

T A S M A N I A.



1857-8.

ANNO VICESIMO-PRIMO

VICTORIÆ REGINÆ,

Sec 25 C. 4/15 p. 2  
37 " " 16  
No. 39.

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23 C. 4/24  
27 " " 32  
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35 " " 14

AN ACT to regulate the Sale of fermented and spirituous Liquor. [25 February, 1858.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

*Construction.*

1 In the construction and for the purposes of this Act, and of all proceedings under and by virtue thereof, the following words shall have the meanings hereunder assigned to them, unless inconsistent with or repugnant to the context:—

“Liquor” shall mean ale, beer, and any other malt liquor, and wine, cider, brandy, gin, rum, whiskey, and any other spirituous or fermented liquor, except ginger beer and spruce beer, and any mixed liquor part of which is malt liquor or fermented or spirituous liquor : “Liquor.”

“Wholesale Licence” shall mean a Licence to sell “Liquor” in any Bonding Warehouse, and in any store or on any premises mentioned in such Licence, in any quantity not less than Seven Quarts of any one kind of Liquor delivered at any one time : “Wholesale Licence.”

“Public-house Licence.”	“Public-house Licence” shall mean a Licence to sell “Liquor” in any quantity in any house mentioned in such Licence :
“Packet Licence.”	“Packet Licence” shall mean a Licence to sell “Liquor” in any quantity on board of any Vessel mentioned in such Licence, being a Vessel by which passengers are conveyed from any place within this Colony to any other such place, to any passenger being actually conveyed by such Vessel :
“Manufacturer’s Licence.”	“Manufacturer’s Licence” shall mean a Licence to any Manufacturer of Cider, Perry, or Wine from apples, pears, or other fruit grown in this Colony, to sell such Liquor in any quantity not less than Two Gallons of any one kind of such Liquor delivered at any one time :
“Importer’s Licence.”	“Importer’s Licence” shall mean a Licence to any person to sell any Liquor in Bond in any quantity not less than One hundred Gallons of any one kind of such Liquor at any one time, and to sell in Bond bottled Wine or Spirits in unbroken packages as imported in any quantity not less than Twenty of such packages at any one time :
“Brewer’s Licence.”	“Brewer’s Licence” shall mean a Licence to any Brewer to sell Malt Liquor of his own manufacture in any quantity not less than Five Gallons delivered at any one time :
“Ginger-beer Licence.”	“Ginger-beer Licence” shall mean a Licence to sell Ginger-beer, Spruce-beer, Soda-water, and Lemonade, in any quantity and at any place :
“Licensing Meeting.”	“Licensing Meeting” shall mean a Meeting of Justices of the Peace for the consideration of applications for Certificates of approval of the issue of Licences, or of transfers or continuations of Licences :
“Clerk of the Peace.”	“Clerk of the Peace” shall extend to and include a Deputy Clerk of the Peace :
“Clerk of Petty Sessions.”	“Clerk of Petty Sessions” shall mean the person officiating as Police Clerk or Clerk of Petty Sessions at the principal Police Office or place of holding Petty Sessions in the District :
“Traveller.”	“Traveller” shall mean a person who is actually and <i>bonâ fide</i> on a journey.

*Sale of Liquor.*

**2** If any person not being the lawful holder of a Licence under this Act sells Liquor in any quantity whatsoever, he shall for every such offence forfeit a penalty of not less than Twenty Pounds nor more than Fifty Pounds ; and upon a Second or any subsequent conviction of any such offence, shall forfeit a penalty of not less than Fifty Pounds nor more than One hundred Pounds.

**3** If any person being the lawful holder of a Licence under this Act sells, or having sold delivers, Liquor in any less quantity or in any other place or manner than is authorised by the terms of his Licence, he shall for every such offence forfeit a penalty of not less than Twenty Pounds nor more than Fifty Pounds.

**4** The provisions of this Act relating to selling or the sale of Liquor shall extend to and include directly or indirectly selling, bartering, exchanging, or otherwise disposing of, or permitting the selling, bartering, exchanging, or otherwise disposing of, Liquor.

*X. 3 Q. B. D. 112*

**5** Any person not being the holder of a Public-house Licence under this Act, and being a dealer in other things by retail, who gives away or delivers Liquor to any person coming or sending to his house for any other thing, under the pretence of such person being a customer, or under any other pretence whatever, and any person being the holder of a Wholesale Licence who sells Liquor in a quantity equal to or more than Seven Quarts with an understanding that part thereof shall be returned, and the quantity so sold or delivered after deducting the part returned or to be returned is under Seven Quarts, shall be liable as for selling Liquor not being the holder of a Licence under this Act; and it shall be lawful for the Justices sitting at or on the hearing of any information or complaint under this Act for selling Liquor without a Licence, or contrary to any provision of this Act, to determine the fact of selling according to the circumstances of or attending each particular case, without direct evidence of money or value having been given for the Liquor alleged to have been sold, or of any particular person having sold such Liquor.

What shall be deemed selling.

Justices may determine fact of selling.

*Dep 64 23 10. No 240. 2*  
**6** Upon information in writing and on oath made before a Justice of the Peace by any credible person that he suspects and believes that Liquor is or has been illegally sold in or on any unlicensed store, house, premises, or place, and is kept in or on such store, house, premises, or place for the purpose of being illegally sold, which information shall set forth and show reasonable grounds for such suspicion and belief, it shall be lawful for any Justice, in his discretion, to grant his warrant to a constable to enter and search such store, house, premises, or place by day or by night; and such constable may break open any door of such store, house, premises, or place if not opened within a reasonable time after demand, and seize all Liquor which he finds in or on such store, house, premises, or place, and also all vessels containing the same, and may detain the Liquor and vessels so seized until the owner or reputed owner thereof upon being summoned appears before a Justice to claim such Liquor, and satisfies such Justice how and for what purpose he became possessed thereof; and if no owner of such Liquor is found, or if the owner or reputed owner upon being summoned does not attend, and it appears to such Justice, after due inquiry and examination, that such Liquor was in or on the said store, house, premises, or place for the purpose of being illegally sold, then such Justice shall adjudge the Liquor and vessels so seized to be condemned, and the same shall be sold by public auction by any Constable or other person directed so to do by such Justice, and one half of the net proceeds thereof shall be paid to the use of Her Majesty, and the other half to the party informing; but if otherwise, then the Liquor and vessels so seized shall be restored to the owner thereof on his making application for the same.

Unlicensed stores, &c., wherein Liquor is suspected to be sold may be searched.

Liquor and vessels found may be condemned and sold.

**7** Every person to whom Liquor is sold contrary to the provisions of this Act shall forfeit a penalty not exceeding Twenty-five Pounds, unless he informs against the seller of such Liquor, or becomes a witness against him in respect of such act of selling.

Penalty for purchasing Liquor from unlicensed persons.

*Jan 24 1864*  
*Entry of Liquor at Customs.*

**8** No entry inwards of Liquor for home consumption, made pursuant to the Law for the time being in force for the regulation of the Customs in this Colony, shall be of any force or effect if made by any person not being the holder of a Wholesale Licence or Public-house Licence under this Act.

Entry of Liquor at Customs for home consumption to be made only by holders of Wholesale or Public-house Licences.

X Gaz 66-1957 Gaz 67-183 Gaz 68-608 & 1326  
 Hergeford Gaz 73-634 St. Helens Gaz 77 p. 492 & 1192  
 Buxton Gaz 78-1278 & 1385. Port Looe Gaz 80 p. 501  
 Worcester Gaz 81 p. 487 Launceston Gaz 81-487

*Public-house and Packet Licences.*

X Governor to appoint places at which Licensing Meetings to be held.

