Tasmanian Parliamentary Archives

Legislative Council

Manuscript Votes & Proceedings

12-04-1826 – 7-09-1839

T.S.A. Accession no. 4618

Classification no. LC 2/1

Memorandum.

Many verbal and other alterations having been made in the Originals of the Acts of the Legislative Council, No: 1. to No: 3 of the 7th George 4th, and No: 1 to No: 5 of the 8th of George 4th, previous to their having been laid before and passed by the Council which have rendered them difficult to be read, and to prevent the danger of their being torn or worn out by being referred to — His Excellency the Lieutenant Governor has been pleased to direct, that true Copies of the same in the state in which they were passed by the Council, certified by the Clerk of the Council, together with true Copies of the Certificates of the Chief Justice (such Copies to be certified) shall be entered of Record in this Book. ———

Council Room
Hobart Town
10th May 1828

John Montagu
Clerk of the Council

The Minutes of the Proceedings of the Legislative Council of the Government of Van Diemen's Land and its Dependencies

At a Meeting of the Legislative Council held at Government House Hobart Town this 10th day of April 1826

At 11 O'Clock A.M.

Present

His Excellency the Lieutenant Governor
His Honor the Chief Justice
Edward Abbott Esq.
W. H. Hamilton Esq.
W. W. H. Humphrey Esq.
Edward Lord Esq.

The following Oaths were Administered to Edward Lord Esq. by His Honor the Chief Justice & to His Excellency the Lieut. Governor. ———

1st The Oath of Allegiance
2nd The Oath of Abjuration
3rd The Oath of Office

The following Oath and Declaration were tendered to & the Same by His Excellency, but were declined to be taken and subscribed by Mr. Lord

1st The Oath of Supremacy.
2nd The Declaration against Transubstantiation

Business at 11 O'Clock A.M.

At a Meeting of the Legislative Council held at the Council Room Hobart Town this 21st day of June 1856

At half past Eleven O'Clock A.M.

Present

His Excellency The Lieutenant-Governor
His Honor The Chief Justice
W. H. Hamilton Esq.
A. W. H. Humphrey Esq.
Edward Lord Esq.

The Lieutenant-Governor laid before this Council an Extract from His Majesty's Instructions, Paragraphs 96 & 97 addressed to Lieutenant-General Darling as Captain General and Governor in Chief of the Island of Van Diemans Land and its Dependencies containing the Rules, Directions and Instructions to be observed in proposing Laws or Ordinances to the Legislative Council

His Excellency then informed the Council that an unexpected delay had occurred in the preparation of the draft of the Act which was to have been submitted this day to the notice of the Legislative Council ——— His Excellency therefore directed the Adjournment of this Council till 11 O'Clock on Saturday next the 24th Instant

Broke up at ½ past One O'Clock P.M.

John Montague
Clerk of the Council

At a Meeting of the Legislative Council held at the Council Room Hobart Town this 24th day of June 1856

At half past 11 O'Clock A.M.

Present

His Excellency the Lieutenant Governor
His Honor The Chief Justice
W. H. Hamilton Esq.
A. W. H. Humphrey Esq.
Edward Lord Esq.

The Council having assembled according to the direction of the Lieutenant-Governor on the 21st Inst. His Excellency informed the Members that the Bill intended to be submitted to their notice was not prepared and he was therefore under the necessity of postponing the consideration of it

Broke up at 12 O'Clock

John Montague
Clerk of the Council

At a Meeting of the Legislative Council held at the Council Room Hobart Town the first day of August 1826

At 12 O'Clock at Noon

Present

His Excellency the Lieutenant Governor (To submit the bill)
His Honor the Chief Justice
Edward Abbott Esqr
W. H. Hamilton Esqr
A. W. H. Humphrey Esqr
Edward Curr Esqr

Anno Septimo
Georgii IV. Regis
No. 1.

By His Excellency Colonel George Arthur Lieutenant Governor of the Island of Van Dieman's Land and its Dependencies, with the Advice of the Legislative Council.

[An Act for the summary Punishment of disorderly Conduct in Female Offenders in the Service of the Government, or of any Inhabitant of Van Dieman's Land; and for vesting in the Principal Superintendent of Convicts the like Powers and Authorities as are given to the Several Justices of the Peace, by a Law or Ordinance made in the sixth Year of His Majesty's Reign, by His Excellency Sir Thomas Brisbane, late Governor of New South Wales, with the advice of the Council of that Colony, entitled, ["An Act for the Summary Punishment of disorderly Conduct in any Offender in the Service of Government, or of any Inhabitant of New South Wales or Van Dieman's Land."] and by the present Act.]

Whereas, under and by Virtue of the said Law or Ordinance, the several Justices of the Peace in this Colony are authorized to take Cognizance, in a Summary Way, of every Complaint made against any such Male Offender as is therein described, for Misbehaviour or disorderly Conduct during the Term of his Transportation or subsisting Conviction; and upon Conviction of any such Offender to inflict or cause to be inflicted such moderate Punishment as in and by the said Law or Ordinance is mentioned and allowed, subject nevertheless to the Proviso and Restriction therein in that Behalf contained; but no Provision is thereby made for punishing the Misbehaviour and disorderly Conduct of Female Offenders of the like Description. For remedy whereof be it Enacted, by His Excellency the Lieutenant Governor of Van Dieman's Land, with the advice of the Legislative Council, that it shall and may be lawful for any Justice assigned to keep the Peace within this Colony, to take Cognizance in a Summary way, of any Complaint made before him against any Female Offender Convicted in Great Britain, or other Parts of the Kings Dominions, and Transported to this Colony, or Convicted in this Colony and under Sentence or Order of Transportation for Misbehaviour or disorderly Conduct during such her Term of Transportation, or during the Time she shall be under such Sentence or Order of Transportation, whether such Female Offender be in the Service of the Government or of any Inhabitant of this Colony or its Dependencies, and upon Conviction to punish such Female Offender, either by Solitary Confinement on Bread and Water, in any place appointed for safe Custody, for any Term not exceeding fourteen days, or by Confinement and Hard Labor in such Place for any Term not exceeding Three Calendar Months, according to the Nature and degree of the Misbehaviour or disorderly Conduct.

Provided always, that a Quarterly Return of all Sentences imposed by every such Justice, under the Authority of this Act, shall be made to the Governor or Acting Governor for the Time being of this Colony.

And whereas, under and by Virtue of an Act of Parliament made and passed in the Fifth Year of His Majesty's Reign, entitled "An Act for "the Transportation of Offenders from Great Britain." His Majesty is authorized to direct that Male Offenders Convicted in Great Britain, and being under Sentence or Order of Transportation, shall be removed to any part of His Majesty's Dominions out of England, and there confined and kept to hard labour, under the Custody and Management of a Superintendent and an Overseer, to be respectively appointed as therein mentioned: And such Superintendent and Overseer are thereby respectively authorized to inflict upon any such Offender who shall be guilty of any Misbehaviour or disorderly Conduct, during such Custody, such moderate Punishment as shall be allowed by one of His Majesty's Principle Secretaries of State; and such Superintendent is thereby authorized, in every such place of Confinement, to act in every respect as a Justice of the Peace. And whereas, the Duties of the Principal Superintendent of Convicts, in this Colony, are similar to those of the said Superintendent mentioned in the said Act of Parliament,

And whereas the necessity of resorting to the Police and other Magistrates for the Punishment of such Male Offenders as aforesaid, in the Service of the Government, as have been guilty of misbehaviour or disorderly Conduct, hath frequently occasioned great hindrance both to the Magistrates in the Execution of their Offices, and to the carrying on of the Public Works, and the maintenance of good Order amongst such Male and Female Offenders as aforesaid, would be greatly facilitated by giving and conveying to the said Principal Superintendent of Convicts, the Powers and Authorities herein-after contained in that Behalf.

Be it therefore further enacted, by the Authority and with the Advice aforesaid, that it shall be lawful for the Principal Superintendent for the time being, to take Cognizance, in a Summary way, of every Complaint made before him against any Male or Female Offender convicted in Great Britain or any other part of the Kings Dominions, and Transported to this Colony, or Convicted in this Colony, and being under Sentence or Order of Transportation for any Misbehaviour or disorderly Conduct during his or her Term of Transportation, or during such time as he or she shall be under Sentence or Order of Transportation, whether such Offender be in the Service of the Government or of any Inhabitant of the said Colony or its dependencies, and to examine into, hear, and determine the Matter of every such Complaint; and, upon proof by one or more Credible Witnesses upon Oath (which Oath such Principal Superintendent of Convicts is hereby Authorized to administer), to convict or acquit the Offender against whom such Complaint shall be made; and also without the Complaint of any other Person, and without Examination of any Witness or Witnesses, to convict any such Male or Female Offender, being in the Service of the Government, of any Misbehaviour or disorderly Conduct committed by him or her within the View of the said Principal Superintendent of Convicts; and, upon every such Conviction as aforesaid, to order and cause such moderate Punishment to be inflicted upon the Offender Convicted, as under and by Virtue of the said recited Law or Ordinance, and of the present Act, or either of them, any Justice of the Peace is authorized to inflict, or cause to be inflicted, in a like Case.

Provided always, that nothing herein contained, shall be deemed to authorize any Justice of the Peace, or the said Superintendent of Convicts, to take cognizance of any Misbehaviour or disorderly Conduct of any such Offender as aforesaid, who, at the time of such Misbehaviour or disorderly Conduct, shall be in the private service of such Justice, or the said Principal Superintendent of Convicts, respectively.

Provided also, that the said Principal Superintendent of Convicts shall make a Weekly Return on Monday in every Week, to the Governor or acting Governor for the time being of this Colony, of all Convictions made, and all Punishments ordered by him, under the Authority of this Act, during the Week preceding every such Report.

Provided also, that this Act, shall continue and be in Force for the Term of Two Years, from and after the making hereof, and no longer.

(Signed) Geo: Arthur.

Passed the Council this first day of August, 1826.

A true Copy.
John Montague
Clerk of the Council

Hobart Town July 31st 1826

I hereby humbly Certify to His Excellency the Lieutenant Governor that I have perused the within written draft of a proposed Law or Ordinance contained in Eight Sheets of Paper in the margin of each whereof I have set my Name, and that such proposed Law is not repugnant to the laws of England but is consistent therewith as far as the circumstances of this Colony will admit.

A true Copy of my Certificate on the Act as it passed the Council

J. L. Pedder.
Chief Justice of the Supreme Court of Van Dieman's Land

At a Meeting of the Legislative Council held at the Council Room Hobart Town the Sixth and by Adjournment on the Seventh day of September 1826

Present

His Excellency the Lieutenant Governor (To present the bill)
His Honor the Chief Justice
W. H. Hamilton Esqr.
A. W. H. Humphrey Esqr.
Edward Curr Esqr.

Anno Septimo Georgii IV. Regis.

No. 2.

By His Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemans Land and its Dependencies, with the Advice of the Legislative Council

[An Act for regulating the future Sale of Ale, Beer, Wine, Spirits, and other Liquors by Retail, in the Island of Van Diemans Land and its Dependencies, and promoting good Order in Public Houses; and also for indemnifying the Justices of the Peace in respect of the Licences granted on and since last licencing day.]

Whereas, by an Act of His Excellency Sir Thomas Brisbane, the late Governor of New South Wales, with the advice of the Council of that Colony, passed on the 8th day of February, One Thousand eight hundred and Twenty Five, entitled "An Act to regulate the "granting of Licences or the Sale of Spirits, Ale, Beer, and other Liquors, "in New South Wales and Van Diemans Land respectively; it was enacted (amongst other things) that all Public house Licences should be issued in the manner therein mentioned; and that before any Licence should be granted, a Certificate referred to, in and by the said Act, should be obtained from the Justices of the Peace in Quarter Sessions or by special Appointment assembled, on the nineteenth day of February then next, and on the first Thursday in every month of March, in every following Year, within the District or Township nearest to the House intended to be made a Public-house; and that before any Licence should be valid, for any Purposes, the same should be produced to the Commissary of Civil Accounts or New South Wales or Van Diemans Land respectively, and be Countersigned by such respective Commissary:

And whereas, the Public house Licences which were in force, in Van Diemans Land, on the Arrival of the aforesaid Act from New South Wales, were granted for One Year, from the Twenty-ninth day of September, One Thousand Eight hundred and Twenty four; and at the time such Act was received in Van diemans Land, there was not, neither is there now, within the said Island, any such Officer as a Commissary of Civil Accounts: And whereas, previous to the Twenty-ninth Day of September next, after the Publication of the said Act in Van Diemans Land, the Justices of the Peace for the said Island took into Consideration their Power to grant Licences under the Provisions of such Act; and how far any Licences, if so granted, or the Acts of Justices of the Peace granting the same, would be valid; and it appearing to such Justices, and the Law Officers of His Majesty's Government, that the new licencing Act before mentioned, could not be safely proceeded upon, it was deemed expedient to continue to act upon the former mode of Licensing, as far as Circumstances would permit, in order that the Public-houses of the Island might not be shut up, and the Proprietors thereof injured, and such mode was accordingly adopted: And whereas, it is expedient that New Laws should be made for regulating the granting of Public house Licences, and for securing the good Government of such Public houses, by the Landlords or Occupiers thereof, and that the Justices of the Peace should, under the Circumstances before-mentioned, be indemnified for granting the Licences issued on the Twenty-ninth day of September last, or at any Time since, and for acting in any Proceeding had under the same respectively: And that the before recited Act should be repealed, as far as the same relates, or was intended to relate, to Van Diemans Land.

I.— Now, therefore, be it Enacted, by His Excellency the Lieutenant Governor of the Island of Van Diemans Land and its Dependencies, with the advice of the Legislative Council, that from and after the day of the Date hereof, the before-recited Act of the Eighth day of February, One Thousand Eight Hundred and Twenty Five, so far as the same relates, or was intended to relate, to Van Diemans Land, shall be and the same is accordingly hereby repealed.

II.— And be it further Enacted, that if any Person shall, from and after the Twenty-ninth Day of this present Month of September, sell, barter, exchange, or retail Ale, Beer, or other Malt Liquors; or Wine, Cider, Ginger Beer, Brandy, Rum, Gin, Whiskey, Cordials, or any other Strong or fermented Liquors, in the Island of Van diemans Land,

or any Defendant shall be convicted on a less quantity than Five Gallons, without having first obtained from the Colonial Treasurer, or other Person acting as Colonial Treasurer for the time being, a Licence in the Manner and Form hereinafter mentioned, he or she shall forfeit and pay in any such Offence the Sum of Fifty Pounds Sterling, together with the Costs of Prosecution and Conviction, and of the Execution of such Conviction; one Moiety (or half part) of which Sum of Fifty Pounds shall be paid to the Use of His Majesty, his Heirs, and Successors; and the other Moiety (or half part thereof) to and for the Use of him, her, or them, who shall inform of and sue for the same: Provided always, that nothing herein contained shall be deemed to extend to any Person now known in the said Island as a Physician, Apothecary, Surgeon, Chemist, or Druggist, and duly practising as such, who may prescribe, administer, use, or sell, any of the Liquors hereinbefore named or referred to, as Medicines, or for Medicinal Purposes.

III.—— And be it further Enacted, That if any Master or other Person shall directly or indirectly agree with any Journeyman, Workman, Servant, or Labourer, or other Person hired or employed for any Manner whatsoever, to or for him or her, either wholly or in part Payment of or on Account of Wages, or as a Reward for Work or Service, any Ale, Beer, or Spirituous or other Liquor as aforesaid, or together with the Money so agreed to be paid, shall amount to the Wages or Hire or Reward agreed to be given or paid, or to the Value of such Wages or Hire or Reward; or shall set-off or deduct any part of the Wages, or Hire, or Reward, for any Ale, Beer, or Spirituous or other Liquors as aforesaid; such Master or other Person shall be deemed a Retailer, and for every such Offence shall forfeit and pay the Sum of Twenty-five Pounds Sterling, together with the Costs of Prosecution and Conviction, and of the Execution of such Conviction, over and above the Penalty herein imposed in relation without a Licence; one Moiety (or half part) of which Sum of Twenty-five Pounds shall be paid to and for the use of His Majesty, his Heirs and Successors; and the other Moiety (or half part thereof) to and for the use of him, her, or them, who shall inform and sue for the same: And every such Journeyman, Workman, Servant, Labourer, or other Person, so hired and employed as hereinbefore mentioned, shall, notwithstanding any Agreement to the contrary, be entitled to sue for and recover Wages, or Hire, or Reward.

IV.—— And be it further Enacted, That if any Spirituous Liquors shall be sold or delivered in a less quantity than Five Gallons, in a clandestine Manner, to any Person, or any House, Shop, or other Place, or to any Person or Persons for him, her, or them, or for the Use or Benefit of any Person or Persons, by any Person or Persons, or Corporate or Corporation whatsoever, or for any Person or Persons to have or receive any Spirituous Liquors so sold or delivered, and shall be convicted thereof, every such Person or Persons, Corporate or Corporation, shall be deemed a Retailer or Retailers of the Spirituous Liquors so sold or delivered, and shall forfeit and pay for each such Offence the Sum of Twenty-five Pounds Sterling, together with the Costs of Prosecution and Conviction, and of the Execution of such Conviction; one Moiety (or half part thereof) of which Sum of Twenty-five Pounds shall be paid to and for the use of His Majesty, his Heirs and Successors; and the other Moiety (or half part thereof) to and for the use of him, her, or them, who shall inform or sue for the same.

