



WESTERN AUSTRALIA.

—◆—
ANNO VICESIMO VICTORIÆ REGINÆ.

—◆—
No. II.

An Ordinance to consolidate and amend the Laws relating to the sale of spirituous and fermented Liquors.

WHEREAS it is expedient that all the Laws regulating the sale of fermented and spirituous liquors in certain specified quantities be consolidated into one Ordinance; 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:— Preamble.

I. THAT the several Ordinances next hereinafter mentioned, that is to say, No. 8 of 1832, No. 2 of 1833, No. 4 of 1834, No. 3 of 1838, and No. 3 of 1841, shall, from and after the time at which this Ordinance shall come into operation, be respectively repealed. Repeal of former Ordinances for purpose of consolidation.

II. THAT from and after the thirty-first day of December next, any person who shall, upon any part of his or her house, or at any place within the said colony or its dependencies, sell, barter, or exchange, or permit to be sold, bartered, or exchanged, any spirituous liquors in a less quantity than forty gallons, or any fermented liquors (except colonial wine) in less than fifteen gallons, without having first obtained a license in manner hereinafter mentioned, he or she shall forfeit and pay, for every such offence, any sum not exceeding fifty pounds: Provided always, and be it further enacted, that no license to be obtained under this Ordinance shall authorise the consumption of any of the aforesaid liquors on the premises where the same shall be sold, nor shall empower any person holding a license under this Ordinance to sell, barter, or exchange any of the aforesaid liquors in a less quantity than one gallon; and that any person holding a license under this Ordinance, who shall be convicted of having sold, bartered, or exchanged any of the aforesaid liquors in a less quantity than one gallon, or of having suffered any such liquors to be consumed on his premises by the purchaser or purchasers thereof, shall forfeit and pay, for every such offence, any sum not exceeding twenty pounds.

The seller of spirits in a less quantity than forty gallons, or of fermented liquors (except colonial wine) in less than fifteen gallons without a license, incurs a penalty of £50.

License does not allow consumption on premises.

Nor to sell less than one gallon.

Penalty of £20.

III. THAT no license to be obtained under this Ordinance shall authorise the furnishing of any of the aforesaid spirituous or fermented liquors to any soldier after the hours of roll-call or tattoo in the evening, that is to say, after the hour of nine o'clock from the eleventh day of October to the fourteenth day of May inclusive, and after the hour of half-past eight o'clock from the fourteenth day of May to the eleventh day of October inclusive; and any person convicted of having furnished any of the aforesaid spirituous or fermented liquors to any soldier after the hours aforesaid, or of harbouring any soldier after the hours aforesaid, shall forfeit and pay any sum not exceeding ten pounds.

Giving liquors to soldier after roll-call or tattoo, £20;

Penalty on purchaser of liquors from unlicensed persons, £20.

Unless he informs.

IV. THAT any person who shall, after the time at which this Ordinance shall come into operation, purchase any such liquors, in quantities prohibited as aforesaid, from any person not licensed under this Ordinance, knowing such person shall not have been so licensed, shall forfeit any sum not exceeding twenty pounds, unless he or she shall inform against such unlicensed person, or voluntarily become a witness against him or her in respect of such act of sel-

1856.

20th Vict. No. 2.

ling: Provided always, that it shall be lawful for any master or employer (not residing within two miles of any Public House) to supply any journeyman, workman, servant, or laborer, at his request, with any quantity of fermented liquors, not exceeding in any one week the amount of one-third of the wages or earnings of such journeyman, workman, servant, or laborer during such week, and to set off and deduct the value of such liquors against or from the wages or earnings of the person or persons to whom the same shall have been so supplied.

Employers in certain cases may supply their workmen or servants.

V. THAT every license issued under or by virtue of this Ordinance, shall be issued by the Collector of Internal Revenue for the time being, or other person or persons appointed by the Governor for that purpose, in form set forth in the schedule hereunto annexed; and that for every such license there shall be paid to the said Collector, or other person as aforesaid, a fee of ten pounds: Provided always, that every license issued under this Ordinance to a licensed auctioneer shall authorise the sale by auction, by such auctioneer, of any liquors in any part of this colony.