9 The Governor in Council may, from time to time, as occasion requires, appoint such places for the holding of Licensing Meetings of Justices, and for such Districts as the Governor in Council thinks fit: Provided that until such places are appointed under this Act the places now appointed for such purposes shall be deemed to be places appointed under this Act.

Annual Licensing Meetings.

10 An Annual Licensing Meeting of Justices for the consideration of applications for Certificates of approval of persons receiving Public-house and Packet Licences shall be held at each place appointed for that purpose as aforesaid on the First day of *December* in every year; and a Quarterly Licensing Meeting of Justices for the consideration of applications for Certificates of approval of persons receiving Public-house and Packet Licences, of applications for Certificates approving of the transfer of existing Public-house and Packet Licences, and of applications for Certificates of permission to continue to sell Liquor under Public-house Licences the holders whereof have died or been declared insolvent, until the expiration thereof by effluxion of time, shall be held at each such place as aforesaid on the First *Monday* in the months of *February, May, August, and November* in every year; and any such Meeting may be adjourned for any time that may appear to be necessary not exceeding Seven days: Provided that no decision as to granting any such Certificate shall be given on any other than an original or adjournment day, and when the Justices are assembled for the consideration of such applications as aforesaid; and that no application for a Certificate of approval of any person receiving a Public-house or Packet Licence shall be received or entertained at any Quarterly Licensing Meeting in any case in which a similar application by the same person, or in the case of a Public-house Licence in respect of the same house, has been rejected at the then preceding Annual Licensing Meeting, or any then preceding Quarterly Licensing Meeting.

Quarterly Licensing Meetings.

Certain rejected applications not to be re-entertained at subsequent Quarterly Meetings.

See p. 26

Mode of deciding applications for Justices' Certificates of approval in the case of Public-house Licences.

11 At every Licensing Meeting the Justices, in considering applications for Certificates of approval of persons receiving Public-house Licences, shall decide first upon the applications of those who hold original Public-house Licences, then upon the applications of persons holding Public-house Licences by transfer from others, and lastly upon applications in respect of houses to which Public-house Licences are not then attached, regard being had before proceeding in the consideration of any applications whatsoever, amongst other things, to the character of the applicant, the nature and suitability of the premises, the locality of the house in respect of which such Licence is required, and the necessity for a Public-house in such locality.

X If character ground of refusal of application same to be stated.

12 In every case in which an application under this Act is refused at any such Licensing Meeting on the ground of the character or conduct of the applicant, the Justices present at such Meeting, and deciding upon such application, shall then and there publicly declare that the ground of such refusal is the character or conduct of the applicant.

Accommodation to be afforded by Public-houses.

13 No Certificate of approval of any person receiving a Public-house Licence shall be granted in respect of any house which does not contain at least One sitting-room and Two sleeping-rooms actually ready and fit for public accommodation, independently of the apartments occupied or to be occupied by the person applying for such

X Applicant may produce new evidence before court of appeal 1910 R. 99.

Licence and his family, and which, if situate beyond the limits of *Hobart Town* or *Launceston*, has not stabling accommodation attached thereto for at least Four horses.

**14** No Certificate of approval of his receiving a Public-house Licence shall be granted to any person being the holder of a Licence under any Law now or hereafter passed for regulating places of public entertainment; nor shall any Constable be, directly or indirectly, interested in any house licensed as a Public-house, under a penalty not exceeding Fifty Pounds.

Keepers of places of public entertainment and Constables not to keep Public-houses.

**15** Every person intending to apply at any Licensing Meeting for a Certificate of approval of his receiving a Public-house or Packet Licence shall, Fourteen clear days before the holding of such Meeting, deliver in the case of a Public-house Licence to the Clerk of Petty Sessions of the District in which the house is situate, and in the case of a Packet Licence to the Clerk of Petty Sessions of the District in which one of the starting-places of the vessel is situate, a written notice in the form in the Schedule.

Notice of application for Justices' Certificates of approval of Public-house and Packet Licences.

*see 5 A. 110/50.1*

**16** Every Certificate of approval of any person receiving a Public-house or Packet Licence, and every Certificate approving of the transfer of any Public-house or Packet Licence, shall be signed by at least Two of the Justices present at the Annual or Quarterly Licensing Meeting, as the case may be, and be dated the day of granting the same, and may be in the form in the Schedule.

Form of Justices' Certificates in the case of Public-house and Packet Licences.

**17** The Clerks of the Peace in the several Districts shall attend the Annual and Quarterly Licensing Meetings, and make Minutes of the result of the proceedings thereat; and, on receipt of the sum of Five Shillings for the granting of any Certificate of approval of a person receiving a Public-house or Packet Licence, shall deliver such Certificate to, or to the order in writing of, the person in whose favour the same has been granted; and shall forthwith send a certified copy of such Certificate to the Colonial Treasurer, who, on the receipt of the original Certificate of approval, and of the fee payable for the Licence as hereinafter provided, shall forthwith issue a Licence to the person entitled to the same in the form in the Schedule.

Clerks of the Peace to attend Annual and Quarterly Licensing Meetings.

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Colonial Treasurer to issue Public-house and Packet Licences.

**18** The Clerk of the Peace attending any Quarterly Licensing Meeting shall, on receipt of the sum of Five Shillings and of the fee payable as hereinafter provided for a Certificate approving of the transfer of a Public-house or Packet Licence, deliver any such Certificate granted at such Meeting to the person entitled to the same, and not otherwise.

Clerks of the Peace to issue Certificates approving of transfers of Public-house and Packet Licences.

**19** If the lawful holder of a Public-house Licence dies, or is declared insolvent, it shall be lawful for some adult member of his family, or his Executor or Administrator, or for the Assignee of his estate for the time being or some person appointed in that behalf by such Assignee, as the case may be, to sell Liquor under such Licence until the holding of the then next Quarterly Licensing Meeting; or if such death or declaration of insolvency happens within One month before such next Quarterly Licensing Meeting, until the holding of the next Quarterly Licensing Meeting but one after such death or declaration of insolvency: Provided, that such member of the family, or Executor or Administrator of such deceased person, or such Assignee, as the case may be, shall within One month after such death or declaration of

Member of family or Assignee may sell Liquor under Public-house Licence the holder whereof is dead or declared insolvent until next Quarterly Meeting.

Approval of Justices in Petty Session to be obtained.

*Prop. by 310 4/21 0. 10*

insolvency, as the case may be, personally notify the same to the Clerk of Petty Sessions of the District in which the house mentioned in such Licence is situate, and obtain permission in writing from any Two Justices of the Peace in Petty Session assembled to sell Liquor under such Licence, otherwise every sale of Liquor made, or purporting to be made, under such Licence shall, as from the time of the death or declaration of insolvency, as the case may be, of the holder thereof, be deemed and taken to be illegal, and to be a sale of Liquor by a person not being the holder of a Licence; and such member of the family, or Executor or Administrator, of such deceased person, or such Assignee, as the case may be, obtaining such permission as last aforesaid, shall, until such First or Second Quarterly Licensing Meeting, as the case may be, be deemed to be the lawful holder of such Public-house Licence, and as such shall be liable to the provisions of this Act.

Form of Certificates of permission to continue business under Public-house Licences the holders whereof have died, &c.

**20** Every Certificate of permission to continue to sell Liquor under any such Public-house Licence the holder whereof has died or been declared insolvent, until the expiration thereof by effluxion of time shall be granted without payment of any fee, and be signed by at least Two of the Justices present at such Quarterly Licensing Meeting, and may be in the form in the Schedule: Provided, that if a Certificate of permission to continue to sell Liquor under any such Licence is not obtained at such First or Second Quarterly Licensing Meeting after such death or declaration of insolvency, as the case may be, such Licence shall thereupon become void.