V.—— And be it further Enacted, That if any person who shall sell Beer, Perry, or any other Wines by Retail, shall give or sell Spirituous Liquors to any Apprentice, Servant, Labourer, or Labourers coming to his or her House or Shop to buy any Thing, or in the Absence of his or her being a Customer, or under any other Pretence and in such Case such Person shall be deemed a Retailer of Spirituous Liquors so given away, and shall forfeit and pay in every such Offence the Sum of Fifty Pounds Sterling, together with the Costs of Prosecution and Conviction, and of the Execution of such Conviction; one Moiety (or half part thereof) of which Sum of Fifty Pounds shall be paid to and for the use of His Majesty, his Heirs and Successors; and the other Moiety (or half part thereof) to and for the use of him, her, or them, who shall inform or sue for the same.

VI.—— And be it further Enacted, That no Licence shall be given for retailing any Spirituous Liquors within any Gaol or House of Correction or Penitentiary, or other House for the Lodging of Prisoners; and that if any Gaoler, Keeper, or Other of any Gaol, Female Factory, Penitentiary, or Place for the Lodging of Prisoners, shall sell, utter, vend, or give away, or knowingly suffer any Spirituous Liquors to be sold, vented, or given away in any such Gaol, Female Factory, or Penitentiary, or Place for the Lodging of Prisoners, or keep the same, except such as shall be ordered by the Order or Direction of a regular Physician, Surgeon, or Apothecary, from a Hospital or the Sick Ward of some regular Establishment, then and in such Case such Gaoler or Other shall forfeit and pay the Sum of One Hundred Pounds Sterling, together with the Costs of Prosecution and Conviction, and of the Execution of such Conviction; one Moiety or Portion of which Sum of One Hundred Pounds shall be paid to and for the use of His Majesty, his Heirs and Successors; and the other Moiety (or half part thereof) to and for the use of him, her, or them, who shall inform or sue for the same, and such Gaoler, or Other, shall be

the Person, and be so found since Convicted, he or She shall in such case, upon such second Conviction, forfeit and be deprived of his or her Place, Situation, or Office.

VII.— And be it further Enacted, That any Justice of the Peace, on Information upon Oath, that Spirituous Liquors or Strong Waters are kept and disposed of in any Gaol, Female Factory, or Penitentiary, or Place for the Lodging of Convicts, shall and may enter the said Gaol, Female Factory, or Penitentiary, or Place of Lodging, and search for, or cause to be searched for, any Constable or other Peace Officer to search in and seize all such Liquors as shall be found (except such as are directed to be used Medicinally) and to cause the same to be destroyed.

VIII.— And be it further Enacted, That if any Person shall bring or deliver to or for any Convict in any such Gaol, Female Factory, or Penitentiary, or Place for the Lodging of Convicts, the Gaoler, Keeper, or other Person in charge of, or any of his or her Servants, shall and may apprehend and carry the Offender before any Justice of the Peace, who shall hear and determine such Offence in a Summary way; and if, by the Oath of one Witness, or otherwise, such Person shall be convicted, he or she shall be committed to Prison for the Space of any Time not exceeding Six Months, unless he or she shall immediately pay down such Sum not exceeding Twenty Pounds Sterling, nor less than Two Pounds Sterling, as such Justice of the Peace shall impose; one Moiety (or half part) of which Sum so imposed shall be paid to him, her, or them, who shall inform and sue in the same; and the other Moiety (or half part thereof) shall be applied to the Benefit of the Poor of His Majesty's Gaols at Hobart Town and Launceston.

IX.— And be it further Enacted, That the Gaoler or Keeper, Master or Chief Officer of every Gaol, Female Factory, or Penitentiary or Place for the Lodging of Convicts, shall procure a Copy of the Rules and Regulations hereby directed to be printed or fairly written, and hung up in one of the most public Places of his or her Gaol, Female Factory, or Penitentiary, or Place for the Lodging of Convicts, and keep the same so hung up from Time to Time, so that it be always kept fair and legible, on Pain of Forfeiting Forty Shillings, to be recovered and applied to Distress and Sale of the Goods and Chattels of the Offender, under the Warrant of any one Justice of the Peace, on Proof upon Oath of the Offence: And any Justice of the Peace may, at any Time, enter and demand a Sight of such printed or written Copy, and if it be not immediately shewn to him hung up in some public Place fair and legible, he shall forthwith commit such Person, and so from Time to Time as often as he shall

see fit; or he may order a Copy thereof to be made at the Cost of the Person having the Care of the same; and the other Parts of the Rules and Regulations shall be observed in the same Manner as the Rules and Regulations of His Majesty's Gaols at Hobart Town and Launceston.

X.— And be it further Enacted, That it shall be lawful for any Justice of the Peace, upon receiving Information on Oath of any Offence against this Act, by which any Spirituous Liquors ought to be forfeited, to issue a Warrant to any Constable or other Peace Officer to enter the House and other Place where the Offence shall be alleged to be committed, or in the Occupation of any Person against whom the same is laid, which Constable shall and may break open the Doors if not forthwith opened on Demand, and seize all such distilled Spirituous Liquors as he shall have cause to suspect the same to be found in, and all the Offenders, if the Party complained against be convicted, the Liquors shall be forthwith seized or destroyed, but if not convicted, such Liquors shall be immediately restored.

XI.— And be it further Enacted, That in case any Summons shall be issued by any Justice or Justices of the Peace to any Person or Persons to appear and answer to any Information or Complaint for selling by Retail any Malt or Spirituous Liquors without License, directing such Summons to such Person or Persons in the Name or Names by which he, she, or they is, or are, or shall be commonly known, whether the same be the real or assumed Name or Names of such Person or Persons, and the Cause of such Summons as his, her, or their Name, or Names and Place or Places of Abode, and Offence by him, her, or them committed, shall be truly set forth in the Body of such Summons, and be left at the House or other Conspicuous Part without the Door of such Person's Dwelling House or Place of Abode, or delivered to such Person or Persons personally, such Summons shall be deemed and taken to be as good and effectual a Writ or Summons, to all Intents and Purposes, as if the same had been given or delivered to him, her, or them by the Name or Names by which he, she, or they is, or are, or shall be known, and as if the same had been served on the Party or Parties in his, her, or their proper and real Name or Names.

XII.— And be it further Enacted, That it shall be lawful for the said Justices of the Peace to determine, to the best of their Judgment, what is selling or retailing without License, according to the circumstances of each and every particular Case, without giving Credence to Evidence to shew having been given for the Sale of Spirits or other Liquors.

XIII.—And be it further Enacted, That a General Meeting of the Justices of the Peace, acting within that Division of the Island which is commonly called the County of Buckingham shall be holden at Hobart Town, on the Fourteenth Day of this present Month of September, and on the Eighteenth Day of September in every following Year, unless such Day shall happen to be Sunday, then in that Case on the Seventeenth day of the same Month, for the purpose of taking into Consideration the Applications which may then be made for Certificates for the Licence of any Inns, Ale-houses, or Victualling Houses in such Division, or in any dependency in the said Island; and on the said Fourteenth Day of September, and on the same day in every following Year, a General Meeting of the Justices of the Peace residing within the Division of the Island which is commonly called the County of Cornwall, shall be holden at Launceston, for the purpose of taking into Consideration the Applications which may then be made for Certificates for the Licence of any Inns, Ale-houses, or Victualling Houses, in such last-mentioned Division; which Justices of the Peace so meeting at Hobart Town and Launceston as aforesaid, are hereby empowered to adjourn from the Day of such Meeting to such other Day as the said Justices shall then agree upon, provided that only one Adjournment shall in no place.

XIV.—And be it further Enacted, That, except in such Cases as are herein-hereinafter provided for, no Certificate for a Licence shall be granted on any other Day than the Eighteenth Day of September, or the Day to which the Justices may have adjourned.

XV.—And be it further Enacted, That for every Licence for selling Ale, Beer, or other Intoxicating Liquors, and for every Certificate, Bond, or any other Thing to be executed or performed thereby, or in pursuance thereof, there shall be paid to the Colonial Treasurer of the Island aforesaid, the Sum of Twenty Five Pounds Sterling; Provided always, that no Licence shall be granted for Selling by Retail Wine in any Quantities under Two Gallons, Spirituous Liquors in any Quantities under Five Gallons, Strong Beer or Ale in any Quantities under Nine Gallons, or Table Beer in any Quantities under Eighteen Gallons at one Time.

XVI.—And be it further Enacted, That every Licence shall be dated on the Day and Year on which the Application for the same shall be made, and shall continue in force for the Space of One Year from the Day of the Date thereof, unless the same shall be sooner forfeited, or the Holder thereof shall become disqualified to receive the same, and no longer; and upon the Application of the Holder thereof, and the Delivery up of his or her former Licence, a new Licence shall be granted for the ensuing Year, without any Fee or Reward being paid for the same.

XVII.—And be it further Enacted, That from and after the present Month of September, every Person desirous of obtaining from the Justices of the Peace a Certificate for a Licence, under this Act, shall deliver or cause to be delivered to the Clerk of the Peace at Hobart Town, or to the Deputy at Launceston, on or before the Sixteenth Day of the present Month of September, and on or before the Seventeenth Day of the same Month in every following Year, a Notice, in Writing, of his or her Intention to apply for such Licence.

XVIII.—And be it further Enacted, That it shall be lawful for the Lieutenant-Governor, previous to the Fourteenth Day of September, and every following Year, by his Warrant or Public Notice to be issued in the Usual Form, or Instructions to be issued on the Twenty-seventh Day, and to signify the same to the Clerk of the Peace or other proper Officer, and the Justices shall limit the Licences accordingly; and if on the hearing, or any other Day, there shall, by such Means, be a Reduction in the Number of Licences granted for the preceding Year, the Justices shall select such Houses as may appear to have been kept in the most orderly Manner in the present or preceding Year.

XIX.—And be it further Enacted, That no Justice of the Peace who is a Brewer, Maltster, Distiller, or dealer in Ale, Beer, or Spirituous Liquors, or is concerned in Partnership with any Person as a Brewer, Maltster, Distiller, or Dealer in Ale, Beer, or Spirituous Liquors, or is the Owner or Part Owner of any House licensed, or about to be licensed, for any of the Purposes aforesaid, or be directly or indirectly interested in such House as any Tenant or Trustee, Manager, or Agent of any Owner or part Owner of or for

as aforesaid, nor any Justice of the Peace, nor any Sufficient Person or Persons nominated or elected or taken as Sureties to such Recognizance to be entered into as aforesaid.

XXI.— And be it further Enacted, That every Person desirous of obtaining a License under this Act, shall produce to the Justices of the Peace, at their General Meeting at Hobart Town or Launceston (as the case may require) a Certificate signed by three Householders and resident Ratepayers, in the Form described in the Schedule of this Act marked **A**, and shall enter into a Recognizance to the Queen, her Heirs and Successors, with Two sufficient Sureties, to be approved of by such Justices of the Peace, in the Sum and Form and to the Condition prescribed in the Schedule of this Act, marked **B**, which Recognizance shall be entered into in the presence of the Justices then Assembled, and be Signed by at least Two of such Justices; which said Justices of the Peace, or Two of such Justices at least, shall before any License be granted, certify their Approbation thereof in the Form prescribed in the Schedule to this Act marked **C**; and the Clerk of the Peace, or other proper Officer, shall, upon receiving from the Person in whose favor such Certificate of the matters shall be made, the Sum of Two Shillings and Sixpence Sterling for the said Certificate, and the Sum of Ten Shillings and Sixpence Sterling for the Recognizance therein referred to, deliver such Certificate, with a Copy of the said Recognizance, to the Applicant for a License, who shall forthwith take the said Certificate with the Colonial Treasurer of the said Island, or other Person acting as Colonial Treasurer for the time being at his Office; and, upon Payment of the Sum of Twenty Ten Pounds Sterling for the same aforesaid, shall receive from the said Colonial Treasurer, or acting Colonial Treasurer, a License, which shall be in the Form described in the Schedule to this Act marked **D**; but such License shall not be valid for any Purpose whatever until the same shall have been Signed and Countersigned by the Commissioner of Accounts, or acting Commissioner of Accounts, for the time being of the said Island.

XXII.— And be it further Enacted, That in case any Person applying for a Certificate for a License shall be known to such Justices of Infamy, or any other reasonable Cause, to be at the General Meeting of the Justices of the Peace, it shall be lawful for such Justices of the Peace to refuse to grant such Certificate upon their Oaths sufficient and approved Sureties as aforesaid entering into such Recognizance with such Condition as aforesaid bounden, each Surety in the Penalty of Fifty Pounds for the Observance of the Condition of said Recognizance, and in such said Recognizance shall be entered into in the Presence of the Majority

of the Justices assembled, and be signed by at least Two Justices present.

XXIII.— And be it further Enacted, That in Recognizances with Conditions shall be to the Effect of the same as prescribed, or to the like Effect as near as the Nature of the Case will admit of, to be entered into at the General Sessions of the Peace; and in case any of the Recognizances so entered into as aforesaid by the Justices of the Peace at the General Sessions of the Peace aforesaid shall be forfeited, the Justices of the Peace at the said Sessions shall cause the same to be estreated into the Court of Exchequer, that such Sum of Money so forfeited may be recovered in the Name of Her Majesty, Her Heirs and Successors, for the Use of the Crown of the United Kingdom of Great Britain and Ireland.

XXIV.— And be it further Enacted, That every Licensed Person who shall be lawfully convicted of any Offence against the Terms of any License granted under this Act, or against the Condition of the Recognizance hereby required to be entered into by such Licensed Person, shall for every such Offence forfeit and undergo the several Penalties and Punishments and disabilities herein after mentioned and provided in that behalf;— That is to say, for the first Offence a Sum not exceeding Ten Pounds Sterling, with the Costs and Expences of convicting such Offender; and in case the said Penalty, Costs, and Expences shall not be paid within fourteen days next after such Conviction, that then the Offender shall be for Imprisonment for Two Months in one of His Majesty's Gaols, unless he or she shall sooner pay such Penalty, Costs, and Expences: And for the Second Offence a Sum not exceeding Twenty Pounds Sterling, with the Costs and Expences of convicting such Offender; and in case such Penalty, Costs, and Expences shall not be paid within such Second Conviction, that then the Offender shall be for Imprisonment for four Months in one of such Gaols aforesaid, unless he or she shall sooner pay such Second Penalty, Costs, and Expences aforesaid; and for the Third Offence against the Terms of such License or Recognizance, it shall be lawful for any one of the Justices of the Peace, upon Complaint or Information to him made, to issue a Summons under his Hand and Seal, commanding such Person so offending to appear before such Justices at the next General Quarter Sessions of the Peace, to answer unto the Matter of such Complaint or Information; and if the said Person so offending shall not appear accordingly, or shall appear and not show sufficient Cause to the Satisfaction of the said Justices why he should not be punished for such Offence, it shall be lawful for the said Justices, upon Proof of the Handwriting of the Justice who signed the Summons, to cause the Recognizance entered into by such Person and his Sureties to be estreated into the Court of Exchequer, as aforesaid, and to cause the Penalty therein mentioned to be levied upon the Goods and Chattels of such Person and his Sureties, or any of them, by Distress and Sale thereof, by Warrant under the Hands and Seals of any Two of the said Justices; and if sufficient Distress cannot be found, or the said Penalty shall not be paid within Ten Days after such Distress made, it shall be lawful for any Two of the said Justices to commit the Offender to the Common Gaol, there to remain without Bail or Mainprize for any time not exceeding Six Calendar Months, unless the said Penalty be sooner paid and satisfied; and if such Person so offending shall appear at the said General or Quarter Sessions, and give Evidence against such Complaint or Information, or be convicted against: And the Justices in their said General or Quarter Sessions of the Peace, shall enquire of the Misdemeanour charged in the said last-mentioned Complaint or

Information and if they shall find that the Person so complained of or informed against hath committed any Act against the Tenor of the said Recognizance such Act being specified in the said Complaint or Information and such Person so complained of or informed against having been once previously convicted of Offences against the Tenor of the said Recognizance, it shall and may be lawful to or for the said Justices at such General or Quarter Sessions to adjudge such Person so convicted of such subsequent Offence against the Tenor of, and a Breach of the said Recognizance, which adjudication shall be final to all Intents and Purposes; and thereupon the said Justices shall have Power and Authority to punish the Party so to be Convicted by Fine not exceeding the Sum of One Hundred Pounds Sterling, or at the Discretion of the said Court to declare the said Recognizances entered into by the said Offender to be forfeited, or immediately to adjudge the License or Authority granted to such Offender to be forfeited and Void, and thereupon such License shall henceforth be Void accordingly; and the said Recognizance, the Condition of which Recognizance shall be so adjudged to be broken and forfeited, shall from and after such last mentioned Adjudication be absolutely disabled to sell Ale, Beer, or other Malt Liquors, or any spirituous Liquor whatever for three Years, to be computed from the Time of the Offence committed for which such Adjudication shall be pronounced.

