



ANNO SEXTO

VICTORIÆ REGINÆ,

No. 10.

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 to regulate the Sale by Retail of fermented Liquors to Passengers on board of Steam Boats working on the Rivers of this Island and to promote good Order therein.

WHEREAS the existing Laws of this Island do not authorise the issue of Licences for retailing fermented Liquors on board of Steam Boats working on any River of this Island and it is expedient that a Law should be made for the purpose of creating a power to issue such Licences and to promote good order on board the said Boats in the manner hereinafter set forth—**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 passing of this Act a Licence may be granted in the manner hereinafter mentioned to any owner or proprietor or part owner or proprietor of any such Boat or to any person who may be approved of by such owner or proprietor or part owner or proprietor as last mentioned for the sale of such Liquors as aforesaid but no such Licence shall authorise the sale of such Liquors to any other than passengers by the said Boat and during the actual passage thereof.

PREAMBLE.

Persons eligible to receive a Licence.

II. AND BE IT ENACTED that every person being such owner

Mode of application for the same.

or proprietor as aforesaid desirous of applying for a Licence to be granted either to himself in his own name or to such approved person as aforesaid shall one calendar month before some yearly or quarterly meeting of Justices holden under an Act of this Island intituled *An Act to consolidate and amend the Laws relating to the Sale by Retail of Wine and Malt and spirituous Liquors and to promote good Order in Public Houses* for the District within which one of the starting places of such Steam Boat shall be situated deliver to the Police Magistrate of the same District a written notice in the form marked Schedule A. hereinafter inserted (which with every other Schedule and the directions therein respectively given shall be deemed part of this Act) accompanied by a certificate of at least three known housekeepers of such District in the form described at the foot of the said Notice which application shall be considered and decided upon by such Justices as aforesaid at their then next meeting who are hereby empowered in that behalf to grant or withhold their assent to such application.

Certain Justices forbidden to act in the matter of such applications and in appeals.

III. AND BE IT ENACTED that no Justice being an importer of or directly or indirectly concerned as dealer in any fermented or spirituous Liquors or beneficially interested in the same or any other Steam Boat shall sit or act in any matter relating to licences convictions or appeals nor shall any Justice vote on the hearing of appeals against his own convictions under a penalty of One Hundred Pounds to be recovered by action of debt and no person holding a ticket-of-leave or being the husband or wife of a person not free shall hold any such Licence nor shall any such person or any dealer in fermented or spirituous Liquors be received as a Surety in the recognizance to be entered into under this Act.

Persons incompetent to hold Licences or be Sureties.

Approved applicants to enter into Recognizances.

IV. AND BE IT ENACTED that every person whom such Justices shall approve of receiving a Licence shall enter into such Recognizance with two approved sureties and conditioned as in Schedule B. hereinafter inserted which Recognizance shall be taken and signed in the same way and manner in all respects as provided by the before-mentioned Act whereon the Justices before whom the said Recognizance shall be taken shall by a Certificate in the form prescribed by Schedule C. hereinafter inserted authorise the issue of such Licence accordingly in the form prescribed by Schedule D. hereinafter inserted which Licence shall be issued by the Collector of Internal Revenue on sight of the original Certificate of approval and receipt of the sum of Five Pounds and shall be dated the day on which the Licence money is paid and be in force until the Twenty-ninth day of September thence next following and no longer and until such money be paid and Licence issued the person entitled to the said Licence shall be deemed and considered and is hereby declared unlicensed.

Manner of issuing Licence duration thereof and Fee payable thereon.

Fees for Recognizance and Certificate of Justices.

V. AND BE IT ENACTED that the Clerk of the Peace or his Deputy shall receive Ten Shillings and Sixpence for each Recognizance and Sixpence for a copy thereof if required and Two Shillings and Sixpence for each Certificate of the Justices.