Notice of applications for Certificates approving of transfers, &c. of Public-house and Packet Licences.

**21** Every person intending to apply at any Quarterly Licensing Meeting for a Certificate approving of the transfer of any existing Public-house or Packet Licence, or for permission to continue to sell Liquor under any Public-house Licence the holder whereof has died or been declared insolvent, shall, Fourteen clear days before the holding of such Quarterly Meeting, deliver to the Clerk of Petty Sessions of the District in which the house mentioned in such Licence, or one of the starting-places of the vessel, as the case may be, is situate, a like notice, *mutatis mutandis*, to that required to be delivered prior to any Licensing Meeting by a person desirous of procuring a Certificate of approval of his receiving a Public-house or Packet Licence.

Transfers, &c., to be notified in *Gazette*.

**22** The Clerk of the Peace attending any Quarterly Licensing Meeting shall cause full particulars of every Certificate approving of the transfer of any existing Public-house or Packet Licence, or of permission to continue to sell Liquor under any Public-house Licence the holder whereof has died or been declared insolvent, which is granted at such Meeting, to be forthwith notified to the Colonial Treasurer, and also to be inserted in the *Gazette* in the First, or at the latest in the Second, publication thereof after the holding of such Meeting.

Licences to be issued within Two months of date of Certificate.

**23** No Public-house or Packet Licence shall be issued by virtue of a Justices' Certificate of approval after the expiration of Two months from the date of such Certificate.

Licences not so issued to be notified in *Gazette*.

**24** In the event of a Public-house or Packet Licence not being issued by virtue of any such Certificate of approval within Two months from the date thereof, the Colonial Treasurer shall cause notice thereof to be inserted in the *Gazette* in the First, or at the latest in the Second publication thereof after the expiration of such period of Two months.

**25** It shall be lawful for the Justices present at any Licensing Meeting to correct and amend any inaccuracy or insufficiency in any application or notice made or delivered by virtue of this Act. Errors in applications, &c., may be amended.

*Renewed Applications for Public-house Licences.*

**26** If any application at any Licensing Meeting for a Certificate of approval of any person receiving a Public-house Licence is refused solely on the ground of objections to the character or conduct of the applicant, it shall be lawful for the Justices present at any subsequent Licensing Meeting to entertain the application of any *bonâ fide* new and different applicant for a Certificate of approval of his receiving a Public-house Licence in respect of the same house: Provided that no such application shall be entertained unless like notice has been given as in the case of an original application at any Licensing Meeting. If Justices' Certificate refused on ground of character, fresh application may be entertained at next Licensing Meeting.

*Appeal from Decisions at Licensing Meetings.*

**27** Any person who applies at any Licensing Meeting for a Certificate of approval of his receiving a Public-house or Packet Licence, or for a Certificate approving of the transfer of an existing Public-house or Packet Licence, and whose application is in any such case refused, may appeal to the next Court of General Sessions of the Peace for the District in which such Licensing Meeting took place, which is held, whether by adjournment or otherwise, not less than Seven clear days after such Licensing Meeting: Provided, that no such Appeal shall be entertained unless the Appellant gives to the Clerk of the Peace for such District notice in writing of his intention so to appeal, and of the grounds of such Appeal, Seven clear days at least before the time of holding such Court of General Sessions: Provided also, that if no Court of General Sessions of the Peace is appointed to be held for the District in which such Licensing Meeting was held, then such Appeal may be made to the next Court of General Sessions of the Peace to be held, whether by adjournment or otherwise, not less than Seven clear days after such Licensing Meeting for the nearest District in which a Court of General Sessions of the Peace is appointed to be held. Appeal from Licensing Meeting.  
Notice of Appeal.

**28** Such Clerk of the Peace shall, upon receipt by him of any such notice of Appeal, summon all the Justices who were present at such Licensing Meeting to attend at such Court of General Sessions by which such Appeal is to be determined. Justices present at Licensing Meeting to be summoned to Court of Appeal.

**29** If any such Justice as last aforesaid who has been so summoned neglects, without reasonable excuse, to appear and act as a Sitting Justice at the hearing and determining of such Appeal, he shall forfeit a penalty not exceeding Twenty Pounds. Penalty on Justice neglecting to attend upon Appeal.

**30** The Justices so summoned, or such of them as attend, and the other Justices, if any, present at such Court of General Sessions of the Peace, shall hear and determine the matters of such Appeal; and the Chairman presiding at such Court shall have a deliberative and a casting vote. Court of Appeal.

**31** The Judgment of the said Court shall be final and conclusive; and in case any such Appeal is allowed, the like proceeding shall be had as if the application of the Appellant had been granted at the Licensing Meeting, adapting the date of the Certificate, and the form and contents thereof, to the particular circumstances of the case. Judgment of Court of Appeal.

*Separate Tap.*

Notice of desire to keep a separate Tap to be given.

**32** Every applicant for a Public-house Licence who is desirous of keeping a separate Tap in or adjoining his house, not under his personal management and superintendence, shall set forth in his notice of application in the form in the Schedule his desire to keep such Tap, together with the name, residence, and trade or calling of the person who it is proposed shall have the personal management and superintendence thereof.

Justices' approval of separate Taps to be subscribed on Certificate.

**33** In any case in which the Justices approve of a Tap being kept as specified in any such notice as aforesaid, and of the person proposed as the manager thereof, a memorandum in writing of such approval shall be made at the foot of the Certificate of approval of the applicant receiving the Public-house Licence; and an authority to keep such Tap shall, on payment of the fee payable in that behalf as hereinafter provided, be subscribed on the Licence issued in pursuance of such Certificate, in which case only it shall be lawful for the holder of such Licence to keep such Tap and sell liquor therein; and every such Tap shall during the term of the Public-house Licence be in fact managed by such approved manager, or some other manager approved of by any Two Justices, in Petty Sessions assembled, in the District in which the house is situate.

*Canteens.*

Canteens.

**34** It shall be lawful for any Two Justices, in Petty Session assembled, to grant a Certificate at any time approving of the issue to any person who occupies a Canteen of a Public-house Licence in respect of such Canteen, or on payment of the fee payable in that behalf as hereinafter provided, to grant a Certificate at any time approving of the transfer of any such Licence; and the sale of Liquor in any such Canteen shall be subject to such rules and regulations as are set forth in a bond for that purpose given to Her Majesty, Her Heirs and Successors, by the person applying for such Licence or transfer, such bond to be conditioned for the due observance of such rules and regulations.

*Licence at Races, &c.*

Holders of Public-house Licences may by approval of Justices sell Liquor at Races, &c.

**35** Any Two Justices, in Petty Session assembled, in any District wherein any race, fair, regatta, or other public amusement is intended to be had or held, may, if they think fit, by writing under their hands, approve of the holder of any Public-house Licence selling Liquor in an open booth at such race, fair, regatta, or other public amusement; and upon such approval being granted, it shall be lawful for the holder of such Licence himself, and not by or through any other person, to sell Liquor in such booth accordingly.

*Licence for Theatre.*

Permissions to sell Liquor in Theatres.