Provided always, That no Recognizance under this Act shall be declared to be forfeited unless Notice being directed to be given to the said Court of General or Quarter Sessions, given such third Conviction as aforesaid: And provided also, That if such Licensed Person or Persons so complained of or informed against for such last mentioned Offence, shall not appear at the next General or Quarter Sessions of the Peace, pursuant to the Summons, it shall and may be lawful for the Justices in their General or Quarter Sessions assembled, on Proof of the Service of such Summons, to enquire into the Matter alleged, and on Proof thereof to proceed against the Person or Persons so summoned, and not appearing in the same manner as if such Person or Persons had appeared, pursuant to his, her or their Recognizance.

XXV.—Provided always, and it is hereby declared and enacted, That on every such Enquiry, as directed to be made as last aforesaid, the Production of the Recognizance entered into by the Party complained against, or his or her Sureties, and filed with the Clerk of the Peace or Person acting as such, shall be sufficient Evidence of the Fact of such Party so complained against having a licensed Victualler: Provided always, That if the Court, on enquiring into the Matter of such Complaint or Information, shall acquit the Party so complained of but guilty of the Offence alleged to his or her Charge, or if no Cause to the Contrary be shewn, the Court shall be adjudge him or her to be punished in Fine, or to declaring the Recognizance to be

forfeited, to have a Conviction to stand against him or her, and to be recorded as such, and to adjudge him or her to be punished as for a subsequent Offence, or Guilty, or Punishment to Fine, or as the Case of Guilty to which the same Punishment and Disability as to other Licensed Victuallers who shall have been convicted of Offences against the Condition of his or her Recognizance, on any subsequent Complaint or Information, as if Enquiry there at such Court of Session for any Offence or Breach of such Recognizance and Decree.

XXVI.—And be it further Enacted, That it shall and may be lawful for the Justices of the Peace acting in and for that Division within which any Offence against the Tenor of any Recognizance entered into under this Act, or against the Condition of the Recognizance entered into by any Victualler for Non-Payment of Rates, shall be committed, or where the Offender shall reside, or be found, any two of the said Justices are hereby authorized and required, upon any Information exhibited, or Complaint made in that Behalf, to issue their Summons to such Party or Parties accused, and also the Witnesses on either Side (if they shall be required to summon any such Witnesses), and upon the Appearance or Contempt of the said Party or Parties accused to be duly proceeded to examine and hear the Matter in a summary way, and also to examine such Witnesses upon Oath as shall be produced touching the same, which Oath the said Justices are hereby empowered to give and administer, and to give their Judgment thereon; and in case the Party so convicted be the Party or Parties so accused or complained against to give him, her or them a Copy of the Charge; and such Party or Parties so convicted shall forthwith pay the Penalty or Penalties for which he, she or they shall be adjudged to forfeit by virtue of this Act, or shall be committed to the House of Correction, there to remain and be kept to hard Labour for such Time not exceeding Three Calendar Months, as the said Justices shall think fit, unless such Penalty or Penalties, together with the Costs of such Conviction or Conviction, shall be sooner assessed, settled, and ascertained by the said Justices, that then and in every such Case it shall and may be lawful to and for such Justices, and they are hereby authorized and required to issue their Warrant or Warrants, under their Hands and Seals, or the Hands and Seals of any two of them, for the Levying the said Penalty or Penalties, and Costs aforesaid, by Distress and Sale of the Goods and Chattels of such Party or Parties so convicted, rendering to such Party or Parties the Overplus (if any) arising by such Sale, after Deduction of the Penalty or Penalties, and Costs aforesaid, and in such Manner as the several Justices shall think meet, according to the true Intent and Meaning of this Act.

XXVII.—And be it further Enacted, That if any Person Victualler shall die before the Expiration of his Recognizance, or if he or she, or his or her Executors or Administrators shall assign the Premises mentioned in the License, and at and before the Expiration of the Term of such License shall give Notice in writing to the Justices of the Peace assembled at any Special Meeting to be convened for Public Notice, under the Hand of the Clerk of the Peace, and

Convicted to have or use Office Papers, at their usual Dwelling Houses
or Compounds. Notice, to be given in favour of the Executor of Warrants
Bailiffs of the Precincts, or Agents now Tenants or Occupiers receiving
a Warrant, to assist Persons applying for the same shall
produce such Certificate and enter into such Recognizance, with
such Sureties as Shall be taken cognizance, and when the same Terms.

XXVIII.— And be it further Enacted, That the Justices of the Peace
so duly assembled as the Purpose, shall have Power to enter in
upon the Transfer of such Licence to the Appointee of the Purchaser
Party; such Appointee producing the like Certificate, and entering
into the Engagements which the original Party obtaining the Same,
is or shall be bound to produce, & enter into, as upon the Same Terms.

XXIX.— And be it further Enacted, That it Shall be lawful for any
Justice of the Peace, either alone or attended by Constables or other
Officers, to demand entrance into any licensed Public House at any
Hour, by Day or by Night; and if Admittance be refused or wilfully
delayed, the Licence of such House shall be forfeited upon Conviction
before any two Magistrates, and no Licence shall again be granted
to any Person who Shall be so Convicted.

XXX.— And be it further Enacted, That no licensed Publican Shall
take or receive from any Person whatsoever in Payment, or as a Pledge,
or in Barter or Exchange for Liquor, or for any Entertainment whatever
supplied by him or her for any Matter or Thing whatsoever, except the
Current Coin or Paper Money of this Island, on Pain of forfeiting, for the
first Offence, the Sum of Twenty Pounds Sterling, together with the
Costs of Prosecution and Conviction, and of the Execution of such Conviction;
one Moiety for and Part of such Sum of Twenty Pounds Shall be to
and for the use of His Majesty, his Heirs, and Successors; and the
other Moiety for and Part thereof to and for the use of him, her, or them,
who Shall sue or Sue for the same; and in case of Conviction for
a second Offence, such Publican Shall immediately become & forfeit
and be deemed of his or her Licence: Provided nevertheless, Nothing
herein before contained Shall prevent any licensed Victualler from receiving
in Payment, or by way of Barter or Exchange, from Persons House
Keepers, any live Stock, Wheat, or other Grain.

XXXI.— And be it further Enacted, That no licensed Publican Shall
recover any Money, Debt, or Demand, on Account of Spirituous Liquors,
unless it Shall bona fide have been contracted for and Sold at the
Amount of Twenty Shillings or upwards, nor Shall any particular
Article in any Account for Spirituous Liquors be allowed, unless the
same delivered at one Time Shall not Amount to the full Sum of
Twenty Shillings Sterling.

XXXII.— And be it further enacted, That it Shall be lawful for
the Justices of the Peace in Quarter Sessions assembled at the Court House
of any Precinct to Settle and Appoint the Rate of Duty to be paid for
all Ale, Beer, and other Malt Liquors; Wine, Cider, Ginger Beer, Brandy, Rum, Gin, Whiskey,
Cordials, or any other Strong Fermented or Spirituous Liquors by
Retail, to be drank or consumed in such Canteen; and every Person
holding such Canteen, under any such Licence, Agreement, or
Authority as aforesaid, and having such Licence as aforesaid,
may Keep such Canteen and utter and sell therein, and in the
Premises thereunto belonging and not elsewhere, Wheat and
all such Ale, Beer, and other Malt Liquors; Wine, Cider, Ginger Beer,
Brandy, Rum, Gin, Whiskey, Cordials, or any other Strong Fermented
or Spirituous Liquors as he or she Shall be Licensed and Authorized
to sell under the Authority and Permission of any such Licence as
aforesaid, without being Subject to any Penalty or Forfeiture.

XXXIII.— And be it further Enacted, That as well for the Purpose
of recovering and enforcing the Payment of any Pecuniary Fines,
Penalties, Forfeitures, or Rewards, imposed, created, or given by
this Act, and not herein or herein specially and fully or sufficiently
provided for, as also facilitating the Conviction of Offenders against
this Act, or any of the Provisions thereof, not already provided for,
Which ought and may be taught and by the Justices of the Peace
hear and determine in a Summary Way, more Ease be done
soever and whatsoever committed against this Act, or any of
the Provisions thereof, for the hearing and determination of
which no Provision shall not have been made by this Act; Be it
Justices of the Peace are hereby Authorized and required, upon any
Information exhibited or Complaint made in that Behalf to or before
them, to Summon the Party or Parties accused, and also the Wit-
nesses on either Side if they Shall be required to Summon any
Witnesses); and, upon the Appearance, or Contempt of the Party
or Parties accused be at the Hearing, to proceed to examine and hear
the Matter in a Summary Way, and also to examine such Witnesses
upon Oath as Shall be produced therein (which Oath they said

Justices are hereby empowered to give and administer; and to give their Judgement thereon; and, in Case they shall Convict the Party or Parties so accused or complained against of the Offence laid to his, her, or their Charge, and such Party or Parties so convicted shall refuse or neglect to pay the Penalty or Penalties for which he, she, or they shall stand convicted, together with the Costs of such Conviction, to be assessed, settled, and ascertained by the said Justices, upon Demand made thereof at any Time after the said Conviction shall be had, that then and in every such Case it shall and may be lawful for such Justices or any one of them, and they and he are and is hereby authorized, and required to cause the Penalty or Penalties and Costs, to be levied by Distress and — Sale of the goods and Chattels of such Offender or Offenders by Warrant, under the Hands and Seals or Hand and Seal of such Justices or Justice; and the Overplus, after deducting the Charges of such Distress and Sale, to be rendered to the said Offender or Offenders: And if no sufficient Distress shall be found whereon to Levy as aforesaid, then the said Justices or Justice of the Peace shall and may commit every Offender so convicted as aforesaid to one of His Majesty's Gaols for any Time not exceeding six Calendar Months; and such Justices are hereby respectively authorized, and required to take Cognizance of, and hear and determine all other Informations or Complaints laid or made against all and every Person and Persons whomsoever, for any Offence against this Act, or any of the Provisions thereof (and proceed therein to Conviction, and if necessary, to Distress, Sale, and Imprisonment), in the same Way and Manner, in all Respects, as herein-lastly expressed, for which Provision may not have been herein-before fully or sufficiently made.

XXXIV.— And be it further Enacted, that if any Person shall be summoned as a Witness to give Evidence before any Justice or Justices of the Peace, or Court of Sessions, touching any of the Matters mentioned or referred to in or by this Act, or incidental to the same, either on the part of the Prosecutor, or Informer, or Complainant, or of the Person or Persons accused, informed, or complained against and shall neglect or refuse to appear at the Time and Place to be for that purpose appointed, without a reasonable excuse for such his or her neglect or refusal, to be allowed by such Justices of the Peace or Court of Sessions, or appearing, shall refuse to be examined on Oath and give Evidence before such Justices of the Peace, or the Court before whom the Prosecution, Information, or Complaint shall be depending, then every such Person shall for every such Offence forfeit and Pay the Sum of Ten Pounds Sterling, to and for the use of His Majesty, his Heirs, and Successors.

XXXV.— And be it further Enacted, that if any Person or Persons shall think himself, herself, or themselves aggrieved by the Judgement or Conviction of any Justice or Justices of the Peace for any Offence against this Act, for the Commission of which a Pecuniary penalty is annexed, and shall give Security to the satisfaction of such Justices or Justices of the Peace for the Payment of the Penalty, Costs, and Expences to be expressed in the said Conviction, within Twenty-four hours after the same shall be made, that then and in every such Case after such Security given, and not otherwise, it shall and may be lawful to and for such Offender or Offenders to appeal from — and against any such Conviction or Convictions to the Justices of the Peace assembled at the next General or Quarter Sessions, unless such Sessions shall be held within six Days or less next after such Conviction or Convictions shall be so had or made, and in that Case to the Justice of the Peace to be assembled at the next Sessions after such first mentioned Sessions and not afterwards; and that the Justices of the Peace assembled at such Sessions shall thereupon proceed to hear and determine the Matter of every such Appeal, and their Judgement thereon shall be final and conclusive to all intents and Purposes whatsoever: And the Justices of the Peace so assembled at such Sessions are hereby authorized and required to award such Costs as to them shall appear just and reasonable to be paid by either Party, not exceeding in the whole the sum of Ten Pounds Sterling on any one Appeal.

XXXVI.— And in order to prevent frivolous and vexatious Appeal, be it further Enacted, that a conviction in form or to the effect of the form *mutatis mutandis* (as the Case shall happen to be) prescribed by the Schedule to this Act marked **E**, shall be good and effectual to all intents and purposes whatsoever, without stating the Case, or the facts, or Evidence, in any more particular manner.

XXXVII.— And be it further Enacted, that on every such Conviction so to be had or made as aforesaid the Justices of the Peace before whom the same shall be made, shall return the same to the next quarter Sessions of the Peace to be holden for the Island of Van Diemen's Land, and the Record of such Conviction shall, unless the same shall be afterwards quashed on Appeal as herein before directed, be evidence against the Party thereby convicted in any Prosecution to be instituted against him, her, or them for another Offence of the like nature, if such Evidence should on that occasion be requisite: And the Clerk of the Peace to whom such Convictions shall be returned, shall immediately on such return, if the same shall relate to a Disease Publican, make or cause to be made a Memorandum or Entry of such Conviction in a Calendar or Register, which he is hereby directed to keep, of the Names and Places of abode of the several Persons so licensed as aforesaid, and shall in every such Entry [illegible]

whether such conviction be the first or second or other subsequent conviction of the offending party, if the offence be of such a nature as on a repetition of it renders the offender liable to a heavier penalty or punishment.

XXXVIII.— And be it further Enacted, that all Justices of the Peace shall be and are hereby indemnified, freed, and discharged from and against all penalties, forfeitures, damages, and liabilities in respect or on account of Licenses granted to Publicans or others for the sale of Malt Liquor or Spirits, from the Twenty ninth day of September now last past, to the Twenty ninth day of this present month of September, or of any Act or Proceeding done or had in regard thereto, or to the Persons receiving the same Licenses.

XXXIX.— And be it further Enacted, that all Monies arising to His Majesty, His Heirs and Successors, under and by Virtue of this Act, or in pursuance of any Proceeding had in prosecution of any Act or thing herein or hereby directed to be done or performed, shall be and the same are hereby reserved to His Majesty, his Heirs and Successors, for the Public uses of the said Island of Van Dieman's Land, and the Support of the Government thereof, and go to and be applied in Aid of the Colonial fund of the said Island accordingly.

XL.— And be it further Enacted, that this Act shall continue and be in Force for the Term of Two Years from and after the making hereof, and no longer.

Signed, Geo: Arthur.

Passed the Council, this seventh Day of September, 1826.

A true Copy
John Montagu
Clerk of the Council,

Schedules referred to in this Act.

Schedule A.

Form of Householders' Certificate.

"To the Worshipful the Justices of the Peace, acting in and for "the Buckinghamshire (or Cornwall) Division of the Island "of Van Dieman's Land."

"We, the undersigned, A.B. of C.D. of "and E.F. of being severally Householders do "hereby Certify, that T.B. of is well known to

"us as a Person of good Fame, and of sober Life and Habits; and as a fit "and Proper Person to be entrusted with a License to keep a Public house. "Witness our Hands

"A.B.
"C.D.
"E.F.

Schedule, B.

Form of Recognizance.

"Van Dieman's Land.— At a General Meeting of His Majesty's Jus"tices of the Peace, acting in and for the Buckinghamshire or Cornwall "Division of the Island of Van dieman's Land, holden at Hobart Town "(or Launceston), on the 18th day of September, 182 , pursuant to an "Act of His Excellency the Lieutenant Governor, with the advice of the "Legislative Council, made the 7th Day of September, 1826. T.B. "of acknowledges himself to be indebted to our Sovereign Lord "the King, in the Sum of One Hundred Pounds; and A.B. of "and C.D. of respectively acknowledge them"selves to be indebted to our said Sovereign Lord the King, in the Sum "of Fifty Pounds apiece, of lawful Money of Great Britain, to be respec"tively levied of their several Goods and Chattels, Lands and Tenements, "to the use of our said Lord the King, his Heirs and Successors, by way "of Recognizance, upon Condition, that if the said T.B. shall "receive from the Colonial Treasurer of Van dieman's Land, a License to "keep a Common Inn, Ale House, or Victualling House, and to sell Ale, "Beer, and other Malt Liquors, and Wine, Cider, Ginger Beer, Brandy, "Rum, Gin, Whiskey, Cordials, and any other strong fermented or Spiri"tuous Liquors, in the House wherein he (or she) now dwells being "the Sign of in the District of from the Day of "until the Day of 182 , and do sell good and "wholesome Ale, Beer, and other Malt Liquors, and also good and whole"some Wine, Cider, Ginger Beer, Brandy, Rum, Whiskey, Cordials "and other fermented or Spirituous Liquors, in full measure, and "without fraudulently diluting or adulterating the same in his "(or her) said House; and not knowingly permit any playing at "Cards, Draughts, Dice, Bagatelle, or any other sedentary Game in or "on his (or her) House or Premises, by any Journeyman, Labourers, "Servants, or Apprentices, or introduce or permit any Bull baiting, Cock"fighting, or other such sport or amusement, on any part of his (or her) "Premises; nor get Drunk, or permit any other Person to get drunk in or "on his (or her) House or Premises; nor suffer any Drunken Person to "enter the same without immediately removing him or her therefrom; "nor permit any Person to remain there Tippling or Drinking after the "Hour of eight at night, or on Sunday at any Hour, always excepting "moderate refreshment to bonâ fide travellers or inmates of the House;

"nor open his (or her) House on Sunday for any other purpose than to receive
"bona fide travellers and regular Customers, coming or sending between
"one and three O'Clock in the day, and between six and eight O'Clock
"in the evening to purchase Malt Liquor only, and immediately taking
"the same away; nor suffer any riot, fighting, or other disorder, tumult,
"or disturbance to take place, and be carried on, in or on the said House
"or Premises; nor refuse to admit any Magistrate alone, or attended by
"Constables or Officers at any time, into any part of the said House or
"Premises; nor in particular suffer any Convict to remain in or on his
"or her House or Premises on Sunday at any time (except he or she
"should be Travelling with a regular pass, or be in attendance upon
"his or her Master or employer, or have the written Authority or order
"of such master or employer, and be willing to shew the same on demand),
"or after 8 O'Clock at night on any other day; nor conceal or harbour,
"or assist in the escape of any Runaway Convict or other Offender
"for whom search is making by the proper Authorities; or obstruct,
"let, or hinder any Magistrate, Constable, or other Person making
"such search; nor have any Tap, or Tap room, or Bar, or Drinking
"room in any Yard or Garden belonging to the House, or in any
"place seperate or detached from the House, or having any other
"entrance thereto than the House itself hath, and such entrance to
"the House being but one, and that by a door in front thereof, with-
"out any Wall or close fence before or about it, so as to prevent the same,
"or the Persons entering or leaving the House from being seen by all
"Passengers, and (to be inserted when used for Public-houses in Hobart
"Town and Launceston, or within two miles of either of those Towns),
"shall keep one Lamp well trimmed and alight, opposite the entrance
"Door in the front thereof, and in a line with the Street fence, and
"ten feet from the Ground, throughout the whole of the Year, from Sun-
"set to sun-rise, then this obligation to be void, or else to remain in
"full force."

