

No. XIV.

PUBLIC
ENTERTAINMENTS.

An Act for regulating Places of Public Exhibition and Entertainment. [1st September, 1828.]

Preamble.

Theatrical representations are prohibited unless the houses are licensed.

WHEREAS it is expedient that provision should be made for guarding against the evil consequences which the unrestricted power of opening places of public exhibition and entertainment in the present circumstances of this Colony must necessarily produce Be it therefore enacted by His Excellency the Governor of New South Wales by and with the advice of the Legislative Council That from and after the passing of this Act if any person or persons shall act represent or perform or cause to be acted represented or performed whether such acting or performance be gratuitous or be for hire gain or reward any interlude tragedy comedy opera concert play farce or other entertainment of the stage or any part or parts therein or any stage-dancing tumbling or horsemanship or any other public entertainment whatever to which admission shall or may be procured by payment of money or by tickets either transferable or not transferable or by any other means promise token or consideration as the price hire or rent of admission or of places seats or boxes for the day week month or year or for any less or longer time whatever or if any person or persons shall take or receive or cause to be taken or received any money goods or valuable thing whatsoever by way of rent fee or reward for the use or hire of any house room building garden or place wherein any such exhibitions or entertainments as aforesaid or any part thereof shall be acted represented performed exhibited or done or being the owner or occupier thereof shall permit or suffer the same to be so used and applied every such person shall in case the place wherein the same shall be acted represented performed exhibited or done be without authority and license from the Colonial Secretary or the Acting Colonial Secretary for the time-being forfeit and pay for every such offence the sum of Fifty Pounds of lawful money of Great Britain to be recovered in manner hereinafter mentioned.

Penalty.

Persons frequenting unlicensed houses to be deemed rogues and vagabonds.

2. And be it further enacted That every house room building garden or place wherein any such exhibitions or entertainments as aforesaid or any part thereof shall be acted represented performed exhibited or done unless the same be authorized and licensed by the Colonial Secretary or the Acting Colonial Secretary for the time-being shall be deemed a disorderly house room building garden or place and it shall and may be lawful to and for any Constable or other person being thereunto authorized by warrant under the hand and seal of one or more of the Magistrates of the Territory of New South Wales to enter such house room building garden or place and to seize every person

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person who shall be found therein and every person so found shall be deemed to be a rogue and vagabond and shall be liable and subject to all such penalties and punishments as are inflicted on or appointed for the punishment of rogues and vagabonds. Provided always and be it further enacted That if any such exhibitions or entertainments as aforesaid or any part thereof shall be acted represented performed exhibited or done in any house room building garden or place wherein ale beer wine spirits coffee or any other liquors shall be sold or retailed the place wherein such exhibitions or entertainments as aforesaid or any part thereof are represented or done shall be deemed to be a disorderly house room building garden or place and the license or licenses of the person being the occupier of such last-mentioned house room building garden or place shall henceforth become forfeited and void and the person being the holder thereof shall in addition to such loss of license forfeit and pay for every such offence the sum of Fifty Pounds of lawful money of Great Britain to be recovered in manner hereinafter mentioned.

Spirits or other liquors not to be sold at any place where exhibitions are represented.

Penalty.

3. And be it further enacted by the authority aforesaid That all penalties and forfeitures imposed for offences committed under this Act shall be recovered in a summary way before two Justices of the Peace for the district where any such offence shall be committed by the oath or oaths of one or more credible witness or witnesses or by the confession of the offender the same to be levied by distress and sale of the offender's goods and chattels rendering the overplus to such offender if any there be above the penalty and charge of distress and for want of sufficient distress the offender shall be committed to any house of correction or gaol of any such district there to be kept to hard labor for any time not exceeding six calendar months and if any person or persons shall think him her or themselves aggrieved by the order or orders of such Justices of the Peace it shall and may be lawful for such person or persons to appeal therefrom to the next Court of General or Quarter Sessions to be holden for the district within which such conviction shall be made whose order therein shall be final and conclusive.

Penalties how to be recovered.

4. And be it further enacted by the authority aforesaid That if any action or suit shall be commenced or brought against any Justice of the Peace or any other person for doing or causing to be done any thing in pursuance of this Act such action or suit shall be commenced within six calendar months next after the fact done and the defendant or defendants in such action or suit shall and may plead the general issue and give the special matter in evidence and if upon such action or suit a verdict shall be given for the defendant or defendants or the plaintiff or plaintiffs shall become nonsuit or shall not prosecute his or their said action or suit then the defendant or defendants shall have treble costs and shall have the like remedy for the same as any defendant or defendants have in any other cases by law.

Actions to be brought within six months.

5. And be it further enacted That all fines which shall be levied under this Act shall be paid into the Treasury and appropriated to His Majesty His Heirs and Successors in aid of the general fund for the support and maintenance of the Government of the Colony.

Fines now to be applied.