

No. XXIII.

An Act to amend the Law for regulating places PUBLIC EXHIBITIONS. of Public Exhibition and Entertainment. [1st October, 1850.]

WHEREAS it is expedient to repeal the law at present in force Preamble.
with respect to the regulating of places of public exhibition
and entertainment and to make further provisions for that purpose
Be it therefore enacted by His Excellency the Governor of New South
with the advice and consent of the Legislative Council thereof That
from and after the passing of this Act a certain Act of the Governor
and Legislative Council of the said Colony passed in the ninth year
of the reign of His late Majesty King George the Fourth intituled
“ *An Act for regulating places of Public Exhibition and Entertain- 9 Geo. IV. No. 14*
“ *ment* ” shall be and the same is hereby repealed except so far as repealed.
regards anything done or commenced to be done under the said recited
Act.

2. And be it enacted That from and after the passing of this Penalty on stage
Act if any person or persons shall act represent or perform or cause entertainments
to be acted represented or performed for hire gain or reward any without license
interlude tragedy opera comedy stage play farce burletta melodrama
pantomime or any stage dancing tumbling or horsemanship or any
other entertainment of the stage whatsoever to which admission shall
or may be procured by payment of money or by tickets or by any
other means token or consideration as the price hire or rent of
admission or if any person or persons shall take or receive or cause
to be taken or received any money goods or valuable thing what-
soever by way of rent fee or reward for the use or hire of any
house room building or place wherein any such entertainments of
the stage as aforesaid shall be acted represented performed or ex-
hibited or being the owner or occupier thereof shall knowingly
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 or exhibited be without the written authority or
license of the Colonial Secretary or where the place is within the
District of Port Phillip of His Honor the Superintendent of Port
Phillip upon being lawfully convicted forfeit and pay for every such
offence any sum not exceeding fifty pounds.

3. And be it enacted That every house room building garden and unlicensed
or place wherein any such entertainments of the stage as aforesaid houses &c. exhibiting
shall be acted represented performed or exhibited unless the same be any entertainments
of the stage &c. to
authorized

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be deemed disorderly and all persons found therein to be deemed rogues and vagabonds.

authorized and licensed by the Colonial Secretary or by His Honor the Superintendent of Port Phillip as hereinbefore mentioned shall be deemed a disorderly house room building or place and it shall and may be lawful for any constable with such assistance as may be necessary being authorized by warrant under the hand of any Justice or Justices of the Peace which warrant any such Justice is hereby empowered and authorized to issue upon complaint being made to him on oath that there is reason to suspect that any house room building garden or place is used for the purposes aforesaid without being duly licensed to enter into such house room building garden or place and to seize every person 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 are appointed for the punishment of rogues and vagabonds.

Proof of being duly licensed to lie on the party accused.

4. And be it enacted That in any proceedings to be instituted against any person for having or keeping an unlicensed theatre or other house room building garden or place as aforesaid or for acting for hire in an unlicensed theatre or other house room building garden or place if it shall be proved that such theatre or other house room building garden or place is used for the public performance of entertainments of the stage as hereinbefore described the burden of proof that such theatre or other house room building garden or place is duly licensed or authorized shall lie on the party accused and until the contrary shall be proved such theatre or other house room building garden or place shall be taken to be unlicensed Provided always and be it enacted that no person shall be liable to be prosecuted for any offence against this Act unless such prosecution shall be commenced within three calendar months next after the offence committed.

Colonial Secretary or Superintendent of Port Phillip may revoke license.

5. And be it enacted That it shall be lawful for the Colonial Secretary or His Honor the Superintendent of Port Phillip (within that District) whenever either of them shall be of opinion that it is fitting for the preservation of good manners decorum or of the public peace so to do to forbid by writing under his hand the acting or presenting any stage play or any act scene or entertainment of the stage as hereinbefore mentioned or part thereof or any prologue or epilogue or any part thereof in such theatres or other places for which an authority or license may have been granted by either of them in pursuance of the authority respectively vested in them by this Act and every person who shall for hire act or present or cause to be acted or presented any stage play or other entertainment as aforesaid or any act scene or part thereof or any prologue or epilogue or part thereof contrary to such prohibition as aforesaid shall for every such offence forfeit and pay any sum not exceeding fifty pounds and every authority or license (in case there be any such) by or under which the theatre was opened in which such offence shall have been committed shall become absolutely void.

Penalty for performing any stage play &c. after such revocation.

Proceedings under this Act to be in a summary way.

6. And be it enacted That all offences against this Act may be heard and determined and every forfeiture and penalty in respect thereof be awarded and imposed by or before any two Justices of the Peace in a summary way in the manner prescribed by the Act of the Governor and Legislative Council of New South Wales passed in the fifth year of the reign of His late Majesty King William the Fourth intituled "*An Act to regulate summary proceedings before Justices of the Peace*" or according to the law in force for the time being regulating summary proceedings before Justices of the Peace and any person feeling aggrieved by any summary judgment or conviction under this Act may appeal therefrom in the manner provided by the said Act or any other law in force for the time being in that behalf

5 Wm. IV. No. 22.

Appeal given.

Provided

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Provided always that in all cases in which any penalty or forfeiture hereby imposed is made recoverable before any Justices of the Peace it shall and may be lawful for any Justice to whom complaint shall be made of any offence against this Act to summon the party complained against before any two Justices and on such summons such Justices are hereby empowered to hear and determine the matter of such complaint and on proof of the offence to convict the offender and to adjudge him to pay the penalty or forfeiture incurred and to proceed to recover the same although no information in writing shall have been exhibited or taken by or before any such Justice or Justices and all such proceedings by summons without information shall be as good valid and effectual to all intents and purposes as if an information in writing had been exhibited and in all proceedings under this Act the informer or party prosecuting shall be deemed and taken to be a competent witness.

7. And be it enacted That all fines forfeitures and penalties imposed by this Act shall be paid one moiety to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in the support of the Government thereof and shall be applied in such manner as may be from time to time directed by any Acts of the said Governor and Legislative Council and the other moiety to the use of the informer or party prosecuting who shall be entitled to his or her costs and charges over and above such fines forfeitures and penalties to be ascertained and assessed by the Justice or Justices before whom the case is heard.

8. And be it enacted That throughout this Act every word and term used in the singular number or masculine gender only shall be construed equally to imply and include the plural number and females as well as males and *vice versa* unless there be something in the context repugnant to such construction.

9. And be it enacted That no action at law shall lie against any Justice of the Peace constable or other peace officer for or on account of any matter or thing whatsoever done or to be done or commanded by him in the execution of his duty or office under this Act against any party or parties offending or suspected to be offending against the provisions of this Act unless there be direct proof of corruption or malice and unless such action be commenced within three calendar months next after the cause of action or complaint shall have arisen and if any person shall be sued for any matter or thing which he has so done or shall have done in the execution of this Act he may plead the general issue and give the special matter in evidence.