Schedule C.

Form of Certificate of the Justices.

"Van Dieman's Land.— At a General Meeting of His Majesty's Jus-
"tices of the Peace, acting in and for the Buckinghamshire (or Cornwall)
"Division of the Island of Van Dieman's Land, holden at Hobart Town
"or Launceston on the 18th day of September, 182 ; pursuant to an Act
"of His Excellency the Lieutenant Governor, with the advice of the Legis-
"lative Council, made the 7th day of September, 1826.— These are to
"certify, that we have received a Certificate, signed by A.B. of
" C.D. of and E.F. of (being
"severally householders) setting forth that T.B. of is
"well known as a person of good Fame, and of sober life and habits, and

"as a fit and proper Person to be entrusted with a License to keep a Public
"house, and we have taken from the said T.B. and A.B.
"of and C.D. of his Surities or recognizance in the
"form prescribed in the said Act, and do approve of his receiving a
"License for the Sale of Ale, Beer, and other Malt Liquors, and Wine,
"Cider, Ginger Beer, Brandy, Rum, Gin, Whiskey, Cordials, and any
"other strong fermented or Spirituous Liquors.

"G.H.
"J.K."

Schedule D.

Form of License.

"Whereas, T.B. of hath deposited in my Office, a Certificate
"from the Justices of the Peace, assembled at Hobart Town or Launces-
"ton on the Day of , approving of his or her holding a
"License for the Sale of Ale, Beer, and other Malt Liquors, and Wine,
"Cider, Ginger Beer, Gin, Rum, Brandy, Whiskey, Cordials, and any
"other strong fermented or Spirituous Liquors.— And the said T.B.
"hath also paid into my Office, the sum of Twenty five Pounds Ster-
"ling, being the Amount provided in that behalf, by an Act of His
"Excellency the Lieutenant Governor, with the advice of the Legislative
"Council of this Island: therefore the said T.B. is hereby licensed to
"keep a Common Inn, Ale house, or Victualling House, and to sell
"in the House in which he (or she) now dwelleth in Street in
" (or at name the place or district being the Sign of
"and not elsewhere, Ale, Beer, and other Malt Liquors, and Wine, Cider,
"Ginger Beer, Brandy, Rum, Gin, Whiskey, Cordials, and any other
"strong fermented or Spirituous Liquors, provided good order and
"rule be maintained and kept in the same House, pursuant to the
"condition of the recognizance entered into by the said T.B. and his
"Surities in that behalf, and the Act under which this License
"is granted, be in all respects observed: And this License is to
"continue in force from the Date hereof, until the Day of
" One Thousand Eight Hundred and Twenty and no-
"longer.

J.T. Colonial Treasurer Van Dieman's Land."

Schedule E.

Form of Conviction.

"Van dieman's Land.— Be it remembered, that on this Day of
" in the Year One Thousand Eight hundred and Twenty
"T.B. of was duly convicted before us, A.B. and
"C.D. Esquires, two of His Majesty's Justices of the Peace, in and
"for Van dieman's Land and its Dependencies of

[and be of Force, shewing if he be convicted for the first, second, or third Offence]
" unable to be hath convicted the Sum of Pounds Sterling,
" inclusive the Costs and Expences of the Conviction, which Costs and
" Expences, we, the said Justices of the Peace, do hereby ascertain
" and assess at the Sum of , pursuant to the Law or ordinance
" in such Case made and provided.
" Given under our Hands and Seals the
" Day and Year above-written."

Hobart Town September 7th 1826

I humbly beg leave to lay before His Excellency the Lieutenant Governor that I have perused the within written draft of an Act proposed to be made and passed by His Excellency with the advice of the Legislative Council, contained in 61 Sheets of Paper and that I am of opinion, that the same is not repugnant to the Law of England, but is consistent therewith, so far as the circumstances of the Colony will admit, with the exception of the enactment contained in the 36th Sheet which appears to me to be repugnant to the Law of England, inasmuch as it subjects a Man to a forfeiture, without giving him a right to be heard or of cross examining the Witnesses who are to prove the offence in respect to which the forfeiture is to take place.
A true Copy of my Certificate on the Act as it passed the Council.

J. Pedder
Chief Justice of the Supreme Court.

N.B. The Enactment referred to in the above Certificate as contained in the 36th Sheet of the Draft laid before me was struck out and is not contained in the Law passed by the Council of which the foregoing is a Copy –

J. Pedder

At a Meeting of the Legislative Council held at the Council Room Hobart Town the 13th and by adjournment on the 14th 15th and 16th Days of September 1826.

Present.

His Excellency the Lieut. Governor [to present the bill]
His Honor the Chief Justice
W. H. Hamilton Esqr
A. W. H. Humphrey Esqr
Edward Lord Esqr

Anno Septimo Georgii IV.i Regis.

No. 3.

By His Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemans Land and its Dependencies, with the advice of the Legislative Council.

[An Act to promote the Circulation of Sterling Money of Great Britain; and to reduce to Sterling Denomination, all Securities, Contracts, and Agreements for the payment of Money, and also to regulate the making and issuing of Promissory Notes, and Bills of Exchange, within the Island of Van Diemans Land and its dependencies.]

Whereas, by an Act of His Excellency **Sir Thomas Brisbane**, the late Governor of the Colony of New South Wales, with the advice of the Legislative Council, passed on the Twenty eighth Day of September One Thousand eight hundred and Twenty two, intituled "**An Act to make Promissory Notes and Bills of Exchange payable in Spanish Dollars, available as if such Notes and Bills had been drawn payable in Sterling Money of the Realm;** It was Enacted, that all Bills of Exchange and Promissory Notes, payable in such Dollars as aforesaid, should be holden in the Courts of Law of the said Colony, and of the Dependencies thereof, to be Legal, Negotiable, and transferable Instruments, and that the holders of the same, and all other Persons interested therein, should have and be allowed in the said Courts all such Remedies in respect of their

Claims upon such Bills and Notes as aforesaid, as if the said Bills and Notes had been drawn payable in Money of the Realm.

And whereas it is expedient to promote, and render more effectual the Circulation of Sterling Money of Great Britain within the Island of Van Diemen's Land and its dependencies, and also to reduce to Sterling denomination all Bills, Notes, and other Securities and Contracts and Agreements for the Payment of Money, as aforesaid, so that Persons, to whom the said several Acts in the manner herein-after mentioned,

And whereas it is also expedient to prohibit, within the said Island and its dependencies, the making and issuing of negociable Bills, Notes, Drafts, Cheques, Orders, or Undertakings in Writing, for the Payment of less than Twenty Shillings Sterling,

And whereas, by common Usage, Spanish Dollars have hitherto passed Current within the said Island and its dependencies as Money, and have been generally paid and received at or for the Sum of Five Shillings each, as the nominal Value thereof,

And whereas there is at present a Deficiency in the Quantity of British Silver Money in Circulation within the said Island and its dependencies,

And whereas the Sum of Four Shillings and Fourpence Sterling is equal or more than equal to One Spanish Dollar,

Now therefore be it Enacted, by His Excellency the Lieutenant Governor of the Island of Van Diemen's Land and its dependencies, with the advice of the Legislative Council thereof, that the said recited Act, so far as the same relates, or was intended to relate, to Van Diemen's Land and its dependencies, shall be, and the same is hereby repealed, save and except as to such Bills of Exchange and Promissory Notes as shall have been drawn and bonâ fide issued before the ninth Day of October now next ensuing.

II.—And be it further Enacted, that from and after the Eighth Day of October now next ensuing, all and all Bills of Exchange, Promissory Notes, Drafts, Cheques, Orders and undertakings in Writing, howsoever, being negociable or transferable, as also all Contracts and Agreements whatsoever which shall be drawn and executed, or issued, or made and entered into, within the Island of Van Diemen's Land and its dependencies, expressed to be for, or for the Payment of, or to be payable in Pounds, Shillings, or Pence only, shall be deemed as, and to be of Pounds, Shillings, or Pence Sterling, which shall and may be sued for and recovered accordingly; and that as well all Bills of Exchange, Promissory Notes, Drafts, Cheques, Orders and undertakings in Writing, howsoever, being negociable or transferable, as also all Contracts and Agreements whatsoever which shall be drawn and executed, or issued, or made and entered into, within the said Island and its dependencies, expressed to be for, or for the Payment of, or to be payable in Currency, Current Money, Spanish Dollars, or any other Foreign Coin or Money other than Pounds, Shillings, and Pence Sterling, shall be and the same are accordingly hereby declared to be void to all intents whatsoever, and of no Force, Effect, or Validity in the Law, Custom, or Usage to the contrary thereof in any wise notwithstanding.

III.—And be it further Enacted, that from and after the Publication of these Acts, Spanish Dollars and the fractional Parts thereof hereinafter mentioned, shall within the said Island and its Dependencies, be and be deemed and taken to be Money of and a legal Tender in the Payment of Bills, and to be respectively payable and received and taken in Payment at or for the respective Sums or Values following that is to say, a Spanish Dollar at Five Shillings and four Pence Sterling, the half of a Spanish Dollar at Two Shillings and Two Pence Sterling, the Quarter of a Spanish Dollar at One Shilling and One Penny Sterling, and the one Eighth of a Spanish Dollar at Six Pence half Penny Sterling, and shall be respectively payable and received and taken in Payment accordingly at those Rates in Payment and Discharge of all Debts and Sums of Money which now have been or are or shall or may be due or owing, or contracted to be paid, any thing herein contained to the Contrary notwithstanding. And that a Tender and Payment of Four Shillings and Four Pence Sterling Money of Great Britain, shall in like Manner be and be deemed to be a legal Tender and Payment of One Spanish Dollar, and so in Proportion, or any greater or lesser Sum; and a Discharge of any Debt, Duty, or Penalty, which shall have been contracted to be paid or have been made payable, or directed to become or be levied in Spanish Dollars, and that a Tender and Payment of Four Shillings and Four Pence Sterling Money of Great Britain shall be and be deemed to be equivalent to the Tender and Payment of One Spanish Dollar in such proportionate or current Money as aforesaid, and so in like Manner for any greater or less Amount; and shall be a discharge of any Debt, Duty, or Penalty, which shall have been contracted to be paid, or have been made payable, or directed to be received or levied in Money at the Rate of Five Shillings for one Spanish Dollar.

IV.— And be it further Enacted, that British Copper Money shall be a legal Tender or Payment for its due Proportion of British Silver Money as by Law established in Great Britain: Provided always, that no Person shall be compelled to take more than Twelve pence of Copper Money in One Payment.

V.— And be it further Enacted, that all Bills of Exchange, Promissory Notes, Drafts, Cheques, Orders and undertakings in Writing being negociable or transferable for the payment of any less Sum of Money than Twenty Shillings Sterling, which shall or may be made or drawn, or circulated or issued from and after the Publication of this Act, shall be, and the same are accordingly hereby declared to be absolutely Void; any Law, Custom, or Usage to the contrary notwithstanding.

VI.— And be it further Enacted, that if any Person shall, from and after the Publication of this Act, by any Device, Method, or Means whatsoever, make or draw or circulate or issue, or willingly aid or assist in the making or drawing or circulating or issuing any such Bill of Exchange, Promissory Note, Draft, Cheque, Order, or Undertaking in Writing as last aforesaid, for the Payment of any less Sum of Money than Twenty Shillings Sterling, every such Person shall forfeit and Pay for every such Offence a Sum not exceeding Twenty Pounds Sterling, nor less than Five Pounds Sterling, at the discretion of the Justice or Justices of the Peace by whom such Offence may be heard and determined.

VII.— And, in order to prevent doubts or Litigation in respect of Cases in which Spanish Dollars have heretofore been paid and received or taken in Payment as Money, Be it, and it is hereby enacted and declared, that in all Cases in which Spanish Dollars have heretofore been delivered or paid, and received or accepted in Payment as Money, such Delivery or Payment, and receipt or Acceptance shall be deemed and taken to have been a Payment as Money, accordingly, to all intents and Purposes whatsoever, and shall be and be deemed and taken to have been to all Intents and Purposes whatsoever, a Discharge to the Person or Persons by or for whom the same shall have been so delivered or paid for the Amount or Sum for which such Dollars may have been delivered or paid, and received or Accepted.

VIII.— And be it further Enacted, that all Fines, Penalties, and Forfeitures, imposed by this Act, shall be recovered in a Summary way before any Justice or Justices of the Peace, (whose Decision, Determination, Order, or Adjudication shall, in every case, be final and conclusive to all intents and Purposes whatsoever) which Fines, Penalties, and Forfeitures, shall be to and for the use of our Sovereign Lord the King, his Heirs and Successors,

to whom the same are hereby reserved for the Public uses of the said Island of Van Diemen's Land, and the support of the Government thereof, in aid of the Colonial Fund of such Island.

Signed, Geo: Arthur.

Passed the Council, this Twenty Second day of September, 1826.

A true Copy
John Montague
Clerk of the Council.

Hobart Town Sep^br 14th 1826.

I hereby humbly Certify to his Excellency the Lieutenant Governor that I have perused the within written draft of a Proposed Law, or Ordinance, and that from the short consideration which I have been able to give to it (having received it in the Afternoon of yesterday) I am of opinion that it contains nothing repugnant to the Law of England excepting so much of it as makes a tender of Money in certain cases amount to an actual discharge of a debt (but which may be rectified, by a verbal alteration) and that it is consistent with the Law of England so far as the circumstances and condition of the Colony admit and require.

I deem it right however to add that there is an apparent inconsistency in some of its provisions and that it appears in its present shape to be liable to much doubtful construction.

A true Copy of my Certificate on the above Act as it was first laid before me.

J. L. Pedder.
Chief Justice of the Supreme Court of Van Diemen's Land.

Hobart Town September 14th 1826.

I have reperused the within written draft and am of opinion that the alterations which have been made in the parts allied to in my former Certificate as repugnant to the Law of England have removed that objection.

A true Copy of my Certificate on the Act as it passed the Council.

J. L. Pedder
Chief Justice of the Supreme Court of Van Diemen's Land.

At a Meeting of the Legislative Council held at the Council Room Hobart Town the 14th and by adjournment on the 15th day of December 1826.

Present

His Excellency the Lieutenant Governor (to present the bill)
His Honor the Chief Justice
The Colonial Secretary
W. H. Hamilton Esq.re
A. W. H. Humphrey Esq.re
Edward Curr Esq.re

The following Oaths were administered to John Burnett Esq.re the Colonial Secretary by His Honor the Chief Justice before His Excellency the Lieutenant Governor in Council.

1st. The Oath of Allegiance.
2nd. The Oath of Abjuration.
3rd. The Oath of Supremacy.
4th. The Oath of Office.

The declaration against Transubstantiation.

His Excellency having read to this Council a Despatch from Earl Bathurst dated the 2nd of April 1826, directing certain restrictions to be imposed upon the Public Press and laid before the Council the Draft of an Act thereon, and then retired from the Council.

["An Act to regulate the Printing and Publishing of Newspapers, and Papers of a like nature, and for the prevention of Blasphemous and Seditious Libels, and for imposing a Duty upon all such Newspapers and other Papers as aforesaid, printed to be dispersed and made Public"]

Withdrawn by His Excellency the Lieutenant Governor, the 15th Day of December 1826.

John Montagu
Clerk of the Council.

At a Meeting of the Legislative Council held at the Council Room Hobart Town the 16th day of December 1826 at 12 o'clock at Noon.

Present.

