



ANNO SEXTO

## VICTORIÆ REGINÆ,

No. 5.

*By His Excellency SIR JOHN FRANKLIN, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer, and a Captain in Her Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.*

*AN ACT for regulating Places of Public Entertainment and for punishing Persons keeping disorderly Houses.*

**W**HEREAS it is expedient that provision should be made for **PREAMBLE.**  
 guarding against the evil consequences which the unrestricted power of opening places of public exhibition and entertainment in this Colony must necessarily produce—**BE IT THEREFORE ENACTED** by His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order Knight of the Greek Order of the Redeemer and a Captain in Her Majesty's Royal Navy Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council that from and after the First day of October next if any person or persons shall act represent or perform or cause to be acted represented or performed whether such acting or performance be gratuitous or be for hire gain or reward any interlude tragedy comedy opera play farce or other entertainment of the stage or any part or parts therein or any stage-dancing tumbling or horsemanship or any other public entertainment of the like kind to which admission shall or may be procured by payment of money or by tickets either transferable or not transferable or by any other means promise token or consideration as the price hire or rent of admission or of places seats or boxes for the day week month or year or for any less or longer time whatever or if any person or persons shall take or receive or cause to be taken or received any money goods or valuable thing whatsoever by way of rent fee or reward for the use or hire of any house room building garden or place for the purposes of such exhibitions or entertainment as aforesaid or any part thereof or being the owner or occupier thereof shall permit

Prohibits the performance of plays and certain other public entertainments without a Licence.

or suffer the same to be so used and applied every such person shall in case the place wherein the same shall be acted represented performed exhibited or done be without authority and licence as hereinafter is mentioned forfeit and pay for every such offence any sum not exceeding Fifty Pounds.

Mode of obtaining Licence.

II. AND BE IT ENACTED that persons desirous of obtaining a Licence under this Act for all or any of the purposes in the first Section of this Act mentioned shall make application in writing for that purpose to the Colonial Secretary for the time being and as soon as conveniently may be after the receipt of every such application and after the signification by the Lieutenant-Governor of his approbation thereof to the said Colonial Secretary he shall transmit to the applicant or applicants a Certificate of such approval directed to the Collector of Internal Revenue.

Issue expense and duration of Licence and Recognizances to be entered into previously to the receipt thereof.

III. AND BE IT ENACTED that such Collector shall upon sight of any such Certificate and upon payment being made to him of the sum of Twenty Shillings forthwith issue to the person or persons named in such Certificate a Licence in the form of the Schedule to this Act marked A. authorising such public exhibitions or entertainments as aforesaid or such of them as in such Certificate may be specified for a period not exceeding one year from the date of such Licence—PROVIDED ALWAYS that before such Licence shall be delivered to such person or persons he she or they shall enter into a Recognizance himself herself or themselves in the sum of Fifty Pounds with two sufficient Sureties in the sum of Twenty-five Pounds each according to the form of the Schedule to this Act marked B. which said Recognizance any two Justices one of whom shall be a Police or Assistant Police Magistrate are hereby authorised to take.

Penalties incurred for breach of Recognizance.

IV. AND BE IT ENACTED that it shall be lawful for any two or more Justices of the Peace to inquire into every or any offence alleged to have been committed against the said Recognizance and if they shall find that such licensed person as aforesaid hath committed any such offence it shall be lawful for such Justice or Justices to order the convicted party to pay a penalty not exceeding Fifty Pounds or declare his or her Recognizance to be forfeited and his or her Licence to be void and such Recognizance and Licence shall be forfeited and void accordingly.

Penalty for keeping a house for public dancing music &c. without a Licence.