VI. AND BE IT ENACTED that if a licensed person shall in any respect commit a breach of or an offence against the condition of his or her Recognizance he or she shall for every such offence forfeit and pay the penalties hereinafter mentioned that is to say for the first offence not exceeding Five Pounds for the second offence not exceeding Ten Pounds and for the third and every subsequent offence not exceeding Twenty Pounds.

Penalties for Breaches of Recognizance.

VII. AND BE IT ENACTED that if any licensed person shall take or receive in payment or as a pledge or in barter or exchange for any such Liquor as aforesaid any other than coin or bank notes commonly current he shall forfeit and pay for every such offence a penalty not exceeding Fifty Pounds and in case of a third or subsequent conviction for a like offence such licensed person shall by the convicting Justice or Justices be deprived of his Licence.

Penalty for taking in payment for liquor anything other than coin or bank notes.

VIII. AND BE IT ENACTED that it shall be lawful for every Justice of the Peace and also for the Chief Constable or any Chief District or District Constable either alone or attended by Petty Constables or other Officers upon demand to enter any such Steam Boat as aforesaid at any hour by day or night and if admittance be refused or wilfully delayed the Licence thereof shall upon conviction of such offence before any two Justices of the Peace be by such Justices declared void and thereupon such Licence shall be void or (at the discretion of such Justices) the party so offending shall forfeit and pay a penalty or sum not exceeding Fifty Pounds.

Justices and certain Constables empowered to enter Steam Boats.

IX. AND BE IT ENACTED that every offence under this Act may be heard and determined and every penalty in respect thereof be imposed in a summary way before and by any two Justices of the Peace and such penalties shall go and be distributed one half to the informer and one half to Her Majesty Her Heirs or Successors and in every case where any proceeding is directed to be had or matter authorised to be heard and determined before or by any one or more Justice or Justices or before or by any General or Quarter Sessions of the Peace every such proceeding or matter shall be so had or heard and determined in a summary way and any person aggrieved by the summary judgment or conviction of any such Justice or Justices shall be entitled to appeal therefrom in the manner provided by the Act intituled *An Act to regulate Summary Proceedings before Justices of the Peace.*

Proceedings for and distribution of Penalties.

Appeal.

X. AND BE IT ENACTED that no action at Law or suit in Equity shall be commenced by any person against any Justice Constable or Peace Officer on account of any thing done by him or under his order or direction in the discharge of his duty under this Act unless the Plaintiff or Complainant shall commence the same within three calendar months next after the alleged cause thereof shall have arisen—PROVIDED ALWAYS that nothing herein contained shall deprive any Justice of the Peace of his legal right to notice of action.

Protection of persons sued for any thing done under this Act.

Limiting time of laying informations.

XI. AND BE IT ENACTED that no conviction shall be had under this Act in any case happening more than three months before the time of filing the information or complaint.

Discretionary power of dismissing informations vested in Justices.

XII. AND BE IT ENACTED that to prevent unnecessary prosecutions under this Act it shall be lawful for all Justices of the Peace respectively at their discretion on the hearing of any complaint or information to dismiss such complaint or information with or without costs which dismissal shall be a bar to any other prosecution whatever against the same person for the same matter and may be pleaded and shown accordingly anything to the contrary notwithstanding.

Provision for transfer of Licence.

XIII. AND BE IT ENACTED that if the owner or proprietor owners or proprietors for the time being of any Steam Boat in respect of which a Licence may have issued shall be desirous of some other person being substituted in the place of the party in whose name it was originally granted then upon giving a notice of application similar to that required to be given by the Second Section of this Act which application shall be considered in the manner described by that Section and in the event of the Justices certifying their approval of the person named in the said Notice receiving a Licence and also in the event of his entering with two approved Sureties into the like Recognizance as was originally entered into a Licence for the remainder of the time specified in such original Licence shall upon sight of the Certificate of approval be issued by the Collector of Internal Revenue to the new nominee but without payment of any other fee than is hereby made payable to the Clerk of the Peace for a Recognizance and copy and Justices' Certificate of approval and thereupon the first or original Licence shall be and is hereby declared void but without prejudice to any proceedings for any breach previously committed of this Act or of the first or original Recognizance—PROVIDED ALWAYS that such Certificate of approval as last aforesaid shall with respect to the cases contemplated by this Section set forth that in consequence of a Licence having been previously granted during the same year or quarter for the same Vessel as the case may be no fee for Licence money is to be charged.