His Excellency the Lieutenant Governor
His Honor the Chief Justice
The Colonial Secretary
W. H. Hamilton Esq.re
Thomas Anstey Esq.re
Thomas Archer Esq.re

Read His Majesty's Warrant dated the 10th September 1825 appointing the present Legislative Council and revoking and annulling the Warrant bearing date the 1st of July 1825 appointing the former Legislative Council.

The following Oaths were then administered to the Members Present, by His Excellency the Lieutenant Governor viz.

1st. The Oath of Allegiance
2nd. The Oath of Abjuration
3rd. The Oath of Supremacy
4th. The Oath of Office
5th. The declaration against Transubstantiation.

Read an Extract from Paragraph 9th of the Instructions to Lieut.t General Darling as Captain General and Governor in Chief of the Island of Van Diemens Land and its Dependencies containing the rules, directions and Instructions to be observed in proposing Laws or Ordinances to the Legislative Council.

The Lieutenant Governor read to the Council a Despatch from Earl Bathurst dated 2nd April 1826, directing certain restrictions and Duties to be imposed upon the Public Press, and laid before the Council the drafts of two Acts upon the subject and then retired from the Council.

The drafts of the Acts "intituled" No2.

["An Act to regulate the Printing and Publishing of Newspapers, and to the prevention of Blasphemous and Seditious libels."]

[No3. "An Act for imposing a Duty upon Newspapers, and upon all Licences to print and to Publish the same."]

After the perusal of these drafts the Council adjourned at 3 o'clock P.M. until 10 o'clock on Wednesday Morning next the 17th Instant.

John Montagu
Clerk of the Council.

An adjourned Meeting of the Legislative Council held at the Council Room, Hobart Town the 12th of September 1827 At 10 O'Clock. A. M.

Present.

His Honor the Chief Justice
The Colonial Secretary
W. H. Hamilton Esq.
Thomas Anstey Esq.
Thomas Archer Esq.

Resumed the Consideration of the Drafts of the Two Acts submitted on the 10th Inst. and at half past four O'Clock the Council adjourned until 11 O'Clock on Friday morning next the 14th Instant.

John Montagu
Clerk of the Council.

At a Meeting of the Legislative Council (by adjournment) held at the Council Room Hobart Town the 13th of September 1827

Present.

His Excellency the Lieut. Governor (to submit the draft of the Act No 1
His Honor the Chief Justice (after the Act had passed the Council)
The Colonial Secretary
W. H. Hamilton Esq.
Thomas Anstey Esq.
Thomas Archer Esq.

Passed Acts. No. 1. 2. 3.

John Montagu
Clerk of the Council.

ANNO OCTAVO.

Georgii IV. Regis.

No 1.

By His Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van diemens Land and its Dependencies, with the advice of the Legislative Council.

[An Act to explain and amend an Act of His Excellency the said Lieutenant Governor, with the advice of the Legislative Council, passed on the 7th Day of September 1826, entitled. "An Act for regulating the Retail Sale of Wine, Beer, Wine, "Spirits, and other Liquors by retail, in the Island of Van "Diemens and its Dependencies, and promoting good "Order in Public Houses, and also for indemnifying the "Justices of the Peace in respect of the Licenses granted "on and since the last Licensing Day."]

Whereas, by the said Act of the 7th Day of September 1826, it is enacted, that every Person who shall sell or expose for Sale by Retail any Wine, Beer, Cider, Spirits, or other Liquors, without having first obtained a License in that behalf, shall forfeit and pay for every such Offence the Sum of Fifty Pounds Sterling.

And whereas, doubts have been entertained whether the Penalties of certain Parts of the said Act, and the Forfeitures thereby imposed in the Enforcing of the Provisions of the said Act, could be recovered in the Courts of the Island of Van Diemens Land — for remedy whereof —

1. — Be it Enacted, by the Lieutenant Governor of the Island of Van Diemens Land, with the advice of the Legislative Council, that from and after the Publication of this Act, every Person who shall by Virtue of any Licence of the Crown, or otherwise, be authorized to retail Wine, Beer, or other Fermented Liquors, or Cider, Spirituous Liquors, Tea, Coffee, Chocolate, or other Strong Liquors or Spirituous Liquors, or to be habitually sold or retailed in any particular Licensed House, or other Licensed Place, and every Constable or other Person shall in such Information, set forth and show reasonable Grounds of such belief, and especially that and in such Cases

shall in like manner, in such justice, in his discretion, by warrant under the hand and seal of such Justice, cause the said Goods and Chattels to be sold and disposed of by public Auction or Vendue, and out of the money arising by such sale, shall and may retain and pay to the Collector, Comptroller, Surveyor or Searcher, or other Officer, who shall have seized the same, all such Duties, Charges and Expences as shall appear to be due and payable for the same, rendering the overplus, if any, to the Owner thereof, on demand; and in case no Claim shall be made to the said Goods and Chattels, or the Value thereof, within the space of Three Months after the Seizure thereof, then the same shall be and remain to the use of His Majesty, His Heirs and Successors, for the purposes in this Act mentioned.

II.— And be it further Enacted, That if any Person shall, from and after the Publication of this Act, permit or suffer to be sold, kept or exposed, or shall sell, keep or expose for Sale in his or her House, Outhouse, Yard, Garden, or other Place, any Ale, Beer, or other Malt Liquors, other than Cyder, Perry, Brandy, Rum, Gin, Whiskey, or other Spirituous Liquors, or any Quantity thereof, to be drunk or consumed in the same, without having first obtained a Licence for that purpose, as is hereinafter directed, or in any other manner than is hereinafter directed, every such Person shall forfeit and pay the Penalty or Sum of Fifty Pounds, Lawful Money of Canada, and be incapable of holding any Licence for the like purpose for the Space of Three Years, to be recovered with Costs of Suit, by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record in this Province, wherein no Essoign, Protection or Wager of Law, nor more than one Imparlance shall be allowed; and one Moiety of the said Penalty shall be to the use of His Majesty, His Heirs and Successors, and the other Moiety to the use of the Person who shall inform and sue for the same.

III.— And be it further Enacted, That in all Proceedings whatsoever against any Person for illegally selling, or illegally permitting to be sold, kept or exposed for Sale, any Spirituous Liquors, in any House, Outhouse, Yard, Garden or other Place, and in all Proceedings whatsoever, to be had and taken in relation to the Forfeiture of any Licence granted under the Authority of this Act, it shall be sufficient for the Informer, Plaintiff or Prosecutor, to prove that the Defendant, Plaintiff or Prosecutor, to prove that the Defendant, Plaintiff or Prosecutor, to prove that the Defendant

VII.— And be it enacted, that in every Case of Conviction of any Offence against this Act, either by Confession or Oath, or Evidence of Witnesses, and after the Expiration of Three Days from such Conviction, the Offender shall be adjudged to pay the Penalty or Forfeiture incurred, together with the Costs and Expences attending such Conviction, and Distress and Sale of his Goods and Chattels be awarded, together with the Costs and Expences attending such Distress and Sale; and for want of sufficient Distress forthwith to be made, the Offender shall be committed to the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless the Penalty and Costs shall be sooner paid and satisfied; and that no Distress and Sale of Goods and Chattels for Penalty and Costs shall be deemed unlawful, nor any Party making the same be deemed a Trespasser, on Account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall any Such Conviction be quashed for want of Form, or be removed by Certiorari or any other Writ or Proceeding whatsoever into any Court of Record or elsewhere, but every Such Conviction shall be binding and conclusive to all Intents and Purposes whatsoever, any Law or Usage to the contrary notwithstanding; and that if the Penalty and Costs adjudged to be paid on Conviction, be not paid immediately after the Conviction, the Justice or Justices may, if he or they think fit, by Warrant under his or their Hand and Seal, commit the Offender to the Common Gaol or House of Correction, there to be kept at Hard Labour for any Time not exceeding Three Calendar Months, unless the Penalty and Costs be sooner paid and satisfied.

VIII.— And, in order effectually to prevent frivolous and vexatious Actions and Appeals to delay Justice: Be it further enacted, that in all Cases of Conviction for any Offence against this or the said Act, which shall from and after the Publication of this Act be committed, no Appeal whatsoever from any such Conviction shall be received, until the Party or Parties convicted shall have given into the Hands of the Convicting Magistrate, the full Amount of the Penalty and Costs awarded against him, together with the assessed Costs and Expences, to be by him retained, one Moiety for the Use of her Majesty, and the other Moiety for the Use of the Prosecutor or Informer, in Case such Conviction should be affirmed: but if the same be returned to the Party if such Conviction should, on Appeal, be quashed; and if such Amount be not paid within Forty Hours next after the Conviction, then such Appeal, as to the said Act is in that Case mentioned, shall be void to all Intents and Purposes; and on the contrary, such Conviction shall thenceforth become and be final and conclusive, and no Appeal or Proceeding shall be afterwards allowed.

IX.— And be it further enacted, that the Form of Conviction prescribed in and by Schedule **B** of the said Act to be used under the said Act, be good, valid, and effectual to all Intents and Purposes whatsoever, without setting forth or stating therein the Name of the Informer or that any Information was exhibited or stating the Name of any Witness, or the particular Place where the Offence was committed, or whether the Party accused appeared, or was or was not summoned, and without stating the Evidence, or stating the Case or Pleas, any further or otherwise than shall be necessary to shew that the Offence was committed within the Jurisdiction of the Justice or Justices, for the information and Meaning thereof, and no Conviction

shall be quashed for any Error or Mistake in any Form of Words, or for want of any Averment or Allegation, but when it shall appear that the Offence was committed, and that the Party convicted was guilty thereof, and that the Punishment awarded was not greater than is authorized by this Act, the Conviction shall be held sufficient and valid to all Intents and Purposes whatsoever.

X.— And be it further enacted, that nothing in this Act contained shall be construed to take away or abridge any Power, Right, or Authority which any Justice of the Peace may now lawfully have or exercise, touching the Bail or Discharge of any Person in his Custody, or touching any other Matter relating to his Office, but that every such Justice may lawfully do and perform all Matters and Things relating to the Premises in the same manner as he might have done before the passing of this Act.

XI.— And be it further enacted, that no Action or Suit shall be brought against any Person for any Thing done in pursuance of this Act, in all Cases where Appeal to Sessions is given, unless Notice in writing of such Action and of the Cause thereof be given to the Defendant one Calendar Month before the Commencement of the Action; and in all Cases where Appeal to Sessions is not given, unless such Notice be given within Three Calendar Months; and in all such Actions the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before the Action brought, or if a Sum of Money shall have been paid into Court after the Action brought by or on behalf of the Defendant, and the Plaintiff shall not recover more than the Sum tendered or paid into Court; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue his Action after Issue joined, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, for which he shall have the like Remedy as any Defendant hath for Costs by Law; and that no Plaintiff in any such Action shall recover any Damages for any Irregularity, Trespass, or Wrong done, if it shall appear that sufficient Cause existed for the Act complained of, or that the Plaintiff has suffered no Damage from the Act complained of, or from the Irregularity or Informality thereof.

XII.— And be it further enacted, that nothing in this Act contained shall extend to repeal the 26th Clause or Section, or any other Clause or Section of the said Act in any Wise relating to Servants.

Signed, Geo: Arthur.

Passed the Council this
[illegible] day of [illegible]

A true Copy
John Montague
Clerk of the Council.

Hobart Town September 11th 1832.

I hereby humbly certify to His Excellency Lieutenant General Arthur Governor &c. &c. &c. that I have framed the above an Act of a long title or endorsement entitled "an act to explain and amend an Act of Parliament passed in the Fifty Seventh year of the Reign of His present Majesty King George the Fourth intituled an Act to regulate the Sale of Beer by Retail in Great Britain and to allow the general Sale of Beer and other Liquors by retail in the Houses and Premises of Persons duly authorized to sell the same in Public Houses and also for indemnifying the Justices of the Peace

"in respect of Licenses granted or issued since the last Session
"of Council and that the same is not repugnant to the Laws of England
"or inconsistent with such Laws so far as the Circumstances of
the Colony will admit

A true Copy of my Certificate on the above Act as it passed the Council

J. Pedder,
Chief Justice of the Supreme Court
of Van Diemen's Land.

Anno Octavo.
Georgii IV. Regis.
No. 2.

By His Excellency Colonel George Arthur Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

[An Act to regulate the Printing and Publishing of Newspapers and for the prevention of Blasphemous and Seditious Libels.]

Whereas, the original Settlement of and in this Island was made and formed for the reception of Transported Offenders, and the Government thereof established and since continued therein, was established and has been ascertained for the Employment and due discipline and control of such Offenders:

And whereas, the number of such Offenders now within the said Island under Sentence or Order of Transportation exceeds in a very large proportion that of the Inhabitants, who have emigrated thereto or settled therein;— And the due Management and discipline of such Offenders demands the utmost care and vigilance.

And whereas, several Newspapers have been printed and published within this Island at different times and from time to time since the said original or first Settlement thereof:—

And whereas, previously to the eighth day of October in the year of Our Lord One thousand eight hundred and thirty, no Newspaper was printed and published in any such Newspaper without the Consent of the successive Governors or other Officers for the time being administering the Government first had and obtained to whom it was the practice to submit for their approbation all matters intended to be printed and published in any such Newspaper prior to the Printing and Publication thereof

but on the said eighth day of October last practice was discontinued, and has not since been revived, and the same cannot by law be exercised on:

And whereas, consequently to that period several matters have been printed and published in such Newspapers printed and published within this Island calculated under cover of the due Enjoyment of the Liberty of the Press and other Rights and Privileges of His Majesty's liege Subjects, to excite and create Hatred and Contempt of the Government and the Administration of the Government, as by Law established, to subvert and undermine the Authority of such Government, and to excite Disaffection and Resistance to the same, and the Printing and Publishing of such matters in such Newspapers have notwithstanding various Instances of Prosecution and Punishment by Law been from time to time continued, to the endangering of the Public Peace, and the disturbance of the Harmony and good Order of Society:—

For Remedy wherein, and for the prevention of the Printing and Publishing of Blasphemous and Seditious Libels, and also for the prevention of the mischiefs which may arise from the Printing and Publishing of Newspapers by persons unknown:—

I.—Be it Enacted by His Excellency the Lieutenant-Governor of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council, That on and from and after the Eighth day of October in the present Year, no person shall print or publish or cause to be printed or published within the said Island or any Dependency thereof any Newspaper unless such Person shall have obtained such License in that behalf as is hereinafter mentioned.

II.—And be it further Enacted, by the Authority and with the advice aforesaid That every Paper commonly called or serving the purpose of a Newspaper and every Paper and Pamphlet either in the whole or in part containing Public News or Intelligence or Occurrences or any Remarks or Observations thereon, or upon any Act Measure or Order of Government, or upon any matter of Government, and which shall be published periodically or in parts or numbers at intervals not exceeding Twenty days between the Publication of any two such Newspapers, Papers, Pamphlets or Parts or Numbers (unless any of the said Papers, Pamphlets or Parts or Numbers shall be Bona fide Works of Fiction), shall be deemed and taken to be a Newspaper within the true intent and meaning of this Act.

III.—And be it further Enacted, by the Authority and with the advice aforesaid that no Printing Press shall be used or employed in printing any Newspaper in which the Platen thereof shall be of greater dimensions than Fifteen inches in length and Twenty two inches in breadth, or whereon more than One Sheet of Paper can be printed at one time, and that no Printing Press shall be used or employed in printing any Newspaper which shall not be worked by hand, or by the Motive Power of Steam, or by Water, or by some other Mechanical Power, to be approved by the Governor for the time being, and that no Printing Press shall be used or employed in printing any Newspaper which shall not be registered in the Manner hereinafter directed.

IV.— And be it further Enacted, by the Authority and with the advice aforesaid, That every such Licence as aforesaid shall be in writing and shall be signed by the Governor or Lieutenant Governor of the said Island, if he shall think fit to grant the same, and shall be signed by the Colonial Secretary.

V.— And in order to avoid the use of numerous Terms and expressions in this Act, and to prevent misconstruction of the Terms and expressions used herein, **Be it further Enacted**, That wherever the Terms "Governor" and herein, "Lieutenant Governor" shall occur in this Act, the same shall be construed to mean the Governor or Lieutenant Governor or other person lawfully administering the Government of this Island for the time being. That the terms "Colonial Secretary" and all other terms used herein descriptive of any Colonial Officer, shall be construed to mean the Colonial Secretary or Public Officer for the time being, or the Person acting as Colonial Secretary or such other Public Officer for the time being. That the terms "British" and "Publisher" shall be construed respectively to mean only the first or Original Publishing and the first or original Publisher of any Newspaper. That the terms "Print" and "Publish" and the words "Sell" "Retail" and "circulate" shall respectively be construed to mean Print or Publish, or cause or procure to be Printed or Published, or to mean respectively Sell, Retail or circulate, or cause or procure to be sold, retailed, or circulated, (as the case may be.) That the term "this Island" shall be construed to mean the Island of Van Diemen's Land and the dependencies thereof. That the Term "Printing Office" shall be construed to mean the House or place where the Newspaper is printed in the Sentence shall be printed, or where the last Affidavit hereinafter mentioned shall declare that the same is to be there printed. And that the terms "Affidavit" and "Affirmation" respectively shall be also construed to mean one or more Affidavit, or Affirmation, (more or necessary, and one or more Affidavits, or Affirmations, if more than one be in the particular sense required or intended.

