



ANNO DUODECIMO

VICTORIÆ REGINÆ,

No. 7.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land and
its Dependencies, with the Advice of the Legislative Council.*

AN ACT to amend certain Acts of Council of this Island intituled respectively 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 and An Act to amend An Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth 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.

WHEREAS an Act of Council or Ordinance of this Island was passed in the fourth year of the reign of His late Majesty King William the Fourth 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* whereby it was amongst other things provided that applications for Justices' certificates of approval of persons receiving Licences or of Licences being transferred should be considered at certain places in the said Act specifically enumerated with a proviso that it should be lawful for the Governor Lieutenant-Governor or person administering the Government by and with the advice of the Executive Council to appoint such other places in the room of or in addition to those therein contained as should from time to time appear requisite for the purposes in the said Act mentioned but doubts are entertained whether the several provisions of the said Act are thereby made applicable to such substituted or additional places—AND WHEREAS it was by the said Act also further provided that no Justice being a brewer maltster distiller importer of for sale or dealer in Wine Malt or Spirituous Liquors or in partnership with any such person or directly or indirectly as owner

PREAMBLE.

4 W. 4, No. 8.

5 Vict. No. 10.

Extends the provisions of 4 W. 4, No. 8, as the same are applicable to places named in the 4th sect. of that Act to places hereafter appointed in the room of or in addition to such places.

trustee manager or agent beneficially interested in any house licensed or about to be licensed should sit or act in any matter relating to Licences Convictions or Appeals under a penalty of One hundred Pounds to be recovered by action of debt—AND WHEREAS by the Seventeenth Section of the said recited Act provision is made for carrying on the business in case of the death of any licensed person by any approved free member of his or her family or by his or her executors or administrators provided that such approved member of the family executor or administrator should within fourteen days after such death enter into a new recognizance with two approved sureties before two Justices at the least and it is expedient that the said period of fourteen days should be extended to one calendar month but that the said Section should in all other respects remain unaffected—AND WHEREAS it was by the said Act also further provided that if any person should directly or indirectly retail or permit to be retailed any ale beer or other malt liquors or any wine cider ginger beer spruce beer brandy gin rum whiskey cordial or other spirituous or fermented liquor in a less quantity than five gallons of lawful measure without having obtained the Licence thereinbefore mentioned he or she should forfeit and pay for every such offence a penalty of not less than Ten Pounds nor more than Fifty Pounds—AND WHEREAS by a certain other Act of Council of this Island passed in the fifth year of the reign of Her present Majesty intituled *An Act to amend an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth 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* it was amongst other things provided that a discretionary power should be vested in the Justice or Justices by whom such penalty as last aforesaid should be inflicted of imposing the whole or any portion of such penalty as he or they in his or their discretion should think fit—AND WHEREAS it is expedient that the said several provisions of the said recited Acts should be altered and amended in manner hereinafter provided—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council of the said Island that from and after the time when this Act shall come into operation the several provisions in the said firstly recited Act contained shall extend and apply to any place which may under or by virtue of the Fourth Section of that Act be appointed by the Lieutenant-Governor or person administering the Government of this Colony with the advice of the Executive Council in room of or in addition to the several places in that section specifically appointed for considering applications for Justices' certificates of approval of persons receiving Licences or of Licences being transferred in as full and ample a manner to all intents and purposes as such provisions are by the said Act made to apply to such places so in the said Fourth Section thereof specifically appointed and as though such substituted or additional places were by the said Act distinctly and particularly named in the said several provisions thereof.

No Justice to be

II. AND BE IT ENACTED that no Justice of the Peace shall be

disqualified from sitting or acting as such in any matter relating to Licences Convictions or Appeals or be subject to any penalty for so doing by reason of such Justice selling exchanging or in any manner otherwise dealing in any wine cider or perry in any quantity not less than five gallons at any one time such wine cider or perry being manufactured by such Justice from grapes apples pears or other fruit grown by such Justice in this Colony any thing in the Seventh Section of the said firstly recited Act to the contrary in any wise notwithstanding.

disqualified from acting by reason of his dealing by wholesale in wine &c. of his own manufacture from grapes or fruit grown by himself.