**36** It shall be lawful for any Two Justices, in Petty Session assembled, in any District in which any duly licensed theatre is situate, on payment of the fee payable in that behalf as hereinafter provided, to grant permission to the holder of a Public-house Licence in respect of a house situate within such District, to sell Liquor within such theatre during the hours of public performance; and every such permission shall have effect during the continuance of the Public-house Licence of the holder thereof to whom such permission is granted, and no longer, but shall be revocable by any Two Justices so assembled at their discretion; and any Two Justices so assembled shall also have power, on



payment of the proper fee, to renew any such permission, or to grant a like permission to some other holder of a Public-house Licence in respect of a house situate within such District, as such Justices think proper: Provided, that only one such permission shall be granted or be in force at any one time in respect of the same theatre.

*Refreshment Rooms of Legislature.*

**37** It shall be lawful for any holder of a Public-house Licence, for the time being in that behalf authorised by the Joint Committee appointed to regulate the arrangements for the use in common by the Members of both Houses of the Legislature of the Library and Refreshment Rooms, to sell and supply Liquor in such Refreshment Rooms at any time, by day or by night, during the continuance of the Session of Parliament.

Sale of Liquor in the Refreshment Rooms of the Houses of Parliament.

*Offences by Holders of Public-house Licences.*

**38** Any person holding a Public-house Licence who is guilty of any of the following offences shall, on conviction, forfeit a penalty not exceeding Two Pounds:—

Penalty of £2 for certain offences committed by holders of Public-house Licences.

Not having his name at length, and the words "Dealer in Wines and Spirits," legibly painted on some conspicuous part of the front of the Public-house:

Not having a sufficient light constantly burning every night from sunset to sunrise outside over the door of the Public-house, or within Twenty feet of it, without sufficient excuse.

**39** Any person holding a Public-house Licence who is guilty of any of the following offences shall, on conviction, forfeit a penalty not exceeding Five Pounds:—

Penalty of £5 for certain offences committed by holders of Public-house Licences

Not keeping the house or separate tap, if any, closed, except for the purpose of permitting ingress or egress to travellers, lodgers, or inmates of the house or tap, or suffering any person not being a traveller, lodger, or inmate of the house or tap to enter into the house or tap on a *Sunday, Good Friday, or Christmas Day*:

Not clearing the Public-house and separate tap, if any, except of travellers, lodgers, or inmates of the house or tap, and closing every outer door thereof, at Ten of the clock at night of every week day, or permitting any such outer door to be opened after such time at night and before Five of the clock next morning on a week day, from the First day of *August* to the Thirty-first day of *March* inclusively, or after such time at night and before Six of the clock next morning on a week-day from the First day of *April* to the Thirty-first day of *July* inclusively, except for the purpose of permitting ingress or egress to travellers, lodgers, or inmates of the house or tap:

Refusing, without sufficient cause, to receive and provide for a traveller and his horse, or a traveller without a horse, or the horse of a traveller not becoming a guest at the house:

Having or keeping, directly or indirectly, any retail store or shop in any manner internally communicating or admitting of a communication with the house, or separate tap, if any;—the penalty in this case is to be incurred for every day during which the store or shop is so had or kept:

Not measuring and delivering Liquor of the quantity of half a pint and upwards in a lawful measure, or refusing to remeasure any

such quantity of Liquor in the same measure, or in any other lawful measure which may be procured by the person purchasing such Liquor if requested so to do by such person :

Supplying any intoxicated person with liquor, or permitting any such person, not being a traveller, lodger, or inmate of the house, to enter or remain in the house or on the premises except for safe custody :

Permitting any theatrical performance in the house, or on any part of the premises, or any music or dancing except in some portion of the house or premises used exclusively by his family :

Not managing or conducting the house and premises, or the business, peaceably and quietly, and maintaining and preserving good order and rule :

Permitting bull-baiting, cock-fighting, dog-fighting, boxing, or wrestling in the house or on any part of the premises :

Not affording aid and assistance in the house or on the premises to Constables and Police if required so to do :

Being drunk or permitting his servants to be drunk in the house or on the premises.

The exemptions to the foregoing offences are as follows :—

The holder of any such Licence may keep the house and separate tap, if any, open, and permit ingress and egress to any person, after One of the clock in the afternoon on *Good Friday* and *Christmas Day* as on any other week-day :

The holder of a Public-house Licence in respect of a house situate within the limits of *Hobart Town* or *Launceston* may refuse to receive or provide for any person on a *Sunday*, *Good Friday*, or *Christmas Day* ; and may refuse to receive or provide for horses on any day :

It shall not be necessary to remeasure Liquor which has been removed to any other room or place, or which has been partly consumed before a remeasurement is demanded.

Penalty of £20  
for certain offences  
committed by  
holders of Public-  
house Licences.

**40** Any person holding a Public-house Licence who is guilty of any of the following offences shall, on conviction, forfeit a penalty not exceeding Twenty Pounds :—

Taking or receiving in payment, or as a pledge, or in barter or exchange, for any Liquor or entertainment supplied to any person any cheque or money order on himself, or anything except coin commonly current, or a bank note, or cheque, or money order payable on others than himself :

Having, keeping, or allowing in or about the house or premises, or any place connected therewith, or adjacent thereto, and in his occupation, any billiard table, or bagatelle table or board, or any dice or cards, or other implements used in any game of chance, or suffering any person to use or exercise any such game in or about such house, premises, or place :

Suffering any riot, fighting, affray, tumult, nuisance, annoyance, disorder, or disturbance to take place or continue in the house or on the premises :

Supplying Liquor, or permitting Liquor to be supplied, to any Constable or member of the Police force whilst on duty and in uniform :

Selling or supplying Liquor, on any week-day, at any time between Ten of the clock at night and Five of the clock next morning,

As to Constables  
wishing to turn  
out a drunken man  
see 12 box. 8.  
\* Leap Foster. App.  
Tollens. Regd.  
Exceptions.  
L.R. Law 77

Red gate to Haynes  
H.S.L.M.C. 65

from the First day of *August* to the Thirty-first day of *March* inclusively, and between Ten of the clock at night and Six of the clock next morning, from the First day of *April* to the Thirty-first day of *July* inclusively, or at any time on *Sunday, Good Friday, or Christmas Day* :

Employing any person to sell Liquor excepting as a servant under his immediate superintendence or control :

Permitting prostitutes or persons of known bad character to remain in the house or on the premises, or permitting any immoral, disorderly, indecent, or improper conduct whatever in the house or on the premises.

The exceptions to the foregoing offences are as follows :—

Exceptions.

On payment of the fee payable in that behalf as hereinafter provided, permission may be granted by any Two or more Justices, in Petty Session assembled, in the District in which any Public-house is situate, to keep a billiard-table, or bagatelle table or board, in or about such house; and every such permission shall expire on the expiration of the Licence granted in respect of the house :

The holder of any such Licence may sell and supply Liquor to persons being travellers, lodgers, or inmates of the house or separate tap, if any, at any hour on a *Sunday, Good Friday, or Christmas Day*; and may sell and supply Liquor at any time after One of the clock in the afternoon on *Good Friday* and *Christmas Day* as on any other week-day; and may sell and supply Liquor after such time at night and before any such hour next morning as aforesaid on a week day to persons being travellers, lodgers, or inmates of the house or tap.

**41** The following is a further exception to the offences specified in the Two preceding Sections :—

Special Night Licences may be granted.

On payment of the fee payable in that behalf as hereinafter provided, permission may be granted by any Two or more Justices, in Petty Session assembled, in the District in which any Public-house is situate, to keep such house open, and permit ingress and egress to any person, and sell Liquor in such house after such time at night and before any such hour next morning as aforesaid on a week day, on any occasion of a dinner, ball, or other public entertainment taking place at such house.