V. AND BE IT FURTHER ENACTED that from and after the passing of this Act any house room garden or other place kept for public dancing music or other public entertainment of the like kind in any of the towns of this Island or within twenty miles thereof without a Licence had for that purpose from a majority of the Justices assembled at a General or Quarter Sessions of the Peace to be holden for the District in which such house room garden or other place is situated who are hereby authorised and empowered upon one week's previous notice having been given to the Clerk of the Peace attending such Session of such intended application to grant or refuse such Licence which shall be in the form of the Schedule to this Act marked C. and shall be for a period not exceeding

Mode of obtaining such Licence.

one year as they at their discretion shall think proper shall be deemed a disorderly house room garden or place and every person keeping such house room garden or other place as master or mistress thereof shall forfeit the sum of Fifty Pounds and every such Licence shall be signed and sealed by the said Justices in open Court and afterwards be publicly read by the Clerk of the Peace together with the names of the Justices subscribing the same and no such Licence shall be granted at any adjourned Sessions nor shall any fee or reward be taken for any such Licence.

**VI. PROVIDED ALWAYS AND BE IT HEREBY FURTHER ENACTED** by the authority aforesaid that in order to give public notice what places are licensed pursuant to this Act there shall be affixed and kept up in some conspicuous place over the outer door or entrance of every such house room building garden or other place kept for any of the said purposes and so licensed as aforesaid an inscription in large capital letters not less than two inches in length in the words following "Licensed pursuant to Act of Council of the 6th of Queen Victoria."

Inscription to be made on licensed houses.

**VII. AND BE IT FURTHER ENACTED** that every house room building garden or place wherein any such exhibition or entertainment as aforesaid or any part thereof shall be acted represented performed exhibited or done unless the same be authorised and licensed as aforesaid shall be deemed a disorderly house room building garden or place and it shall and may be lawful to and for any Constable or other persons being thereunto authorised by warrant under the hand and seal of one or more of the Magistrates of this Island and its Dependencies to enter such house room building garden or place and to turn out all such persons as may be found therein and if any person shall assault or resist any such Constable in the execution of his duty or any person at the time lawfully acting in aid of such Constable or shall aid or incite any person so to assault or resist every such offender being convicted thereof shall for every such offence forfeit and pay a sum not exceeding Ten Pounds and shall further pay the amount of any damage caused by such assault or resistance to the clothes or apparel of such Constable or any person lawfully aiding such Constable as aforesaid—**PROVIDED ALWAYS AND BE IT FURTHER ENACTED** that if any such exhibition or entertainment as aforesaid or any part thereof shall without a Licence as aforesaid be acted represented performed exhibited conducted or done in any house room building garden or place wherein ale beer wine spirits coffee or any other liquors shall be sold or retailed by Licence the place wherein such exhibition or entertainment as aforesaid or any part thereof is represented conducted or done shall be deemed to be a disorderly house room building garden or place and the Licence of the person being the occupier of such last-mentioned house room building garden or place for the sale of such Liquors shall thenceforth become forfeited and void and the person being the holder thereof shall in addition to such loss of Licence forfeit and pay for every such offence any sum not exceeding Fifty Pounds to be recovered in manner hereinafter mentioned.

Police empowered to turn persons out of unlicensed houses.

Penalty for resisting them.

Penalty incurred by Licensed Victuallers for a breach of this Act.

Definition of the  
keeper of any  
house &c. under  
this Act.

VIII. AND BE IT ENACTED that any person who shall hereafter appear act or behave him or herself as master or mistress or as the person having the care government or management of any such disorderly house room building garden or place shall be deemed and taken to be the keeper thereof and shall be liable to be prosecuted and punished as such notwithstanding that he or she shall not be the legal owner or keeper thereof.

Proceedings for  
penalties.

IX. AND BE IT FURTHER ENACTED that all penalties and forfeitures imposed for offences committed under this Act shall be recovered in a summary way before two Justices of the Peace and be awarded levied and distributed and the party convicted be entitled to appeal in the manner respectively provided by the Act intituled *An Act to regulate Summary Proceedings before Justices of the Peace.*

Indemnity to  
Magistrates.