Appropriation of Penalties and Fees.

XIV. AND BE IT ENACTED that all fees and shares of penalties payable under this Act to or to the use of Her Majesty Her heirs and successors shall be and the same are hereby reserved for the Public uses of this Island and the support of the Government thereof and all monies received for Licences under this Act shall be and the same are hereby reserved to Her Majesty Her heirs and successors for the support of the Judicial Establishments of this Island or as shall be directed by any Act or Acts from time to time passed within this Island for the appropriation of the Revenue and the same fees shares and monies shall go to and be applied in aid of the Public Revenue of this Island accordingly.

JOHN FRANKLIN.

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

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

SCHEDULE A.

To O. P. Esquire Police Magistrate of the District of
in Van Diemen's Land.

I A. B. of in the District of owner [or part owner] of the
Steam Boat called conveying passengers between and
within this Island do hereby give notice that it is my intention to apply at the
next Annual [or Quarterly] Meeting to be holden in and for the District of
 aforesaid under an Act of this Island passed in the fourth year of
the reign of His Majesty King William the Fourth for a Certificate approving
of my [or if wished of C. D. of] receiving a Licence for the Sale of
fermented Liquors to the Passengers on board such Vessel during its passage
pursuant to the Act of Council in that case made and provided—And I propose
E. F. of and G. H. of as Sureties to enter with me [or the
said C. D. if necessary] into the requisite Recognizances.

Dated this day of 184 A. B.

WE the undersigned three housekeepers do hereby certify that the above-
named A. B. [or C. D. as necessary] is well known to us and that he is of sober
life and habits and of good fame and reputation fit to be entrusted with a
Licence to sell and retail fermented Liquors to Passengers on board a Vessel
during its passage and able to manage the selling and retailing of such
Liquors.

Dated this day of 184

J. F. of	}	[Insert residences and professions trades or callings.]
K. L. of		
M. N. of		

SCHEDULE B.

VAN DIEMEN'S LAND }
TO WIT. }

BE IT REMEMBERED that on this day of 184
A. B. of C. D. of and E. F. of came personally before
us G. H. and I. K. Esquires Justices of the Peace in and for the Island of
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 One Hundred Pounds and the said C. D. and E. F. the sum of Fifty
Pounds each of lawful money of Great Britain to be levied on their several
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 sell and
retail fermented Liquors on board the Steam Boat called
to the Passengers on board the said Boat and during the actual passage thereof

between and to the Twenty-ninth day of September now next ensuing inclusive and do and shall obey and keep every law regulation and provision contained in or referred unto by an Act of His Excellency the Lieutenant-Governor with the advice of the Legislative Council in regard thereto made and passed on the day of 1842 intituled *An Act to regulate the Sale by Retail of fermented Liquors to Passengers on board of Steam Boats working on the Rivers of this Island and to promote good Order therein* and sell no other than good and wholesome Liquors without fraudulently diluting or adulterating the same and not introduce or permit any disorder or disturbance in or on any part of the said Steam Boat nor get drunk himself or permit any other person to get drunk therein or to remain when drunk at large in or on the same nor suffer any drunken person to enter the same without immediately removing him or her therefrom nor suffer any riot fighting affray tumult nuisance annoyance or disturbance to take place or continue in or on the said Steam Boat but on the contrary do and shall as the seller or retailer of fermented Liquors on board the same to the Passengers thereof during the actual passage as aforesaid manage and conduct such his business peaceably and quietly and maintain and preserve good order and rule therein on all occasions then such Recognizance shall be void otherwise the same shall continue in full force.