**42** Any person holding a Public-house Licence who is guilty of any of the following offences shall, on conviction, forfeit a penalty not exceeding Fifty Pounds; and it shall also be lawful for the convicting Justices in any such case either to suspend such person's Licence for a certain time, to be specified, or to declare such Licence to be absolutely forfeited, in which event the operation of such Licence shall be temporarily suspended, or such Licence shall become and be absolutely void, as the case may be :—

Penalty of £50 and temporary or absolute forfeiture of Licence for certain offences committed by holders of Public-house Licences.

Committing or being guilty of any of the offences specified in Sections 39 and 40 of this Act, having been previously convicted of any of such offences :

Refusing or wilfully delaying admittance to any Justice of the Peace, or to the Inspector of Police or any Deputy Inspector of Police, or to any Superintendent or Sub-Inspector of Police,

or to any District Constable, or to any Constable specially authorised by a Justice of the Peace, when demanded at any time of the day or night :

Selling, or having in the house or on the premises other than good and wholesome Liquor, or selling, or having in the house or on the premises, Liquor adulterated or mixed with any deleterious ingredient, or having any such ingredient in the house or on the premises for the purpose of adulterating Liquor :

Abandoning the occupation of the house as his usual place of residence, or allowing any person to manage, superintend, or conduct the business of the house, or to appear to the public as the holder of the Licence, or to become virtually or in effect the keeper of the house :

Keeping a separate tap without authority, or having an approved separate tap which is not in fact wholly managed by an approved manager.

*General Provisions relating to Public-houses.*

Lodger's goods exempt from seizure for rent of Public-house.

**43** Every house in respect of which a Public-house Licence is granted shall be considered as a common inn, and no goods or chattels whatsoever *bonâ fide* the property of any stranger, and being in or on such house or the appurtenances thereof or any place used or occupied therewith in the ordinary course of resort at such house, shall be subject to be distrained or seized for rent for such house or appurtenances, or in respect of any other claim whatsoever against the said house or appurtenances, or the owner or occupier thereof; and if any such goods or chattels are distrained for rent, or in any other manner seized contrary to the provisions of this Act, it shall be lawful for any Two or more Justices to inquire into any complaint made in respect of such distress or seizure, in a summary manner, and to order such goods or chattels to be restored to the owner or proprietor thereof.

Debts for Liquor not recoverable unless contracted to the amount of 20s. at one time.

**44** No holder of a Public-house Licence shall maintain any action, or recover any debt or demand, for or on account of Liquor unless such debt has been *bonâ fide* contracted at one time to the amount of Twenty Shillings or upwards; nor shall any item in an account for Liquor be allowed where the value of the quantity *bonâ fide* delivered at one time does not amount to Twenty Shillings, notwithstanding such debt or demand or any such item has been secured or agreed to be paid, except a written order for the same is produced, and proved to have been freely given by the maker thereof before the Liquor was delivered, or it is shown that the debtor was then resident in the immediate neighbourhood of the house, and one of the regular customers at such house, or was a lodger at such house, or a traveller.

Wages not to be paid in Liquor.

**45** Any master or employer who, directly or indirectly, agrees with any person hired or employed by or for him to pay such person, or who in fact pays such person, for or on account of wages, hire, or reward for work or service, either wholly or in part, in Liquor, or who makes any deduction from such wages, hire, or reward for or in respect of Liquor, shall for every such offence forfeit a penalty not exceeding Fifty Pounds; and every person so hired or employed shall be entitled to his whole wages, hire, or reward, any agreement to the contrary notwithstanding: Provided that nothing herein contained shall extend to wine made in the Colony, or beer or cider given or allowed to servants or labourers during harvesting or sheep-shearing.

*Rep & re-enacted by 34th No 20*

**46** Any master or employer who pays or causes any payment to be made on account of wages, hire, or reward for work or service to any person in his service or employ in or at any Public-house, shall for every such offence forfeit a penalty not exceeding Five Pounds: Provided that nothing herein contained shall extend to the holder of a Public-house Licence paying any person in his service or employ in or at his own Public-house.

Wages not to be paid at Public-houses.

**47** Any person falsely representing himself to be a traveller, with intent to contravene or occasion the contravention of any of the provisions of this Act, shall forfeit a penalty not exceeding Ten Pounds.

Penalty on person falsely representing himself to be a traveller.

*Wholesale, Manufacturers', Brewers', and Importers' Licences.*

**48** The Colonial Treasurer, upon application in writing made to him in that behalf by any person being a known householder, which application shall be accompanied by a Certificate of approval under the hand of any Two Justices, and set forth the place of residence of the applicant, and, in the case of a Wholesale Licence, also set forth the description of the store or premises in respect of which the applicant is desirous of obtaining such Licence, and upon receipt of the fee payable for the Licence applied for as hereinafter provided, shall issue to such person a Wholesale, Manufacturer's, Brewer's, or Importer's Licence, as the case may be, in the form in the Schedule.

Colonial Treasurer to grant Wholesale, &c. Licences.

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**49** If the lawful holder of a Wholesale, Manufacturer's, Brewer's, or Importer's Licence dies or is declared insolvent, the Colonial Treasurer may, on application made to him in that behalf by any adult member of the family, or the executor or administrator of such deceased person, or by the Assignee, of the estate of such insolvent, as the case may be, grant to any such person or some person appointed in that behalf by such Assignee, as the case may be, permission to continue to sell Liquor under such Licence the holder whereof has died or been declared insolvent as aforesaid until the expiration thereof by effluxion of time; and every such permission shall be granted without payment of any fee, and may be in the form in the Schedule; and until such permission as last aforesaid has been obtained every sale of Liquor made, or purporting to be made, under any such Licence shall, as from the time of the death or declaration of insolvency, as the case may be, of the holder thereof be deemed and taken to be illegal, and to be a sale of Liquor by a person not being the holder of a Licence; and any such person obtaining any such permission as last aforesaid shall be deemed to be the lawful holder of such Licence, and as such shall be liable to the provisions of this Act.

Wholesale, &c. Licences, the holders whereof have died, &c. may be continued.

**50** It shall be lawful for the holder of a Wholesale Licence, with the permission of the Colonial Treasurer, to substitute any other store or premises for the store or premises mentioned in such Licence: Provided that no such substitution shall be valid unless such permission, and a particular description of such new store or premises, is endorsed upon such Licence under the hand of the said Treasurer; and such Licence shall thenceforth be deemed to apply only to the store or premises referred to in such endorsement.

Premises mentioned in Wholesale Licence may be changed.

*Ginger-beer Licence.*

**51** If any person, not being the holder of a Public-house or Packet Licence under this Act, on or after the First day of May, 1858, sells

Penalty for selling ginger beer, &c. without a Licence.

any ginger beer, spruce beer, soda water or lemonade without having obtained a Ginger-beer Licence under this Act, he shall for every such offence forfeit a penalty not exceeding Two Pounds.

Justices in Petty Session may grant Ginger-beer Licences.

**52** It shall be lawful for any Two Justices, in Petty Session assembled, to grant a Ginger-beer Licence, in the form in the Schedule, to any person applying for such Licence who is in the opinion of such Justices fit to be entrusted therewith.

*Fees for Licences.*

Fees for Licences, &c.

**53** The sums mentioned in the Schedule shall respectively be payable and paid to the persons therein mentioned as the fees prescribed by this Act in respect of the matters in the said Schedule in that behalf mentioned.

Fee for Public-house Licence may be reduced in certain cases.