Collector receives license fee.
License to empower auctioneer to sell in any part of the colony.

VI. THAT every such license shall be and continue in force from the date thereof until the thirty-first day of December then next ensuing inclusive, unless sooner forfeited.

Duration of license to be till 31st December after date.

VII. THAT if any person licensed under this Ordinance shall die or become insolvent before the expiration of the term of his or her license, or shall be desirous of transferring his or her license to any other person or premises, it shall be competent to the said Collector of Internal Revenue, or other person appointed as aforesaid, on payment of a fee of ten shillings, to transfer such license, by indorsement, to the executor or administrator of the person so dying, or to the assignee or trustees of the person so become insolvent, or to the appointee of the person so desirous of transferring his or her license as aforesaid, or to any other specified premises.

Transfer fee 10s.
Executor or administrator of dead person.
Assignee of Insolvent.

VIII. THAT it shall be lawful for the said Governor to direct the said Collector of Internal Revenue, or other person appointed as aforesaid, to remit any portion of the price or sum payable for any license granted under this Ordinance for any fraction or broken period of a year.

Governor may remit portion of fee for fraction of year.

IX. THAT all informations and proceedings on account of an offence committed against the provisions of this Ordinance shall be heard and determined in a summary way by any two or more Justices of the Peace.

Summary jurisdiction.

X. THAT upon the hearing of any information under this Ordinance, it shall be incumbent upon the person accused of having sold, bartered, or exchanged, or of having permitted to be sold, bartered, or exchanged, any of the aforesaid liquors without a license in pursuance of this Ordinance, to produce satisfactory proof to the sitting Justices that he or she is duly licensed under this Ordinance; and in case such person shall not produce such satisfactory proof as aforesaid, he or she shall be deemed and taken to be an unlicensed person.

Burden on person summoned to satisfy Justices.

XI. THAT all fees or sums of money, payable for licenses or transfers of licenses under this Ordinance, shall be paid over to the Colonial Treasurer for the time being, to the use of Her Majesty, her heirs, and successors, for the public uses of this colony, and in support of the Government thereof.

Appropriation.

XII. THAT nothing in this Ordinance contained shall affect any person holding a publican's general license, or a packet license, under the "Public House Ordinance, 1856," nor (except so far as relates to the sale of spirituous liquors as aforesaid) any person holding a wine and beer license under the Ordinance herein last mentioned.

This Ordinance quite separate and distinct from the "Public House Ordinance, 1856."

XIII. THAT the Sections lettered respectively A, D, F, and I in the Schedule of the "Shortening Ordinance, 1853," shall be incorporated with and taken to form part of this Ordinance, to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Ordinance.

A, D, F, and I.

A. E. KENNEDY,
GOVERNOR AND COMMANDER-IN-CHIEF.

Passed the Legislative Council this }
21st day of June, 1856. }

HENRY WAKEFORD,
Clerk of the Council.

1856.

20th Vict. No. 2.

Schedule Referred to in the foregoing Ordinance.

Form of License for the Sale of Spirituous and Fermented Liquors.

Western Australia }
to wit. }

These are to certify, in pursuance of an Ordinance, 20th Victoria, No. 2, that A. B., of _____ is duly licensed (unless this license be sooner forfeited) from the date hereof until the thirty-first day of December next inclusive, to sell, barter, exchange, or otherwise dispose of any spirituous or fermented liquors in his house or shop, situate at _____ but not elsewhere, (*or, in case of an auctioneer "in any part of the said colony."*)

And these are further to certify that the said A. B. has paid into my hands the sum of _____ pounds on account of such license.

Given under my hand on the _____ day
of _____ one thousand eight hundred and _____

Collector of Internal Revenue, (*or, other person or persons appointed by the Governor.*)