VI.— And be it further Enacted, by the Authority and with the advice aforesaid, That every Licence to Print or Publish any such Newspaper, as aforesaid, shall be made or and remain in force only during such time not exceeding twelve Calendar Months, as shall be therein expressed.

VII.— **Provided always**, and it is hereby further enacted, by the Authority and with the advice aforesaid, That if at any time there shall be printed and published in any such Newspaper any Blasphemous Libel, or any Libel tending to bring into hatred or contempt the Person of the Queen, her Heirs or Successors, or the Government of the United Kingdom, or either House of Parliament, or the Government or Constitution of the Government of this Island as the same are established, or the Executive or Legislative Council thereof, or to excite any of Her Majesty's Subjects in this Island to attempt to procure the alteration of any matter in this Island by unlawful means, or to raise any Insurrection or Riot, or unlawful Assembly in this Island, or to incite any Person to commit any Treason, Felony, Misprision of Treason, Felony, Riot or unlawful Assembly, or to resist or oppose any lawful Authority in this Island, or to bring the Administration of Justice in this Island into Contempt, or to lessen the Authority of any Court of Justice in this Island, or to impute any Corrupt Motives to any Judge in this Island in the execution of his Office, or to scandalize any Court of Justice in this Island, or any Judge thereof, or to obstruct, prejudice or interfere with the due course of Justice or the lawful Authority of the Police in this Island, or to create public Alarm or Confusion in this Island; or if there shall be contained in any such Newspaper any Matter or Thing tending to degrade, revile or expose to Hatred or Contempt any Person holding any Office under the Government of this Island, or to raise Scandal or Disturbance among the Inhabitants of this Island, or any Part thereof, by Abusing, Slandering or Libelling any Class or Portion of the Inhabitants of this Island, or to create Ill-will between any Classes of the Inhabitants of this Island, or to excite Contempt against the Administration of Justice in this Island, or to impair the Respect or Authority due to the Courts of Justice and Judicial Officers in this Island, or to obstruct or prevent the Execution of the Process of any Court of Justice in this Island, or to create or excite Disaffection against the Government of this Island, or to advocate the Separation of this Island from the British Crown, or to procure the Abolition by unlawful means of any Office, Institution or Establishment lawfully existing in this Island, or to disturb the peace and quiet of this Island, or to raise Discontent or Disaffection among the Inhabitants thereof, or to advocate the Abolition of Slavery in any Colony of the British Empire, or to advocate the Abolition of Transportation from the United Kingdom to this Island, or to advocate the Abolition of Penal Discipline in this Island, or to advocate the Abolition of the Government of this Island by the Queen and Parliament of the United Kingdom, or to advocate the Abolition of the Government of this Island by the Queen and Legislative Council thereof, or to advocate the Abolition of the Legislative Council of this Island, or to advocate the Abolition of the Office of Governor of this Island, or to advocate the Abolition of the Office of Lieutenant Governor of this Island, or to advocate the Abolition of the Office of Colonial Secretary of this Island, or to advocate the Abolition of the Office of Attorney General of this Island, or to advocate the Abolition of the Office of Solicitor General of this Island, or to advocate the Abolition of the Office of Sheriff of this Island, or to advocate the Abolition of the Office of Treasurer of this Island, or to advocate the Abolition of the Office of Auditor General of this Island, or to advocate the Abolition of the Office of Surveyor General of this Island, or to advocate the Abolition of the Office of Police Magistrate of this Island, or to advocate the Abolition of the Office of Commissioner of Crown Lands of this Island, or to advocate the Abolition of the Office of Commissioner of Roads of this Island, or to advocate the Abolition of the Office of Commissioner of Police of this Island, or to advocate the Abolition of the Office of Commissioner of Customs of this Island, or to advocate the Abolition of the Office of Commissioner of Navigation of this Island, or to advocate the Abolition of the Office of Commissioner of Public Works of this Island, or to advocate the Abolition of the Office of Commissioner of Public Buildings of this Island, or to advocate the Abolition of the Office of Commissioner of Public Accounts of this Island, or to advocate the Abolition of the Office of Commissioner of Public Revenue of this Island, or to advocate the Abolition of the Office of Commissioner of Public Expenditure of this Island, or to advocate the Abolition of the Office of Commissioner of Public Debt of this Island, or to advocate the Abolition of the Office of Commissioner of Public Loans of this Island, or to advocate the Abolition of the Office of Commissioner of Public Grants of this Island, or to advocate the Abolition of the Office of Commissioner of Public Pensions of this Island, or to advocate the Abolition of the Office of Commissioner of Public Salaries of this Island, or to advocate the Abolition of the Office of Commissioner of Public Allowances of this Island, or to advocate the Abolition of the Office of Commissioner of Public Gratuities of this Island, or to advocate the Abolition of the Office of Commissioner of Public Bounties of this Island, or to advocate the Abolition of the Office of Commissioner of Public Premiums of this Island, or to advocate the Abolition of the Office of Commissioner of Public Rewards of this Island, or to advocate the Abolition of the Office of Commissioner of Public Compensations of this Island, or to advocate the Abolition of the Office of Commissioner of Public Indemnities of this Island, or to advocate the Abolition of the Office of Commissioner of Public Remunerations of this Island, or to advocate the Abolition of the Office of Commissioner of Public Emoluments of this Island, or to advocate the Abolition of the Office of Commissioner of Public Perquisites of this Island, or to advocate the Abolition of the Office of Commissioner of Public Fees of this Island, or to advocate the Abolition of the Office of Commissioner of Public Charges of this Island, or to advocate the Abolition of the Office of Commissioner of Public Taxes of this Island, or to advocate the Abolition of the Office of Commissioner of Public Duties of this Island, or to advocate the Abolition of the Office of Commissioner of Public Imposts of this Island, or to advocate the Abolition of the Office of Commissioner of Public Levies of this Island, or to advocate the Abolition of the Office of Commissioner of Public Rates of this Island, or to advocate the Abolition of the Office of Commissioner of Public Assessments of this Island, or to advocate the Abolition of the Office of Commissioner of Public Contributions of this Island, or to advocate the Abolition of the Office of Commissioner of Public Subscriptions of this Island, or to advocate the Abolition of the Office of Commissioner of Public Donations of this Island, or to advocate the Abolition of the Office of Commissioner of Public Gifts of this Island, or to advocate the Abolition of the Office of Commissioner of Public Legacies of this Island, or to advocate the Abolition of the Office of Commissioner of Public Bequests of this Island, or to advocate the Abolition of the Office of Commissioner of Public Devises of this Island, or to advocate the Abolition of the Office of Commissioner of Public Conveyances of this Island, or to advocate the Abolition of the Office of Commissioner of Public Transfers of this Island, or to advocate the Abolition of the Office of Commissioner of Public Assignments of this Island, or to advocate the Abolition of the Office of Commissioner of Public Mortgages of this Island, or to advocate the Abolition of the Office of Commissioner of Public Leases of this Island, or to advocate the Abolition of the Office of Commissioner of Public Licenses of this Island, or to advocate the Abolition of the Office of Commissioner of Public Permits of this Island, or to advocate the Abolition of the Office of Commissioner of Public Passports of this Island, or to advocate the Abolition of the Office of Commissioner of Public Certificates of this Island, or to advocate the Abolition of the Office of Commissioner of Public Registers of this Island, or to advocate the Abolition of the Office of Commissioner of Public Records of this Island, or to advocate the Abolition of the Office of Commissioner of Public Archives of this Island, or to advocate the Abolition of the Office of Commissioner of Public Libraries of this Island, or to advocate the Abolition of the Office of Commissioner of Public Museums of this Island, or to advocate the Abolition of the Office of Commissioner of Public Galleries of this Island, or to advocate the Abolition of the Office of Commissioner of Public Gardens of this Island, or to advocate the Abolition of the Office of Commissioner of Public Parks of this Island, or to advocate the Abolition of the Office of Commissioner of Public Cemeteries of this Island, or to advocate the Abolition of the Office of Commissioner of Public Burial Grounds of this Island, or to advocate the Abolition of the Office of Commissioner of Public Hospitals of this Island, or to advocate the Abolition of the Office of Commissioner of Public Asylums of this Island, or to advocate the Abolition of the Office of Commissioner of Public Prisons of this Island, or to advocate the Abolition of the Office of Commissioner of Public Gaols of this Island, or to advocate the Abolition of the Office of Commissioner of Public Penitentiaries of this Island, or to advocate the Abolition of the Office of Commissioner of Public Reformatories of this Island, or to advocate the Abolition of the Office of Commissioner of Public Schools of this Island, or to advocate the Abolition of the Office of Commissioner of Public Education of this Island, or to advocate the Abolition of the Office of Commissioner of Public Instruction of this Island, or to advocate the Abolition of the Office of Commissioner of Public Religion of this Island, or to advocate the Abolition of the Office of Commissioner of Public Worship of this Island, or to advocate the Abolition of the Office of Commissioner of Public Ceremonies of this Island, or to advocate the Abolition of the Office of Commissioner of Public Festivals of this Island, or to advocate the Abolition of the Office of Commissioner of Public Holidays of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Thanksgiving of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Fasting of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Mourning of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Rejoicing of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Celebration of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Commemoration of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Remembrance of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Observance of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Solemnity of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Festivity of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Merriment of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Jollity of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Gaiety of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Amusement of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Entertainment of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Recreation of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Leisure of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Rest of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Sabbath of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Lord's Day of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Christmas Day of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Good Friday of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Easter Monday of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Whit Monday of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Boxing Day of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of New Year's Day of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Twelfth Night of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Shrove Tuesday of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Ash Wednesday of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Palm Sunday of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Maundy Thursday of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Holy Saturday of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Easter Sunday of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Ascension Day of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Whit Sunday of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Trinity Sunday of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of All Saints' Day of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of All Souls' Day of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Michaelmas Day of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Lady Day of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Midsummer Day of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of Christmas Eve of this Island, or to advocate the Abolition of the Office of Commissioner of Public Days of New Year's Eve

[illegible] become void, or having ceased to have [illegible] shall [illegible] and Offence, be liable to [illegible] hundred pounds, over and above all other fines and penalties [illegible] inflicted by this Act.

X.—And be it further Enacted, by the Authority, and with the Advice aforesaid, That any Person applying for, or desirous of obtaining any such Licence, of for any Sub-Newspaper as aforesaid, shall, on or before the time of making such application, deliver to the Governor, at his Office, such Affidavit or Affirmation as is hereinafter [illegible] required to be delivered, and that on, and from and after the said fifteenth day of October in the present Year, no Person shall print or publish, or cause or procure to be printed or published any such Newspaper (under such Affidavit or Affirmation made and signed as hereinafter in that behalf directed, and containing the several matters and things hereinafter in that behalf specified, shall have been so made and signed and delivered.

XI.—And be it further Enacted, by the Authority, and with the Advice aforesaid, that in every such Affidavit or Affirmation there shall be set forth in words at length the real and true Names, additions, and Places of abode, Description and Call and every the Person and Persons who are and is intended to be the Printers or Printer and Publishers or Publisher of the Newspaper intended to be licensed, and of all the Proprietors of the same, and a true description of the Printing Office or House or Place wherein any such Newspaper is to be printed and published, for the purposes and Business aforesaid.

XII.—And be it further Enacted, by the Authority, and with the Advice aforesaid, That every such Affidavit or Affirmation shall be in writing and signed by his Person or Persons making the same, and shall be taken in or made before the Colonial Secretary, or such Person Authorized to take such Affidavit under the Hand of the Person or Persons making the same, and such Person is by Affirmation shall be required and he is hereby required to administer and receive every such Oath or Affirmation, and to swear, or affirm as the case may be, all and every the Printers or Printer and Publishers or Publisher, and Proprietors or Proprietor of the Newspaper intended to be licensed, who shall be adult, and resident within this Island.

XIII.—And be it further Enacted, by the Authority aforesaid, That an Affidavit or Affirmation of or to the like purport and effect, shall be in like manner made, signed, and delivered as often as either of the Printers or Publishers or Proprietors named in any such Affidavit or Affirmation shall be changed, or shall cease to act, or the place or Place of Printing Office and as often as the Title of the Newspaper shall be changed, and also as often as the Governor

or Printer and Printers shall be [illegible] [illegible] Affidavit or Affirmation, and [illegible] signed by the Colonial Secretary, [illegible] Public Notice of such Printing Office, and the [illegible] such Declaration is required to be delivered to the Printer or Printers of such Newspaper shall make default.

XIV.—And be it further Enacted, by the Authority aforesaid, That if any Person shall knowingly and wilfully swear, affirm, declare or affirm falsely, or shall knowingly and wilfully insert or cause or procure to be inserted in any such Affidavit or Affirmation the Name or Names, Addition or Additions and Place or Places of Abode of any of the Subscribers, Printers or Publishers thereof, contrary to the true meaning of this Act; or shall knowingly and wilfully in any other manner or respect swear, affirm or declare falsely in any such Affidavit or Affirmation as aforesaid, or shall forge the Name of any Justice before whom any such Affidavit or Affirmation shall be sworn, affirmed or declared, or shall offer in evidence any such Affidavit or Affirmation knowing the same to be forged, or shall cause or procure any such Affidavit or Affirmation to be forged, every such Offender shall be liable to the Pains and Penalties by the Laws in force against Persons guilty of Perjury or Forgery.

XV.—And be it further Enacted, by the Authority aforesaid, That if any Person making such Affidavit or Affirmation as by this Act is required, shall knowingly and wilfully insert or cause to be inserted therein the Name or Names, Addition or Additions, Place or Places of Abode of any Person or Persons as Printer or Printers of any Newspaper or other than as aforesaid, every such Affidavit or Affirmation shall be void, and the Person who shall knowingly and wilfully swear, affirm, declare or affirm falsely in any other manner or respect than as aforesaid, or shall knowingly and wilfully in any other manner or respect act contrary to the true meaning of this Act in any of the matters or things in this Act required to be sworn, affirmed, declared or affirmed, shall be liable to the Pains and Penalties by the Laws in force against Persons guilty of Perjury or Forgery.

XVI.—And be it further Enacted, by the Authority aforesaid, That every such Affidavit and Affirmation as aforesaid required to be signed, sworn, affirmed, or declared, shall be, and is hereby required to be kept in the Office of the Colonial Secretary, and the same or a true Copy thereof certified as aforesaid for inspection, shall be received in all Courts of Civil and Criminal Jurisdiction, and shall be taken to be sufficient Evidence of the Publication of such Newspaper, and of the Printing and Publishing thereof by the Persons named in such Affidavit or Affirmation, and of the Truth of the Matters set forth in such Affidavit or Affirmation, and by this Act required to be therein set forth, as conclusive Evidence of the Truth of such Matters against any Person who shall have signed and sworn or affirmed the same.

XVII.— *Provided Always*, and be it and it is hereby further Enacted, by the Authority, and with the Advice aforesaid, That if any such Person against whom any such Affidavit or Affirmation, in any Case herein specified, shall be offered in Evidence, shall prove that he, or she, hath sworn or affirmed, and delivered to the Colonial Secretary previously to the day of the date of the Newspaper to which such Declaration, as last aforesaid, shall relate, an Affidavit or affirmation, stating, as last aforesaid, that he, or she, hath ceased to be the Printer or Publisher or Proprietor (as the Case may be) of such Newspaper as last aforesaid, such Person shall not be deemed, by reason of any former Affidavit or Affirmation, to have been the Printer or Publisher or Proprietor of such Newspaper at any time after the day on which such last-mentioned Affidavit or Affirmation shall have been so delivered to the Colonial Secretary as last aforesaid.

XVIII.— *And be it further Enacted*, by the Authority, and with the Advice aforesaid, That in some part of every Newspaper, printed and published within this Island, there shall be legibly printed the true Name and Names, Addition and Additions, and Place and Places of Abode, of the Printer and Printers, and Publisher and Publishers, of the same; and also a true description of the Printing Office, or Place where the same is Printed. And if any Person or Persons shall print or publish any such Newspaper as aforesaid, not containing all the particulars in this Clause or Section mentioned, he, or she, shall for every such Offence forfeit and pay the Penalty or Sum of One Hundred Pounds, and Proof made in manner herein mentioned in any Prosecution to recover the same, that the Party proceeded against is the Printer or Publisher of a Newspaper, or other such Paper, so Printed or Published as aforesaid, shall be deemed and taken to be Proof that such Party is a Person intitled and knowingly permitted or suffered the same to be printed or published, unless he, or she, shall satisfy the Court before whom the Cause shall be tried.

XIX.— *And be it further Enacted*, by the Authority and with the Advice aforesaid, That it shall not be necessary to give any such Affidavit or Affirmation, or Copy [illegible] thereof, shall have been mentioned in Evidence as aforesaid against any Person charged with printing any such Newspaper as aforesaid, shall be produced in Evidence, unless the Name or Names as the Newspapers mentioned in such Affidavit or Affirmation, or Copy, as aforesaid, and whether the Name or Names of the Printer or Publisher, or Printers or Publishers, and the Printing Office shall be the same as the Name or Names of the Printer or Publisher, or Printers or Publishers, and the Printing Office mentioned in such Affidavit or Affirmation, as the Case may be, in any Action or Prosecution for any Indictment or Information, or for any Penalty or Forfeiture.