**54** If it appears to the Justices assembled at any Licensing Meeting that the house in respect of which a Public-house Licence is applied for is actually required for the accommodation of travellers, but that the custom to be expected at such Public-house will be very inconsiderable as compared with the average custom of other Public-houses in the same District, not situate in a Town, and will be comparatively of small profit and advantage to the holder of the Licence, it shall be lawful for such Justices, if they think fit, to reduce the fee payable for such Licence to such sum, not less than Twenty Pounds, as such Justices think reasonable: Provided, that the provisions of this Section shall not apply to any house which is accessible by any roadway to any Public-house situate within Seven miles of such house, and that no such reduction shall be allowed in any case unless the Justices' approval thereof, stating fully the aforesaid particulars, is specially endorsed under the hands of any Two of them on the Certificate of approval of the Applicant receiving the Public-house Licence.

Fees received by Justices, &c. to be paid over to Colonial Treasurer.

**55** All fees received by any Justices in Petty Session assembled by virtue of this Act, and all fees and other moneys received by any Clerk of the Peace by virtue of this Act, shall be forthwith paid over to the Colonial Treasurer.

*Provisions relating to Licences generally.*

Date and duration of Licences.

**56** Every Licence issued under this Act shall, without regard in the case of any Public-house or Packet Licence to the date of any Certificate of approval thereof, be dated the day on which the fee payable for such Licence is actually paid, and shall, if not previously forfeited as hereinbefore provided in the case of a Public-house Licence, continue in force until the Thirty-first day of the month of *December* then next following inclusively, and no longer.

Licences issued to be published in *Gazette*.

**57** The Colonial Treasurer shall cause full particulars of every Licence issued under this Act to be inserted in the *Gazette*, in the First, or at the latest in the Second, publication thereof after the issue of such Licence.

Licences forfeited if holders convicted of felony, &c.

**58** If the holder of any Licence under this Act is convicted of any felony, or is convicted of any misdemeanor in the Supreme Court or any Court of General Session, and sentenced to penal servitude or imprisonment for any period exceeding one week, such Licence shall thereupon become and be absolutely void.

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**59** A copy of the *Gazette* shall, on production only, and without any proof, be deemed sufficient *prima facie* evidence that any person named in an official notification inserted in such *Gazette* as having had a Licence issued to him has had such Licence issued to him, and that such Licence was in the form prescribed by this Act.

*Gazette evidence of issue of Licences.*

*Parties interested not to act as Justices.*

**60** No person being a Maltster, Brewer, or Distiller, or Importer of Liquor for sale, or dealer in Liquor, or being in partnership with any such person, or directly or indirectly beneficially interested as owner, trustee, manager, or agent in any house licensed or about to be licensed as a Public-house, shall sit, vote, or act as a Justice in any matter relating to any Licence, Conviction, or Appeal under this Act, nor shall any Justice vote on the hearing of any Appeal under this Act in any case in which he was the convicting Justice or one of the convicting Justices, under a penalty of Fifty Pounds.

*Sub restored by 31/10/20. Maltsters, & do not to act as Justices in matters relating to Licences. P. 1*

*Proceedings for Penalties, &c.*

**61** In all proceedings under this Act against any person for selling Liquor without a Licence, such person shall, for all purposes connected with those proceedings, be deemed unlicensed unless at the hearing of the case he exhibits his Licence to the sitting Justices, or produces other satisfactory proof of his being licensed.

*Proof of Licence to rest with Defendant.*

**62** Where no other mode of remedy is specifically provided, all offences against this Act shall be heard and determined, and all penalties be recovered, in a summary way by and before any Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person aggrieved by any summary conviction under this Act may appeal therefrom in the manner directed by *The Appeals Regulation Act*.

*Recovery of penalties. 19 Vict. No. 8. Appeal. 19 Vict. No. 10.*

**63** For the prevention of frivolous and unnecessary prosecutions, it shall be lawful for the Justices hearing any complaint or information under this Act to dismiss such complaint or information, which dismissal shall be a bar to any other proceeding whatever against the same person for the same matter.

*Justices may dismiss frivolous complaints.*

**64** Every conviction under this Act shall be a bar to any other proceeding whatever, under this or any other Act, against the same person for the same offence.

*Convictions a bar to other proceedings.*

**65** No conviction shall be had under this Act in any case happening more than One month before the time of filing the information or complaint.

*Informations to be laid within One month of offence.*

**66** The convicting Justices in the case of any offence against this Act shall forthwith draw up a record of such conviction, and forward the same to the Clerk of the Peace for the District within which the offence described in such record was committed, who shall on the receipt of such record register the same in a book to be kept for that purpose only, containing an alphabetical index of its contents, and file and keep such record among the records of his office.

*Records of convictions to be forwarded to Clerk of the Peace.*

*Certificate of Conviction Expedient by 31/10/20 p. 3*

Convictions under 18 Vict. No. 14, and 19 Vict. No. 27, to be deemed convictions under this Act.

Appropriation.

**67** All convictions under *The Licensing Act*, or *The Licensing Amendment Act*, shall be deemed to be convictions under this Act.

*Appropriation.*

**68** All moneys collected under this Act, not hereinbefore otherwise specially appropriated, and all fines payable to Her Majesty under this Act, shall be paid into the Colonial Treasury, and form part of the General Revenue.

*Protection of Persons executing the Act.*

Limitation of actions.

General issue.

**69** No action shall lie against any person for any thing done in pursuance of this Act unless such action is commenced within Three months after the cause of action has arisen; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence.

*Exemptions from Act.*

Act not to extend to Physicians, &c.

**70** Nothing in this Act contained shall extend to known and practising Physicians, Surgeons, Apothecaries, Chemists, or Druggists selling Liquor simply as medicine or for medicinal purposes; nor to any Auctioneer selling Liquor in any quantity by *bonâ fide* public and open sale by auction: nor shall any Constable or other person selling Liquor after the condemnation of the same under Section 6 of this Act be held to thereby incur any penalty imposed by this or any other Act.

*Continuation of existing Licences, &c.*

Continues existing Licences, &c.

**71** Every notice, application, certificate, and Licence given, made, or issued under the provisions of *The Licensing Act* or *The Licensing Amendment Act*, and in force at the time when this Act takes effect, shall be respectively deemed and taken to be a notice, application, certificate, and Licence within the meaning of this Act, and subject to the provisions hereof; and every holder of any such Licence shall be deemed to be licensed under this Act; and every such Licence shall continue in force until the end of the term for which the same was granted, unless forfeited as hereinbefore provided; and every proceeding actually commenced when this Act takes effect, and not inconsistent herewith, may be concluded under the provisions of this Act.

*Commencement of Act.*

Commencement of Act.  
Repeal of 18 Vict. No. 14, and 19 Vict. No. 27.

**72** This Act shall commence and take effect on the First day of *March*, 1858; and thereupon the Act of Council of the 18th *Victoria*, No. 14, and also the Act of Council of the 19th *Victoria*, No. 27, shall be repealed, excepting always as to all offences committed and matters and things done before that day.

*Title of Act.*

Short Title.

**73** In referring to this Act it shall be sufficient to use the expression *The Licensing Act*.



## SCHEDULE.

## FORMS.

NOTICE OF APPLICATION FOR A PUBLIC-HOUSE LICENCE—AND  
SEPARATE TAP, OR FOR A TRANSFER OR CONTINUATION OF A  
PUBLIC-HOUSE LICENCE.

To the Worshipful the Justices of the Peace in and for *Tasmania*.

I *A.B.* of [*here insert residence and trade or calling*] hereby give notice that it is Sect. 15.  
my intention to apply at the next Annual [*or Quarterly*] Licensing Meeting to be  
holden at \_\_\_\_\_ for the District of \_\_\_\_\_ for a Justices' Certificate  
approving of my receiving a Public-house Licence in respect of the house situate  
at \_\_\_\_\_ and known [*or intended to be known*] by the sign of the \_\_\_\_\_ which  
I intend to keep as a Public-house.