III. AND BE IT ENACTED that in case of the decease of any licensed person it shall be lawful for his or her family or executors or administrators (if free and otherwise fit to manage the same) to continue the business of the deceased until the then next quarterly meeting of Justices or if such death should happen so as not to leave one calendar month between that event and the day of such meeting until the next quarterly meeting but one after such death—PROVIDED that an approved free member of the family or an approved free executor or administrator shall with two approved sureties and within one calendar month after such death enter into such recognizance before two Justices as by the Seventeenth Section of the said firstly recited Act in that behalf is provided any thing in that section contained to the contrary in any wise notwithstanding.

Extends period within which family or representatives of a deceased licensed person must enter into a new recognizance from a fortnight to a month.

IV. AND BE IT ENACTED that the Fourth Section of the said hereinbefore secondly recited Act so far as it affects extends or applies to offences under the Forty-fourth Section of the said firstly recited Act and the penalties thereby imposed for the same and not otherwise shall be and the same is hereby repealed.

Repeals 4th sect. of 5 Vict., No. 10, so far as it applies to offences under sect. 44, 4 W. 4, No. 8.

V. PROVIDED ALSO AND BE IT FURTHER ENACTED that the said Forty-fourth Section of the said firstly recited Act so far as the same imposes any penalty for selling bartering exchanging or retailing or permitting to be sold bartered exchanged or retailed any ginger beer or spruce beer without having obtained the Licence therein mentioned but not otherwise shall be and the same is hereby repealed.

Repeals 44th sect. 4 W. 4, No. 8, so far as it inflicts a penalty for selling spruce or ginger beer without a Licence.

VI. AND WHEREAS applicants for Justices' certificates of approval of their receiving Licences have in many instances been subjected to great hardship and inconvenience by reason of inaccuracies and insufficiencies in the forms of their applications under the Fifth Section of the said firstly recited Act and Schedule A thereunto annexed and it is expedient to remedy the same by empowering the Justices at their Annual Meeting holden under the said Act to correct and amend such inaccuracies and insufficiencies as well as to alter if necessary the names of the sureties mentioned in any such application and of the housekeepers certifying to the character of the applicant—BE IT THEREFORE ENACTED that it shall be lawful for the Justices assembled at any such Annual Meeting for the consideration of such applications for Licences and they are hereby empowered to correct and amend any such inaccuracies or insufficiencies as aforesaid or if necessary to alter or erase the name or names of any person or persons inserted

Justices at Annual Meeting may correct inaccuracies or insufficiencies in applications for Licences and may alter names of sureties and certifying housekeepers.

as a surety or sureties in any such application and to substitute the name or names of any other person or persons in lieu thereof or if necessary to alter or erase the name or names of any person or persons inserted in any such application as certifying housekeeper to the character of such applicant and to substitute the name or names of any other person or persons in lieu thereof any thing in the said recited Act to the contrary in any wise notwithstanding—PROVIDED ALWAYS that the person whose name shall be so substituted as a surety or certifying housekeeper shall be present at such Annual Meeting and express himself or herself willing to become the same.

This Act and 4
W. 4, No. 8, to
be read as one Act
and this Act only
to continue in
force till 1851.

VII. AND BE IT ENACTED that this Act and the said firstly recited Act except in so far as this Act repeals the same shall be read and construed together as one Act and that this Act shall continue in force until the end of the Session of the Legislative Council or Local Legislature of this Colony which shall be holden in the year of our Lord One thousand eight hundred and fifty-one and no longer.

W. T. DENISON.

Passed the Legislative Council, this fifth
day of October one thousand eight
hundred and forty-eight,

J. W. KIRWAN, *Clerk of the Council.*