



# WESTERN AUSTRALIA.

ANNO SEPTIMO,

VICTORIÆ REGINÆ.

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No. III.

## An Act to make further provision for the regulating of Public Houses.

**W**HEREAS it is expedient to make further provision to restrict the sale of liquors under certain circumstances in licensed Public Houses within this colony: 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 from and after the passing of this Act, every licensed Publican who shall

Preamble.

No licensed publican shall supply distilled or fermented liquors to any aboriginal native, under penalty of £5. knowingly supply any sort of distilled or fermented liquor to any Aboriginal Native for the use of such native, shall, upon conviction before any one Justice of the Peace, forfeit and pay for every such offence any sum not exceeding five pounds.

No liquors to be furnished to soldiers after roll-call, nor soldier harboured after roll-call, under penalty not more than £10 nor less than £5. II. AND be it enacted, that no licence to be obtained under any Act in force in this colony shall authorize the furnishing of any liquor mentioned in such Act to any Soldier after the hour of roll-call or tattoo in the evening,—that is to say, after the hour of nine o'clock from the eleventh of October to the fourteenth of May inclusive, and after the hour of half-past eight from the fourteenth of May to the eleventh of October inclusive, and any person convicted of having furnished any of the aforesaid 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 nor less than five pounds.

Persons purchasing any of the aforesaid liquors in an unlicensed house subject to a penalty of not less than £5 nor more than £20. III. AND for the more effectual discouragement of tippling in unlicensed houses, be it enacted, that any person who shall after the passing of this Act purchase any such liquor as aforesaid from any unlicensed person shall forfeit a sum not less than five pounds nor more 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 selling or retailing.

This Act to be taken as part of 4 and 5 Vict. No. 8.

IV. AND be it enacted, that this Act shall be deemed and taken to be part of and incorporated with an Act passed in the fourth and fifth year of the reign of Her present Majesty, No. 8, intituled "An Act for repealing the laws now in force relative to the licensing and regulating Public Houses and for the better regulating the granting of licences for the sale of ale, beer, wine, spirits, and other liquors, in Western Australia in future," and all penalties or forfeitures incurred under this Act shall be appropriated in like manner as is provided by the said recited Act for the appropriation of penalties or forfeitures thereby imposed.

Mode of recovering penalties, &c.

V. AND be it enacted, that all informations and proceedings in respect of any offence under this Act, or under the Act aforesaid, with which it is so incorporated, shall be commenced within three calendar months after the commission thereof, and 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 one Justice

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of the Peace in all cases where it is not otherwise provided, and such Justice, or such Justices (where it is so provided) shall summon the party accused and all necessary witnesses before any Justice (or where it is so provided 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 Justice or Justices shall hear the matter of such information and examine all necessary witnesses upon oath, and make such order as to him or them shall seem meet, and in case the party accused shall be by him or them convicted, and shall fail to pay any penalty, forfeiture, fine, costs, or expences awarded by such order forthwith, or at the time appointed by such Justice or Justices, it shall be lawful for such convicting Justice or Justices to levy and raise such penalty, forfeiture, fine, costs or expences by distress and sale of the goods and chattels of the party so convicted, and in case such goods and chattels shall be insufficient for that purpose, then it shall be lawful for such Justice or Justices to commit the party so convicted to any Jail or House of Correction for any term not exceeding six calendar months with or without hard labour, unless the said sum so to be levied, together with all costs and expences, shall be sooner paid.

V. AND be it enacted, that this Act may be amended or repealed Act may be amended by any Act to be passed during this present Session.

“JOHN HUTT,”  
GOVERNOR.

*Passed the Council* }  
*13th July, 1843.* }

EDWARD C. SOUPER,  
Acting Clerk of the Council.