[*And in the case of a separate Tap.*] Sect. 32.

And I the said *A.B.* am desirous of keeping a separate Tap in [*or adjoining*] the said  
Public-house; and I propose that *G.H.* of [*residence and trade or calling*] shall have  
the personal management and superintendence of such Tap.

[*Or in the case of a Transfer.*] Sect. 21.

at the next Quarterly Licensing Meeting, &c., for a Justices' Certificate approving  
of my receiving a Transfer of the Public-house Licence now held by one *C.D.* in  
respect of the house situate at \_\_\_\_\_ and known by the sign  
of the \_\_\_\_\_

[*Or in the case of an application to continue to sell Liquor under a Public-house* Sect. 21.  
*Licence the holder whereof has died or been declared insolvent.*]

at the next Quarterly Licensing Meeting, &c., for a Justices' Certificate of permission  
to continue to sell Liquor under the Public-house Licence held by one *C.D.* deceased  
[*or who has been declared insolvent, as the case may be*] in respect of the house situate  
at \_\_\_\_\_ and known by the sign of the \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1858.

*A.B.*

NOTICE OF APPLICATION FOR A PACKET LICENCE, OR FOR A  
TRANSFER OF A PACKET LICENCE.

To the Worshipful the Justices of the Peace in and for *Tasmania*.

I *A.B.* of [*here insert residence and trade or calling*] hereby give notice that Sect. 15.  
it is my intention to apply at the next Annual [*or Quarterly*] Licensing Meeting to be  
holden at \_\_\_\_\_ for the District of \_\_\_\_\_ for a Justices' Certificate  
approving of my receiving a Packet Licence in respect of the Steam Vessel [*or other*  
*Vessel as the case may be*] called the \_\_\_\_\_ conveying Passengers between  
in the District of \_\_\_\_\_ in this Island and \_\_\_\_\_

[*Or in the case of a Transfer.*] Sect. 21.

at the next Quarterly Licensing Meeting, &c., for a Justices' Certificate approving  
of my receiving a Transfer of the Packet Licence now held by one *C.D.* in respect  
of the Steam Vessel [*or other Vessel as the case may be*] called the \_\_\_\_\_ conveying  
Passengers between \_\_\_\_\_ in the District of \_\_\_\_\_ in this Island  
and \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1858.

*A.B.*

**CERTIFICATE APPROVING OF A PUBLIC-HOUSE LICENCE—AND  
SEPARATE TAP.**

**Sect. 16.** WE, *A.B.* and *C.D.*, Esquires, Two of Her Majesty's Justices of the Peace in and for *Tasmania*, hereby certify that at an Annual [*or Quarterly*] Licensing Meeting held at \_\_\_\_\_ for the District of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ *E.F.* of [*here insert residence and trade or calling*] applied for a Justices' Certificate approving of his receiving a Public-house Licence in respect of the house situate at [*describing same fully*]; and that the Justices present at such Meeting approved of the said *E.F.* receiving such Licence. We, the said *A.B.* and *C.D.*, Two of the Justices present at such Meeting do therefore hereby authorise the Colonial Treasurer to issue a Public-house Licence to the said *E.F.* in respect of the said house.

[*And in the case of a separate Tap.*]

**Sect. 33.** And we the said *A.B.* and *C.D.* do hereby further certify that the Justices present at such Licensing Meeting as aforesaid approved of the said *E.F.* keeping a separate Tap in [*or adjoining*] the said Public-house, and of *G.H.* of [*here insert residence and trade or calling*] having the personal management and superintendence of such Tap.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ 1858.

*A.B.*  
*C.D.*

**Sect. 16.** **CERTIFICATE APPROVING OF A PACKET LICENCE.**

WE, *A.B.* and *C.D.*, Esquires, Two of Her Majesty's Justices of the Peace in and for *Tasmania*, hereby certify that at an Annual [*or Quarterly*] Licensing Meeting held at \_\_\_\_\_ for the District of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ *E.F.* of [*here insert residence and trade or calling*] applied for a Justices' Certificate approving of his receiving a Packet Licence in respect of the Steam Vessel [*or other Vessel as the case may be*] called the \_\_\_\_\_ conveying Passengers between \_\_\_\_\_ in the District of \_\_\_\_\_ in this Island and \_\_\_\_\_ and that the Justices present at such Meeting approved of the said *E.F.* receiving such Licence. We, the said *A.B.* and *C.D.*, Two of the Justices present at such Meeting, do therefore hereby authorise the Colonial Treasurer to issue a Packet Licence to the said *E.F.* in respect of the said Steam Vessel [*or other Vessel as the case may be*] called the \_\_\_\_\_

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ 1858.

*A.B.*  
*C.D.*

**PUBLIC-HOUSE LICENCE—AND AUTHORITY TO KEEP SEPARATE  
TAP.**

**Sect. 17.** WHEREAS I have received a Certificate under the hands of *A.B.* and *C.D.*, Two of Her Majesty's Justices of the Peace present at an Annual [*or Quarterly*] Licensing Meeting held at \_\_\_\_\_ for the District of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ authorising me to issue a Public-house Licence to *E.F.* of [*here insert residence and trade or calling*] in respect of the house situate at [*describing same fully*]: And whereas I have this day also received the Fee payable for such Licence: I do therefore hereby grant to the said *E.F.* license to sell Liquor in any quantity in the said house.

[*And in the case of a separate Tap.*]

**Sect. 33.** And whereas it is further certified that the Justices present at such Licensing Meeting approved of the said *E.F.* keeping a separate Tap in [*or adjoining*] the said Public-house, and of *G.H.* of [*here insert residence and trade or calling*] having the personal management and superintendence of such Tap: And whereas I have this day also received the Fee payable in that behalf; I do therefore hereby authorise the said *E.F.* to keep a separate Tap in [*or adjoining*] the said Public-house under the personal management and superintendence of the said *G.H.*

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 1858.

*F.M.I.*  
*Colonial Treasurer.*

## PACKET LICENCE.

WHEREAS I have received a Certificate under the hands of *A.B.* and *C.D.*, Two of Her Majesty's Justices of the Peace present at an Annual [or a Quarterly] Licensing Meeting held at \_\_\_\_\_ for the District of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ authorising me to issue a Packet Licence to *E.F.* of [here insert residence and trade or calling] in respect of the Steam Vessel [or other Vessel as the case may be] called the \_\_\_\_\_, conveying Passengers between \_\_\_\_\_ in the District of \_\_\_\_\_ in this Island and \_\_\_\_\_: And whereas I have this day also received the Fee payable for such Licence: I do therefore hereby grant to the said *E.F.* license to sell Liquor in any quantity on board the said Vessel to any Passenger being actually conveyed by such Vessel.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 1858.

*F.M.I.*  
Colonial Treasurer.

## CERTIFICATE APPROVING OF THE TRANSFER OF A PUBLIC-HOUSE OR PACKET LICENCE.

WHEREAS at a Quarterly Licensing Meeting held at \_\_\_\_\_ for the District of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ *A.B.* of [here insert residence and trade or calling] applied for a Justices' Certificate approving of the transfer to him the said *A.B.* by *C.D.* of the existing Public-house Licence held by the said *C.D.* in respect of the house situate [describing same fully]:

[Or in the case of a Transfer of a Packet Licence.]

for a Justices' Certificate approving of the transfer to him the said *A.B.* by *C.D.* of the existing Packet Licence held by the said *C.D.* in respect of the Steam Vessel [or other Vessel as the case may be] called the \_\_\_\_\_ conveying Passengers between \_\_\_\_\_ in the District of \_\_\_\_\_ in this Island and \_\_\_\_\_

And whereas the Justices present at such Licensing Meeting approved of such transfer as aforesaid being made. We, *E.F.* and *G.H.*, Esquires, Two of the Justices present at such Meeting, do therefore grant this Certificate approving of the transfer to him the said *A.B.* by the said *C.D.* of the existing Public-house Licence held by the said *C.D.* in respect of the said house situate [describing same fully.]

