



# WESTERN AUSTRALIA.

ANNO TERTIO

GULIELMI IV. REGIS,

No. 3.

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**An Act to enable the Governor, or other Officer administering the Government of Western Australia, to grant Exemptions from the payment of License Duty to Persons keeping Public Houses under special circumstances.**

**W**HEREAS by an Act of the Governor and Council (No. 2) of the second year of His present Majesty, intituled "*An Act to regulate the Sale of Spirituous and Fermented Liquors by Retail,*" it is enacted that all Publicans in any part of the Colony of Western Australia shall pay to the use of His Majesty, his Heirs and Successors, certain Duties therein mentioned, and no Provision is thereby made for exempting Publicans, under any circumstances from such payment. And whereas it appears ex-

Power conferred on Governor to issue, with advice, of Council, Licenses free of Duty to persons proposing to keep Public Houses in certain situations; or to construct certain public works at their own expense.

pedient for the public convenience, and probably conducive to the ultimate increase of His Majesty's Revenue in the said Colony, that the erection or opening of Houses for shelter and refreshment of Travellers in certain remote and thinly-peopled Districts or thoroughfares, and the formation and repair of Roads without expense to the public, should be encouraged by granting such Exemptions as aforesaid; Be it therefore enacted, by His Honor the Lieutenant Governor of Western Australia and its Dependencies, with the advice of the Legislative Council, that from and after the passing of this Act, it shall be lawful for the Governor, or other Officer administering the Government of the said Colony, with the advice of the Executive Council, to authorise and direct by his Order in writing, the Collector of Colonial Revenue, or other Officer for the time being empowered to grant Publicans' Licenses, to issue a Publican's Retail License, without the payment of any fee or duty, (but upon such conditions as to the said Governor, or other Officer administering the Government as aforesaid, shall seem fit), to any Person undertaking to set up or open an Inn or Public House in any remote or thinly-peopled part of the said colony,—or to any person undertaking to form, at his or her own costs and charges, any road, bridge, or thoroughfare, for the public service.

Duration of such Licenses to be granted upon certain certificates.

II. AND be it further enacted, that no such License to be granted without payment of duty as aforesaid shall continue or be in force for any longer term than twelve calendar months; or shall be granted to any person who shall not first obtain and produce a certificate signed by two Magistrates of the said colony, of his or her fitness to keep a Public House.

On violation of the conditions upon which such License shall be granted, the same shall be forfeited.

III. AND be it further enacted, that if any person who shall receive any such gratuitous License as aforesaid shall, in the opinion of the said Governor, or other Officer administering the Government of the said colony, neglect or fail well and truly to perform and observe all and every the conditions upon which the the same was granted, the same shall be forfeited,—and it shall be lawful for the said Governor, or other Officer administering the said Government, by any notice to be published in the Government Gazette of the said colony, to declare the License of the party so neglecting or refusing, to be forfeited: and if the party incurring such forfeiture shall, after having been served with a copy of such Notice, either personally, or by leaving the same at his or her usual place of abode, continue to keep a Public House, or otherwise to retail

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any Spirituous or Fermented Liquors, under colour of such forfeited License, he or she shall be subject to such and the same penalties and forfeitures, informations and summary convictions, as are imposed and provided in and by the said recited Act upon and against unlicensed Persons keeping Public Houses or retailing as aforesaid.

FREDERICK CHIDLEY IRWIN,

LIEUT-GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council }  
the 17th day of April, 1833. }*

H. C. SUTHERLAND,

Clerk to the Council.