[illegible] Newspaper, or Paper, or Book, or Pamphlet, or Work printed or published, or intended to be published as aforesaid, from any other Place, such Place shall be deemed to be, or constituted in the Declaration, as the Place where such Newspaper, or Paper, or Book, or Pamphlet, or Work was printed or published, unless the Defendant, or Defendants, in any such Action or Prosecution, shall in his, or their Plea, or Pleas, in that behalf, allege that such Newspaper, or Paper, or Book, or Pamphlet, or Work was printed or published in some other Place, and shall state such other Place.

XX.— *And be it further Enacted*, by the Authority and with the Advice aforesaid, That no Person shall be bound to answer any such Affidavit or Affirmation required, as by this or any other Act is directed and published, or intended to be published, in any Court of Law or Equity, or elsewhere, or to attend to be examined thereupon, or to produce any Book, Paper, or Writing in Evidence, or otherwise, in any Cause, Matter, or Proceeding, civil or criminal, in any manner relating to the Subject Matter of such Affidavit or Affirmation, or to the Publication thereof, in any Manner whatsoever, other than for the Purpose of proving the Publication of the Newspaper containing the same, or the Truth of the Matters contained in such Affidavit or Affirmation, or the Publication thereof, as the Case may be, or the Falsehood of any Matter charged to have been falsely sworn to in such Affidavit or Affirmation.

XXI.— *Provided always*, and be it further enacted, that if any Person shall print, publish, sell or offer for Sale any Newspaper, Paper, Book, Pamphlet or Work, not having first delivered to the Colonial Secretary, previously to the day of the date of the Newspaper, Paper, Book, Pamphlet or Work, to which the Case shall relate, an Affidavit or Affirmation that he or she hath ceased to be the Printer or Publisher, or Proprietor, as the case may be, of such Newspaper, and that such Person shall not be deemed, by reason of any former Affidavit or Affirmation, to have been the Printer, or Publisher, or Proprietor of such Newspaper, at any time after the day on which such last-mentioned Affidavit or Affirmation shall have been delivered to the Colonial Secretary, as last aforesaid.

XXII.— *And be it further Enacted*, by the Authority, and with the Advice aforesaid, That the Colonial Secretary and Attorney-General for the time being, or any two Justices of the Peace, in case of the Absence, Illness, or other Disability of the Attorney-General, shall have Power, and they are hereby authorized, upon Application made to them for that Purpose, by any Person or Persons, or Bodies Politic, Corporate or Collegiate, who shall claim to be aggrieved by the Publication of any Newspaper, Paper, Book, Pamphlet or Work, printed or published, or intended to be published, in any Court of Law or Equity, or elsewhere, as aforesaid, to order that the same may be produced in open Court, or elsewhere, as the Case may require, and upon the same being produced, to examine into the Truth of the Matters complained of, in a summary Way, in such Manner as to them shall seem meet, and to hear Evidence in support of or against the same, and to determine thereupon, and to make such Order therein, as to them shall seem just and reasonable, and to award Costs to be paid by or to any of the Parties, as to them shall seem meet, and such Order shall be final and conclusive to all Intents and Purposes whatsoever.

XXIII.— *And whereas*, in many Cases it may be impossible or highly inconvenient, to the Colonial Secretary and Attorney-General, in order to prove whether such Affidavit or Affirmation as aforesaid, or any Copy thereof, has been filed in the manner directed by this Act, to produce the Affidavit or Affirmation itself: *Be it therefore further enacted*, by the Authority aforesaid, with the Advice aforesaid, That in all Cases where any such Affidavit or Affirmation, or Copy thereof, shall have been [illegible]

of the Colonial Secretary, in whose possession the same shall then be, shall upon proof that such certificate was signed by such Colonial Secretary, be received in Evidence as, and shall be sufficient proof of the Contents of such Affidavit or Affirmation, and that the same was duly sworn and affirmed and delivered according to this Act, and such certificate shall have the same effect to all intents and purposes whatsoever, as the original Affidavit or Affirmation, of which it purports to be a Certificate, shall have when produced in Evidence, and how to the ordinary Modes provided before the same shall have been so sworn or affirmed, and delivered to the Person or Persons appearing by such Copy to have sworn or affirmed the same as aforesaid.

XXIV.—*And be it further Enacted*, by the Authority, and with the Advice aforesaid, That on and from and after the said first Day of October next, the Printer or Publisher of every such Newspaper as aforesaid, shall upon every day upon which the same shall be published, or within Six days after, deliver to the Colonial Secretary at his Office, or to some Person appointed by him, three to receive the same, one Copy of the Newspaper so published, signed by the Printer or Publisher thereof, with his name and Place of abode, which Newspaper shall be carefully kept by the said Secretary, or such other Person to be appointed as aforesaid, for which said Copies, such Printer or Publisher shall be entitled to demand and receive from the Colonial Secretary, or such other Person so to be appointed as aforesaid, not exceeding Three Pence, the ordinary Price of the Newspaper delivered during the period:—and, if the Printer or Publisher of any such Newspaper as aforesaid, shall neglect or omit to deliver the Copy of such Newspaper as hereinbefore directed, every Printer or Publisher, shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds.

XXV.—*And be it further Enacted*, by the Authority, and with the Advice aforesaid, that any Person shall be at liberty to apply to the Colonial Secretary, or other Person so to be appointed as aforesaid, for a Copy of any such Newspaper so signed as aforesaid, and be furnished in Evidence in every Court and Place, civil or criminal, before any Judge, Justice, or other Person, such Copy having thereon the Signature of the Printer or Publisher of such Newspaper, and bearing Date within Six Days from the Publication thereof, upon payment of such Sum of Money, not exceeding the Price at which the same is sold or published, as the said Colonial Secretary, or such other Person so appointed as aforesaid, shall demand for the same to the Person so applying, such Money to be accounted for annually, as the Expence of the Department for the rendering of the same shall from time to time be directed:—and, if the Person of the same having been previously employed by any other Person to

do the same, the said Secretary shall refuse to give or deliver such Copy to the Person applying for the same, the said Secretary shall for every such refusal forfeit and pay the Sum of Fifty Pounds, as shall be recovered by Action of Debt in any Court of Record, the same to be paid to the Party aggrieved.

XXVI.—*And be it further Enacted*, by the Authority, and with the Advice aforesaid, That if any Person or Persons shall print or publish in any Court of Justice, or the Entrance of the same Court, or in the Hearing or Sight of any such Court, any Newspaper as aforesaid, or the Printer, Publisher, Proprietor, or Editor of any such Newspaper as aforesaid, shall be guilty of any Misbehaviour or Contempt in the Face of such Court, every such Person so offending shall be liable to be punished by Fine or Imprisonment, or both, at the Discretion of the Court, and moreover shall be liable to be sued or prosecuted by Action or Information, at the Suit of any Person aggrieved by such Publication, for Damages, to him or her assessed, in which Action or Information it shall not be lawful for any such Defendant to plead or give in Evidence any Matter in Justification, Excuse, or Mitigation of such Libel, unless the same shall be such as might be pleaded or given in Evidence in Bar of an Action for Libel at Common Law:—*And, moreover*, no Person shall print any such Newspaper without having first entered into a Recognizance before the Chief Justice of the Court of Vice-Admiralty, and Justices of the Peace, in the Sum of Two Hundred Pounds, with Two sufficient Sureties, to the Satisfaction of the said Chief Justice, the Party intending to print or publish such Newspaper, in the Sum of Four Hundred Pounds, and no other Sureties in a less Sum in the whole, conditioned, that such Printer or Publisher shall pay to His Majesty, his Heirs and Successors, every such Penalty or Penalties as may be imposed upon or adjudged against him or her, in pursuance of any Conviction for printing or publishing any such Newspaper or Publication, and also shall pay to the Party aggrieved such Damages as shall be awarded by the Verdict of a Jury in any Action for Libel, or any Information for the same, not exceeding the Penalty or Sum of Fourty Pounds.

XXVII.—*And be it further Enacted*, by the Authority, and with the Advice aforesaid, That on and after the said first Day of October next, no Person shall print or cause to be printed any such Newspaper as aforesaid, unless he or she shall have entered into a Recognizance before the Chief Justice of the said Court of Vice-Admiralty, and Justices of the Peace, with Two sufficient Sureties, to the Satisfaction of the said Chief Justice, the Party intending to print or publish such Newspaper, in the Sum of Four Hundred Pounds, and no other Sureties in a less Sum in the whole, conditioned, that such Printer or Publisher shall pay to His Majesty, his Heirs and Successors, every such Penalty or Penalties as may be imposed upon or adjudged against him or her, in pursuance of any Conviction for printing or publishing any such Newspaper or Publication, and also shall pay to the Party aggrieved such Damages as shall be awarded by the Verdict of a Jury in any Action for Libel, or any Information for the same, not exceeding the Penalty or Sum of Fourty Pounds.

XXVIII.—*Provided always, and be it further Enacted*, by the Authority, and with the Advice aforesaid, that any such Printer or Publisher shall at any time be desirous of withdrawing from such Recognizance, he shall give notice in Writing to the Colonial Secretary, &c. &c. and also the like notice to the Justices of the Peace, or such of them as may be living or shall be

and that in such Case, from and after the Expiration of the said Twenty days, every such Surety shall cease to be bound upon the said Recognizance, for any Fine or Penalty to be imposed or incurred in respect of any Offence which may after the said Expiration of the said Twenty days be committed by such Printer or Publisher, and for which Fine or Penalty the said Surety or Sureties would otherwise have been liable.— *Provided.* That the giving of such Notice shall not be deemed or taken, even after such Expiration of the said Term of Twenty days, to exempt any such Surety from his liability under the said Recognizance, for the payment of any Fines and Penalties which may have been incurred, or may be imposed, in respect of any Offence, or Offences committed by such Printer or Publisher, before such Expiration of such Term, and for the payment of which such Surety would have been liable, in case such Notice had not been given, anything herein contained to the contrary notwithstanding.

XXIX.— *And be it further Enacted*, by the Authority, and with the Advice aforesaid, That after such Notice so given as last aforesaid, and after the Expiration of Twenty days from the Day of the Date of such Notice, the Person for whom any such Surety shall have been bound, shall not print or publish any such Paper, as aforesaid, until he or she shall have entered into a new Recognizance, with sufficient Sureties in manner as is in that Behalf aforesaid; and if he or she shall at any time after the said Expiration of the said Twenty days, print or publish any such Newspaper, without having entered into such new Recognizance as aforesaid, he or she shall forfeit and pay for every such Offence, the Penalty or Sum of Twenty Pounds.

XXX.— *And be it further Enacted*, by the Authority aforesaid, that in case any such Person in any such Recognizance, shall at any time afterwards, be desirous, under the Provision of a certain Act of Parliament, made and passed in the Fourth Year of the Reign of His present Majesty, intituled "an Act to provide until the first day of June, One Thousand Eight hundred and Twenty Seven, and until the end of the next Session of Parliament, or the other Commissioners of Insolvent Debtors in New South Wales, and Van Diemen's Land; and for more effectual Government thereof, and for other purposes relating thereto," or under any other Law, or Statute in that Case made and provided, for declaring Insolvencies, or shall be discharged under or by virtue of any Law, made or to be made, or the Debts, or any of the Debts, for which such Surety shall have been bound, shall not print or publish any such Newspaper, as aforesaid, the said Printer or Publisher shall have entered

into a new Recognizance, with a good Surety or Sureties, as aforesaid, to the Amount aforesaid; notice thereof shall be signed by the Colonial Secretary, or such other Person as may for the Time being discharge the Duties of that Office, and left at the Residence of such Surety, or some Person in the Family of such Surety, at the Residence of such Surety, or if such Surety cannot be found, or refuses to take such Notice, or cannot be found within the Space of Twenty one Days after Application made for that Purpose, then such Notice shall be inserted in the Government Gazette, and such Notice shall be deemed and taken to be a Service of such Notice upon such Surety, and from and after the Expiration of Twenty Days from the Date of such Notice, the Person for whom such Surety shall have been bound, shall not print or publish any such Newspaper, as aforesaid, unless he or she shall have entered into a new Recognizance with sufficient Sureties, as aforesaid, before the Colonial Secretary, as aforesaid, and in case he or she shall do any such Act, he or she shall forfeit and pay for every such Offence, the Penalty or Sum of Twenty Pounds.

XXXI.— *And be it further Enacted*, by the Authority, and with the Advice aforesaid, That a Certificate of every first or original and every new Recognizance which shall be entered into by virtue of this Act, shall be sent by the proper Officer forthwith by the Colonial Secretary, as soon after such Recognizance shall be entered into, as conveniently may be.

XXXII.— *And be it further Enacted*, by the Authority, and with the Advice aforesaid, That all Fines, Penalties and Forfeitures, imposed by this Act, which shall exceed the Sum of Twenty Pounds, shall be recovered by Action of Debt, Bill, Plaint, or Information, in the Supreme Court of New South Wales, wherein no Essoign, Protection, Wager of Law, or more than one Imparlance shall be allowed; and all Fines, Penalties and Forfeitures imposed by this Act, which shall not exceed the Sum of Twenty Pounds, shall be recovered upon Oath of the Offence, before any two Justices of the Peace of this Territory, in like Manner and Form as Debts and Chattels, to Us Granted, under the Hands and Seals of such Justices, ordering the Forfeiture, Fine, or Penalty, so imposed, to be levied by Distress and Sale of the Goods and Chattels of the Person offending, rendering the Overplus, if any, on demand, to the Owner of such Goods and Chattels; and in want of sufficient Distress, such Offender or Offenders shall be committed by the said Justices to the Common Gaol within the Island, for any Time not exceeding three Calendar Months.— And the Money arising by all such Fines, Penalties and Forfeitures, respectively, when recovered, shall be paid into the Treasury, to and for the use of His Majesty, His Heirs and Successors, and be carried to and form part of the Revenue fund of the said Island, or be applied to the public uses and Service of the Government thereof; and as to the other Mode of such Fines, Penalties and Forfeitures, and the use of such Fines as shall inform, and sue for the same.

XXXIII.— And be it further Enacted, by the Authority, and with the advice aforesaid. That the Justices before whom any Offender shall be convicted under this Act, shall cause his or her Conviction to be made out in the manner and form following, or in any other form of words to the like effect. Vizlans Mutandis, that is to say.—

Van Diemans Land, (to wit) Be it Remembered. That on
at A.B. of , was duly convicted
before us of His Majesty's Justices of the Peace for
in pursuance of a Law or Ordinance made by
His Excellency Lieutenant Governor Arthur, with the advice
of the Legislative Council, in the Eighth Year of the Reign
of King George the Fourth, intituled, an Act [Title of Act] for
[here state the Offence as the Case may happen to be] contrary to the
form of the said Law or Ordinance, for which Offence we do adjudge
that the said A.B. shall forfeit the Sum of

Given under our Hands and Seals,
this day of.

XXXIV.— And be it further Enacted, by the Authority, and with the advice aforesaid, That this Act shall continue and be in force, until the Fifteenth day of October, One Thousand Eight Hundred and Twenty-Nine.

Signed, Geo: Arthur.

Passed the Council this Fifteenth day of September 1827.

A true Copy
John Montague
Clerk of the Council.

Hobart Town December 15th 1826.

I hereby certify to His Excellency the Lieutenant Governor that I have perused the within written draft of a Proposed Law or Ordinance entitled "an Act to regulate the Printing and Publishing "of Newspapers and Papers of the like nature printed to be distributed "and made Public and for the prevention of Libellous and Seditious "Libels" and that the same is not repugnant to the Laws of England, but is consistent therewith so far as the circumstances and condition of the Colony will admit.

A true Copy of my Certificate on the Act in the form in which it was laid before the Council on the 15th Dec. 1826

J.L. Pedder.
Chief Justice of the Supreme Court
of Van diemen's Land.

I have perused the within written draft of a Proposed Law or Ordinance entitled "an Act to regulate the Printing and Publishing of Newspapers and to prevent "the Printing of Blasphemous and Seditious Libels and the Publication "thereof and further to provide" that the said Law is not Repugnant to the Laws of England but consistent therewith so far as the circumstances and the Condition of the Colony will admit.

A true Copy of my Certificate on the same Act as it was afterwards altered.

J.L. Pedder Chief Justice of the Supreme Court
of Van diemen's Land.

Hobart Town September 10th 1827.

I have perused the within written draft with the additions which have been made to the Preamble since it was laid by me and again humbly certify my opinion that it is not Repugnant to the Laws of England but consistent therewith so far as the circumstances and Condition of the Colony will admit.

A true Copy of my Certificate on the Act as it passed the Council.

J.L. Pedder
Chief Justice of the Supreme Court
of Van diemen's Land.

ANNO OCTAVO.

Georgii IV. Regis

No. 3.

By His Excellency Colonel George Arthur Lieutenant Governor of the Island of Van diemen's Land and its dependencies, with the Advice of the Legislative Council.

[An Act for imposing a Duty upon Newspapers, and upon all Licenses to Print and Publish the same.]