X. AND BE IT FURTHER ENACTED that if any Action or Suit shall be commenced or brought against any Justice of the Peace or any other person for doing or causing to be done anything in pursuance of this Act such Action or Suit shall be commenced within Three calendar Months next after the doing of the thing complained of and the Defendant or Defendants in such Action or Suit shall and may plead the general issue and give the special matter in evidence in his or their defence to such Action or Suit and if upon the trial of such Action or Suit a verdict shall be given for the Defendant or Defendants or the Plaintiff or Plaintiffs shall become nonsuit or shall not prosecute his or their said Action or Suit then the Defendant or Defendants shall have treble costs and shall have the like remedy for the same as any Defendant or Defendants have in any other cases by Law.

Appropriation of  
moneys received  
for Licences.

XI. AND BE IT ENACTED that all sums received for Licences under this Act shall be paid into the Treasury and appropriated to Her Majesty Her Heirs and Successors in aid of the general fund for the support and maintenance of the Government of this Colony.

JOHN FRANKLIN.

Passed the Legislative Council this eighth day  
of September, one thousand eight hundred  
and forty-two,

FR. HARTWELL HENSLOWE, *Clerk of the Council.*

## SCHEDULE A.

IN conformity with a certain Certificate of A. B. Colonial Secretary of Van Diemen's Land presented to me C. D. Collector of Internal Revenue in Van Diemen's Land aforesaid I do by virtue of the power in me vested by the Act of this Island passed in the Sixth Year of the Reign of Her Majesty Queen Victoria intituled *An Act for regulating Places of Public Entertainment and for punishing Persons keeping disorderly Houses* hereby grant unto E. F. the owner [or occupier] of the house [or garden &c. as the case may be] situate in [name the town and street] full licence and authority in and upon the said premises to act represent perform exhibit conduct give or do any of the public entertainments following that is to say [name the exhibition or entertainment.]

This Licence to remain in force for twelve calendar months from the date hereof [or if the Licence be required for a shorter period or for one or more particular occasions only name the period or occasions for which it is granted.]

Given under my hand at                      this                      day of                      184  
C. D.

## SCHEDULE B.

BE it remembered that on this                      day of                      184 A. B. C. D. and E. F. [here insert their residences and trades or callings respectively] came personally before us G. H. and I. J. Esquires two of Her Majesty's Justices of the Peace in and for Van Diemen's Land and its Dependencies and acknowledged themselves to owe to our Sovereign Lady the Queen as follows that is to say the said A. B. the sum of Fifty Pounds and the said C. D. and E. F. the sum of Twenty-five Pounds each of lawful money of Great Britain to be levied of their goods and chattels lands and tenements to the use of our said Lady the Queen Her Heirs and Successors by way of Recognizance in case default shall be made in any or either of the conditions of such Recognizance the conditions of which Recognizance are that if the said A. B. shall receive a Licence to act represent perform exhibit or do certain public entertainments to be in such Licence named upon certain premises to be therein also named and do and shall during the continuance of such Licence not permit any drunken person to remain on the said premises and if the said A. B. do not permit any fighting tumult or impropriety of behaviour to take place thereon or therein but on the contrary do and shall manage and conduct such premises and the public entertainments to be therein acted represented performed exhibited or done peaceably and quietly and with propriety and decency on all occasions then this Recognizance shall be void otherwise the same shall remain in full force and effect.

Taken and acknowledged before us,

G. H.                      (L.S.)  
I. J.                      (L.S.)

## SCHEDULE C.

WE A. B. C. D. and E. F. being the majority of the Justices assembled at the General or Quarter Sessions of the Peace holden at                      this                      day of                      184 do hereby by virtue of the power vested in us by an Act of this Island intituled *An Act for regulating Places of Public Entertainment and for punishing Persons keeping disorderly Houses* grant unto G. H. the owner or occupier of the house [or garden &c.] situate in [name the town and street] full licence and authority in and upon the said premises to allow Public dancing and music [or if any other entertainment of the like kind name it] to be carried on and performed.

This Licence to remain in force for twelve calendar months from the date hereof [or if the Licence be required for a shorter period or for one or more particular occasions only name the period or occasions for which it is granted.]

Dated this                      day of                      184

A. B.                      (L.S.)  
C. D.                      (L.S.)  
E. F.                      (L.S.)