Taken and acknowledged before us

M. N.
O. P.

SCHEDULE C.

WE M. N. and O. P. Esquires of Her Majesty's Justices of the Peace in and for the Island of Van Diemen's Land and its Dependencies do hereby certify that at a General [or Quarterly] Meeting of such Justices holden at in the said Island on the day of the date hereof for the consideration of applications for Certificates of approval of persons receiving Licences to keep Inns or Public Houses under the Act of this Island intituled *An Act to consolidate and amend the Laws relating to the Sale by Retail of Wine and Malt and Spirituous Liquors and to promote good Order in Public Houses* A. B. of applied for a Certificate in his favour [or in favour of C. D.] for a Licence to sell and retail fermented Liquors on board the Steam Boat called carrying Passengers between and within this Island and that the Justices assembled at such meeting were satisfied that the said A. B. [or C. D.] was a person of sober life and habits and of good fame and reputation fit to be entrusted with a Licence to sell and retail fermented Liquors to Passengers on board a Vessel during its passage and able to manage the selling and retailing of such Liquors and that such Recognizance was this day taken from him and his Sureties as is required by the Act made and passed in that behalf We two of the said assembled Justices do therefore hereby authorise the Collector of Internal Revenue to issue a Licence to him the said A. B. to sell and retail fermented Liquors on board the Steam Boat called conveying Passengers between and aforesaid to the Passengers on board the said Boat during its actual passage as from the day of instant to the twenty-ninth day of September now next ensuing inclusive if the monies payable for the same Licence be paid on or before the said day of instant otherwise only as from the day on which the Licence-money shall be paid to the day aforesaid inclusive.

Given under our hands at this
day of 184

M. N.
O. P.

SCHEDULE D.

WHEREAS I have received a Certificate of two of the Justices of the Peace assembled at on the day of instant authorising me to issue the Licence hereinafter contained and having received Five Pounds being the sum payable in that behalf I do hereby license A. B. of to sell and retail fermented Liquors on board the Steam Boat called to the Passengers on board the said Boat and during the actual passage thereof between and within the Island of Van Diemen's Land to the Twenty-ninth day of September now next ensuing inclusive provided it be not forfeited before such day.

And as the commencement of the right to sell and retail under such a Licence is by an Act of the Lieutenant-Governor with the advice of the Legislative Council made and passed in this behalf governed by the time at which the Licence-money is paid I declare that the money payable for this Licence was received by me on the day of the date hereof.

Given under my hand this day of
184

A. T.

Collector of Internal Revenue.



ANNO SEXTO

VICTORIÆ REGINÆ,

No. 11.

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 to amend an Act passed in this Island in the Fourth Year of the Reign of His late Majesty King William the Fourth for regulating the Sale by Retail of Wine and Malt and Spirituous Liquors by making provision for Re-hearing of rejected Applications for Certificates for Renewals or Transfers of Licences.

PREAMBLE.

WHEREAS it is expedient to amend the law in force in this Island relating to the transfer and renewal of Licences to sell Wine and Malt and Spirituous Liquors and to make provision for re-hearing of rejected applications for Certificates for renewals or transfers of Licences in the manner hereinafter set forth—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 passing of this Act if any person who may hereafter apply at a General Meeting of Justices holden in any District whatever within this Island for a Certificate approving of his or her receiving a Licence for the sale of Wine and Malt and Spirituous Liquors in respect of his or her then licensed premises shall have such Certificate refused or if any person who may hereafter apply at a Quarterly Meeting of Justices holden as last mentioned for permission to transfer his or her existing Licence shall have such permission refused and shall think himself or herself aggrieved thereby then and in such case he or she may apply for and

Persons refused a renewal of a Licence at the General Meeting or a transfer at a Quarterly Meeting entitled to a re-hearing upon giving a certain notice.