[Or in the case of a Transfer of a Packet Licence.]

approving of the transfer to him the said *A.B.* by the said *C.D.* of the existing Packet Licence held by the said *C.D.* in respect of the said Steam Vessel [or other Vessel as the case may be] called the \_\_\_\_\_

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ 1858.

*E.F.*  
*G.H.*

## CERTIFICATE OF PERMISSION TO CONTINUE TO SELL LIQUOR UNDER A PUBLIC-HOUSE LICENCE.

WHEREAS at a Quarterly Licensing Meeting held at \_\_\_\_\_ for the District of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ *A.B.* of [here insert residence and trade or calling] applied for a Certificate of permission to continue to sell Liquor under the Public-house Licence held by *C.D.* deceased [or who has been declared insolvent, as the case may be] in respect of the house situate [describing same fully]: And whereas the Justices present at such Licensing Meeting agreed that such permission as aforesaid should be granted to the said *A.B.*; We, *E.F.* and *G.H.*, Esquires, Two of the Justices present at such Meeting, do therefore grant this Certificate of permission to the said *A.B.* to continue to sell Liquor under the Public-house Licence held by the said *C.D.* deceased, [or who has been declared insolvent, as the case may be] in respect of the said house situate [describing same fully] until the expiration thereof by effluxion of time.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ 1858.

*E.F.*  
*G.H.*

## WHOLESALE LICENCE.

Sect. 48.

WHEREAS *A.B.* of [*here insert residence*] has applied to me in writing for a Wholesale Licence in respect of the Store [*or Premises*] situate [*describing same fully*] such application being accompanied by a Certificate of approval under the hands of *E.F.* and *G.H.*, Two Justices of the Peace: And whereas I have this day also received the Fee payable for such Licence: I do therefore hereby grant to the said *A.B.* license to sell Liquor in any Bonding Warehouse and in the said Store [*or Premises*] situate [*describing same fully*] in any quantity not less than Seven Quarts of any one kind of Liquor delivered at any one time.

Given under my hand this                      day of                      1858.

*F.M.I.*

*Colonial Treasurer.*

[*If the Licence is in respect of more than One Store or Premises, each Store or Premises must be fully described.*]

## MANUFACTURER'S, BREWER'S, AND IMPORTER'S LICENCE.

Sect. 48.

WHEREAS *A.B.* of [*here insert residence*] has applied to me in writing for a Manufacturer's Licence [*or Brewer's or Importer's Licence as the case may be*], such application being accompanied by a Certificate of approval under the hands of *E.F.* and *G.H.* Two Justices of the Peace: And whereas I have this day also received the Fee payable for such Licence: I do therefore hereby grant to the said *A.B.* license to sell Cider, Perry, or Wines of his own manufacture from apples, pears, or other fruit grown in this Colony, in any quantity not less than Two Gallons of any one kind of such Liquor delivered at any one time.

[*Or in the case of a Brewer's Licence.*]

to sell Malt Liquor of his own manufacture in any quantity not less than Five Gallons delivered at any one time.

[*Or in the case of an Importer's Licence.*]

to sell any Liquor in Bond in any quantity not less than One hundred Gallons of any one kind of Liquor at any one time, and to sell in Bond bottled Wine or Spirits in unbroken Packages as imported in any quantity not less than Twenty of such Packages at any one time.

Given under my hand this                      day of                      1858.

*F.M.I.*

*Colonial Treasurer.*

## PERMISSION OF COLONIAL TREASURER TO CONTINUE TO SELL LIQUOR UNDER A WHOLESALE, MANUFACTURER'S, BREWER'S, OR IMPORTER'S LICENCE.

Sect. 49.

WHEREAS *A.B.* of [*here insert residence*] has applied to me for permission to continue to sell Liquor under the Wholesale Licence [*or Manufacturer's or Brewer's or Importer's Licence as the case may be*] held by *C.D.* deceased, [*or who has been declared insolvent, as the case may be*]\* in any Bonding Warehouse, and in the Store [*or Premises as the case may be*] situate [*describing same fully*]\*: I do therefore hereby grant permission to the said *A.B.* to continue to sell Liquor under the Wholesale Licence [*or Manufacturer's or Brewer's or Importer's Licence as the case may be*] held by the said *C.D.* deceased, [*or who has been declared insolvent, as the case may be*]\* in any Bonding Warehouse and in the said Store [*or Premises as the case may be*] situate [*describing same fully*]\* until the expiration thereof by effluxion of time.

Given under my hand this                      day of                      1858.

*F.M.I.*

*Colonial Treasurer.*

[*In the case of a Manufacturer's, Brewer's, or Importer's Licence omit the portions between the \*.*]

## GINGER-BEER LICENCE.

Sect. 52.

WHEREAS *A.B.* of [*here insert residence*] has applied to us *E.F.* and *G.H.* Two of Her Majesty's Justices of the Peace, in Petty Sessions assembled, for a Ginger-beer Licence: We do therefore hereby grant to the said *A.B.* license to sell Ginger-beer, Spruce-beer, Soda-water, and Lemonade in any quantity and at any place.

Given under our hands at [*the Police Office, Hobart Town*] this  
day of                      1858.

*E.F.*  
*G.H.*

## F E E S.

## F E E S PAYABLE TO THE COLONIAL TREASURER.

- For every Public-house Licence the sum of Fifty Pounds.  
 For every Authority to keep a separate Tap in or adjoining to a Public-house the sum of Twenty Pounds.  
 For every Public-house Licence issued in respect of a Canteen the sum of Fifty Pounds.  
 For every Packet Licence the sum of Ten Pounds.  
 For every Wholesale Licence in respect of any One Store or Premises the sum of Fifty Pounds.  
 For every Wholesale Licence in respect of more than One Store or Premises the sum of Fifty Pounds in addition for each Store or Premises extra the First.  
 For every Manufacturer's Licence the sum of Five Pounds.  
 For every Brewer's Licence (to a Brewer carrying on business in *Hobart Town* or *Launceston* or within Five miles from the boundaries of the same) the sum of Fifty Pounds.  
 For every Brewer's Licence (to a Brewer carrying on business elsewhere than within the said City or Town or within Five miles of the same) the sum of Twenty-five Pounds.  
 For every Importer's Licence the sum of Ten Pounds.

## F E E S PAYABLE TO CLERKS OF THE PEACE.

- For every Certificate approving of the Transfer of a Public-house Licence the sum of Five Pounds.  
 For every Certificate approving of the Transfer of a Packet Licence the sum of Two Pounds.

## F E E S PAYABLE TO JUSTICES IN PETTY SESSION ASSEMBLED.

- For every Certificate approving of the Transfer of a Public-house Licence issued in respect of a Canteen the sum of Five Pounds.  
 For every permission to sell Liquor within a Theatre, or any renewal thereof, the sum of Five Pounds.  
 For every permission to keep a Public-house open and sell Liquor therein during the prohibited hours at night on a week-day on the occasion of a dinner, ball, or other public entertainment the sum of Five Shillings.  
 For every permission to keep a Billiard-table the sum of Ten Pounds.  
 For every permission to keep a Bagatelle-board or table the sum of One Pound.

