwise to remain in full force.

Taken and acknowledged the day and year first above written before us

No 4.

FORM OF PUBLICAN'S RETAIL LICENSE.

These are to certify (in pursuance of an Act for repealing the laws now in force relative to the licensing and regulating of Public Houses, and for the better regulating the granting of Licenses for the sale of Ale, Beer, Wine, Spirits and other liquors in Western Australia, in future), that *A B*, of _____, in the Colony of Western Australia, is duly licensed from the date hereof until the next General Annual Licensing Meeting for the district of _____ in the said colony, to sell, exchange, or otherwise dispose of in retail,

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*in any quantity, any spirituous or fermented Liquors in the house,
and premises thereunto belonging, now occupied by him at
aforesaid, under the sign of _____, but not elsewhere. And
these are further to certify, that the said A B hath paid into my
hands the sum of _____ pounds on account of such License.
Given under my hand the _____ day of*

COLLECTOR OF COLONIAL REVENUE.

(Countersigned)

AUDITOR OF CIVIL ACCOUNTS.