Whereas, it is expedient to provide a fund, for defraying the charges of Printing the Public Acts, Proclamations, Orders and notices of the Government of this Colony, by means of a Stamp Duty upon all Newspapers and other Papers, and Pamphlets, containing Public News, or Intelligence, or serving the purpose of a Newspaper, Printed within the Island of Van diemen's Land, or any of the dependencies thereof; and upon all Licenses, or Printing and Publishing the same respectively.

I. **Be it therefore Enacted**, by His Excellency the Lieutenant Governor, of the Island of Van diemen's Land and its dependencies, with the Advice of the Legislative Council.— That on and after the fifteenth day of October, in the present Year, there shall be raised, Levied and paid to the use of His Majesty, his Heirs, and Successors, for every Sheet, Half Sheet, or other piece of Paper, whereof any Newspaper within the meaning of a certain Law or Ordinance made by His Excellency Lieutenant Governor Arthur, with the Advice of the Legislative Council, in the present Year, entitled an Act, for regulating the Printing and Publishing of Newspapers, and for the prevention of Blasphemous and Seditious Libels, shall consist and printed within this Island, or any dependency thereof, the Sum of Three Pence Sterling, and on every License being given or granted, to Print such Newspaper the Sum of Twenty Shillings, and on every License to any Person or Persons, to Publish such Newspaper, the like Sum of Twenty Shillings.

II.— And be it further Enacted, by the Authority, and with the Advice aforesaid. That the duties hereby granted, shall be under the care and management of the Colonial Treasurer,

or the Colonial Treasurer, or the time being, and shall be received and accounted for by him and such Officers as he shall appoint for that purpose, and shall be paid and applied in such manner as the Governor of this Colony, for the time being, shall from time to time direct.

III. And be it further Enacted, by the Authority, and with the Advice aforesaid, That upon any such Newspaper, as aforesaid, to be printed on, or upon the said fourth day of October, there shall be printed, upon every Sheet, Half Sheet, or other piece of Paper, upon which the same shall be printed, shall be brought to the Office of the Colonial Treasurer, to be marked or Stamped; and upon any License as aforesaid, shall be valid, the Paper or Parchment upon which the same shall be written, shall be brought to the said Office for the like purpose; and the said Colonial Treasurer, or other Colonial Treasurer, or such other Person or Persons, as shall be employed in that behalf as aforesaid, shall upon demand made thereof, and upon Payment for the same, as aforesaid, Stamp or Mark such Paper or Parchment, upon which shall be so brought, whereon any such Piece of Paper as aforesaid, is intended to be printed, and also any Paper or Parchment upon which any such License as aforesaid shall be written, the Stamp or Mark to be used for the same, first paying the several duties hereby charged thereon respectively, and for which the respective Stamps, Marks or Impressions shall be a sufficient discharge.

IV. And be it further Enacted, by the Authority, and with the Advice aforesaid. That if any Person shall wilfully counterfeit any Stamp, or Publish or cause to be printed or published any such Paper as aforesaid, the same not being stamped upon by the Stamp as aforesaid, he or she shall for every such offence forfeit the sum of Fifty Pounds to be recovered by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record within this Island, or any Dependency thereof, with full Costs of Suit; and every Person who shall knowingly print or publish any such Newspaper as aforesaid, upon which the Stamp or Mark hereby directed to be used shall not be impressed, or shall knowingly print or publish any such Newspaper as aforesaid, upon which the Stamp or Mark shall have been before used, or shall knowingly print or publish any such Newspaper as aforesaid, upon which the Stamp or Mark shall not be impressed according to the provisions of the Law or Ordinance herein before mentioned, or that shall be proceeded against as a Printer or Publisher of such Newspaper as aforesaid; which shall be so printed or published upon such Paper or Parchment, shall in any proceeding to recover the respective Penalties hereby imposed, be deemed and taken to be not such Newspaper as aforesaid, unless the contrary shall be proved upon the Trial of such Action, Bill, Plaint or Information, or conviction

the same to be printed or published contrary to the present provision of this Act, unless he or she shall satisfactorily prove the contrary thereof.

V. And be it further Enacted, by the Authority, and with the advice aforesaid, That if any person shall knowingly and wilfully take or receive into and keep in his, or her Custody, any such Newspaper as aforesaid, not duly Stamped as aforesaid, such Person shall forfeit for every such Paper as aforesaid, not duly Stamped, which he or she shall so take or receive into and keep in his or her Custody, the Sum of Twenty Pounds.

VI. And be it further Enacted, by the Authority, and with the advice aforesaid, That on and after the said fifteenth day of October all and every Persons and Person printing or Publishing, or causing to be printed or Published, or being concerned either as Proprietors or Proprietor; or otherwise, in Printing or Publishing, or causing to be printed or Published any such Newspaper as aforesaid, upon Paper not duly Stamped as aforesaid, shall be deemed and taken to owe to His Majesty such sums as would have accrued to his Majesty in case the same had been Printed upon Paper duly Stamped; and in case any information or Bill shall be filed, or other proceedings shall be had, on his Majesty's behalf for the discovery of the matters aforesaid, and an account and payment of such Sums, it shall not be lawful for the Defendant or Defendants on any account to plead or demur to such information, Bill, or Proceeding, but he, she and they shall be compellable to make such discovery as is thereby required to be made.—

Provided Nevertheless, that such discovery shall not be made use of as Evidence, or otherwise, in any other proceeding than that in which the discovery is made:

VII. And be it further Enacted, by the Authority, and with the advice aforesaid, that the Colonial Treasurer, or acting Colonial Treasurer, shall keep a seperate and distinct account of all Monies which shall be received into the Colonial Treasury in each and every Year, for and in respect of the duties of this Act granted, or either of them, and that such Monies shall be a yearly fund for the payment and discharge of all Costs, Charges and Expenses which shall be incurred by the Government, of this Colony for printing the Public Acts, Proclamations, Orders and Notices thereof, during the Current Year within ~~to~~ such sum and sums of Money respectively hath and have been received and be paid, applied and disposed of accordingly, and the surplus, if any, which shall remain at the end of every, or any Year, after the payment of such Costs, Charges and Expenses as aforesaid, shall go to and form part of the Colonial Fund of the said Island;

and be applied to the general public uses of such Island, and the support of the Government thereof.

VIII. And be it further Enacted, by the Authority, and with the advice aforesaid, That all fines, penalties, and forfeitures imposed by this Act, shall on proof upon Oath of the Offence, before any two or more Justices of the Peace of the said Island of Van diemen's Land, or any of the dependencies thereof, be levied by distress and Sale of the Offenders Goods, and Chattels, by Warrant under the Hands and Seals of such Justices, rendering the overplus, if any, on demand, after deducting the Charges of such distress and Sale, to the Person whose Goods and Chattels shall have been so distrained and sold; and for want of sufficient distress such Justices are hereby required to commit such Offender to any Common Gaol within the said Island, or any of the Dependencies thereof, for any time not exceeding Three Calendar Months; and the Money arising by all such fines, penalties and forfeitures respectively when recovered, shall be, as to one Moiety thereof, to and for the use of our Sovereign Lord the King his Heirs, and Successors, and be carried to, and form part of the Colonial Fund of the said Island, and be applied to the Public uses, and in support of the Government thereof; and as to the other Moiety of such Fines to, and for the use of such Person as shall inform or sue for the same:

IX. And be it further Enacted, by the Authority, and with the advice aforesaid, That the Justices before whom any Offender shall be convicted under this Act, shall cause his or her Conviction to be made out in the manner and form following, or in any other form of words to the like effect, Mutatis Mutandis; that is to say—

Van diemen's Land, (to wit) **Be it Remembered,** that on at **A.B.** of , was duly Convicted before us of his Majesty's Justices of the Peace for in pursuance of a Law or Ordinance made by His Excellency Lieutenant Governor Arthur, with the Advice of the Legislative Council, in the Eighth Year of the Reign of King George the Fourth, intituled, an Act [Title of the Act] for [here state the Offence as the Case may happen to be.] contrary to the form of the said Law or Ordinance, for which Offence we do adjudge that the said **A.B.** hath forfeited the sum of.

Given under our Hands and Seals this Day of

X. And be it further **Enacted**, by the Authority, and with the Advice aforesaid, That if at any time during the continuance of this Act the Governor, Lieutenant Governor, or other person for the time being administering the Government of this Colony shall think fit by any order to be by him made with the advice of the Executive Council, to reduce the Duty of Three Pence, imposed by this Act, to any less sum then given and immediately after such order made the said duty of Three Pence shall cease and in lieu thereof a duty of such less sum as shall be mentioned in such order shall be levied, raised, and paid to the use of His Majesty, his Heirs, and Successors, for every sheet, half sheet, or other Piece of Paper whereof any such Newspaper as aforesaid, printed within this Island, or any dependency thereof, after the making such order, shall consist, and from immediately after such order shall be made every part of this Act, shall operate and be in force as if such reduced duty or less sum had been imposed hereby in lieu of the said duty of Three Pence.

XI. And be it further **Enacted**, by the Authority, and with the advice aforesaid, That this Act shall continue and be in force until the fifteenth day of October, one Thousand, Eight hundred, and Twenty Nine.

Signed, Geo: Arthur.

Passed the Council this fifteenth day of September 1827.

A true Copy
John Montague
Clerk of the Council.

Hobart Town December 15th 1826.

I humbly Certify to His Excellency the Lieutenant Governor that I have perused the within written draft of a proposed law or ordinance entitled, "An Act for imposing a duty upon all Newspapers "and Papers of a like nature printed, to be dispersed and made pub-"lic and upon all Licenses to publish the same respectively." and that the same is not repugnant to the Laws of England but is consistent therewith so far as the circumstances and condition of the Colony will admit.

A true Copy of my Certificate on the draft of the above Law as it was first laid before me.

J L Pedder
Chief Justice of the Supreme Court
of Van diemen's Land.

Hobart Town September 15th 1827.

I humbly Certify to his Excellency the Lieutenant Governor that I have perused the within written draft of a proposed law or Ordinance entitled as it is altered. An Act to impose a duty on Newspapers and on all Licenses to print and to publish the same and that the alterations and amendments made in it and that the same is not repugnant to the Laws of England but consistent therewith so far as the circumstances and condition of the Colony will admit.

A true Copy of my Certificate on the above Act as it was altered after my former Certificate and as it passed the Council

J L Pedder
Chief Justice of the Supreme Court
of Van diemen's Land.

At a Meeting of the Legislative Council by Adjournment held at the Council Room, Hobart Town this 21st day of September 1826.

Present.

His Excellency The Lieutenant Governor (to submit the draft of the Act No 4.
The Colonial Secretary
W. H. Hamilton Esq.
Thomas Anstey Esq.
Thomas Archer Esq.

Anno Octavo.
Georgii IV. Regis.
No. 4.

By His Excellency Colonel George Arthur Lieutenant Governor of the Island of Van diemens Land and its Dependencies, with the advice of the Legislative Council.

[An Act for the Transportation of Offenders from Van diemens Land.]

Whereas, by an Act of Parliament made and passed in the fourth Year of the Reign of King George the first, entitled an Act for the further preventing robbery, burglary and other Felonies, and for the more effectual punishment of Persons and unlawful Hunters of Deer, and for declaring the law upon some points relating to Pirates:— **It was** amongst other things Enacted, that where any Person or Persons should be convicted of grand or petit larceny, or any felonious stealing or taking away money, or goods and chattels either from the Person of the Owner or upon the Highway, or in any other manner and the Jury should by their Verdict find that the Person or Persons convicted for receiving or buying stolen Goods, knowing them to be stolen, it should be lawful for the Court before whom they were convicted, or any Court held at the same place with like authority, if they should think fit instead of ordering any such Offenders to be burnt in the hand or whipped, to order and direct that such Offenders should be sent as soon as conveniently might be,

to some of his Majesty's Colonies and Plantations in America; and that that Court before whom they were convicted, or any subsequent Court held at the same place with like authority as the former, should have power to order and direct such Offenders to be by Order of such Court, to the use of any Person or Persons who should contract for the performance of such Transportation and his or their Assigns, for such Term of Years as should be specified in such Order, and that where any Offender should thereafter be convicted of any Crimes whatsoever, for which they are by Law to be excluded the benefit of Clergy and his Majesty, his Heirs or Successors should be graciously pleased to extend Royal mercy to any such Offenders, upon the condition of Transportation to any part of America, and such intention of mercy be signified by one of His Majesty's Principal Secretaries of State, it should be lawful to and for any Court having Legal Authority, to allow such Offenders the benefit of a Pardon under the Great Seal, and to order and direct the like Bonds and Conveyance to any person or persons who would contract for the performance of such Transportation and to his and their Assigns, of any such before mentioned Offenders as also of any person or persons convicted of receiving or buying Stolen goods, knowing them to be Stolen, for the Term of fourteen Years, in case such Condition of Transportation should be granted or agreed for such other Term or Terms as should be made part of such Condition, of any particular time should be specified by his said Royal Majesty, his Heirs and Successors as aforesaid, and that such person or persons so contracting as aforesaid, should have a property or interest in the Service of such Offenders, to such Term of Years. And it was by the said Act of Parliament further enacted, that where any such Offenders should be transported, and should have served their respective Terms, according to the Order of any such Court as aforesaid, such Servants should have the effect of a Pardon to all intents and purposes, as for that Crime or Crimes for which they were so transported, and shall have to serve as aforesaid. And whereas, by several other Acts of Parliament made and passed in the fourth Year of the Reign of King George the First and the fifth Year of the Reign of His late Majesty King George the Second, and amended by the Statute made and passed in the nineteenth Year of the Reign of his Majesty King George the Third, intituled, "An Act for the better Regulation, Management and Government of Transportation, punishment of certain Offenders," the several Courts therein mentioned within that part of Great Britain called England and Wales, before which any person should be convicted of any grand or petty larceny or other crime, for which he or she was or should be liable to be transported by any of His Majesty's Colonies in

Recovery convicted of certain Offences are made liable to be transported for Conviction, and otherwise, by an Act of Parliament, made and passed in the nineteenth Year of the Reign of his Majesty King George the Third.

America, or any Court held for the same place with like Authority were empowered to order and adjudge any such Person to be transported to any place beyond Seas, whether the same should be situated in America or elsewhere, in such and the like manner and for such and the same term of Years as and for which any such Person was or should be liable to be transported to any of His Majesty's Colonies and Plantations in America. And by another Act of Parliament made and passed in the twenty fourth Year of the Reign of the said late Majesty King George the Third, entitled "An Act for the "more effectual transportation of Rogues and other Offenders, and to authorize the removal of Prisoners in certain cases, and for other purposes "therein mentioned," the Courts therein mentioned (being Courts in that part of Great Britain called England, and in the Principality of Wales) before whom any Persons should be thereafter convicted of grand or petit Larceny, or any other Offence for which they should be liable to be transported, were empowered to order and adjudge such Persons to be transported beyond Seas, for any Term or number of Years not exceeding the number of Years or Term for which such Persons were, or should be liable to be transported, and in every such case it was made lawful for the King with the advice of His Privy Council, to direct and appoint to what Places within or without His Dominions such Offenders should be transported. And by several other Acts of Parliament since passed from time to time, the aforesaid Provisions of the two last mentioned Acts have been continued in the Cases of Persons convicted before the same Courts in England and Wales, but neither the same nor any Provisions of the like nature have been extended to the cases of Persons convicted before the Courts of this Colony. And it is doubtful whether Persons convicted in this Colony of any felonious taking or stealing of any Money, or Goods and Chattels, or of receiving or having Stolen Goods, knowing them to be Stolen, within the said Act of the fourth of the Reign of King George the First, or of any Offence or Offences for which they are liable to be transported by any other Acts of Parliament which extend to this Colony, and which were made after the last mentioned Act and previous to the making of the said Act of the nineteenth Year of the Reign of King George the Third are by law liable to any other Sentence or Order of Transportation than Sentence or Order to be transported to one of His Majesty's Colonies in America. And whereas by a certain other Act of Parliament made and passed in the sixth Year of the Reign of His present Majesty entitled "An Act for punishing Offences "committed by Convicts "and Rebellion in the Colonies, and other regulations for the Power of His "Majesty the Peace of Ruchester Gaol" His Majesty was empowered [illegible] to augment made by him with the advice of His Privy

Council, to authorize the Governors, Lieutenant Governors or other Persons for the time being administering the Government of any of His Majesty's Foreign Possessions, Colonies or Plantations from time to time to appoint the Places within His Majesty's Dominions to which any Offenders convicted in any such Foreign Possessions, Colonies or Plantations, and being under Sentence or Order of Transportation, shall be sent or transported, and a certain Order of Council, bearing date at the Court House the eleventh day of November, Eighteen hundred and Twenty six, hath been made and issued by His Majesty, with the advice of His Privy Council, and the said last mentioned Act of Parliament and Order in Council are applicable only to the Cases of Persons liable to be ordered or sentenced to Transportation generally, and not to the Cases of Persons liable to be sentenced or ordered to be transported to America. Therefore, to give full and general effect in this Colony to the last mentioned Act and the said Order in Council, and any Proclamations which may be made in pursuance thereof, and to provide uniformity in the Laws in force in this Colony, as to the Transportation of Offenders convicted therein:—

I.—Be it enacted, by His Excellency the Lieutenant Governor aforesaid, with the advice of the Legislative Council, That from and after the commencement of this Act, when any Person or Persons shall be convicted before any Court of competent Jurisdiction within this Colony or any of the Dependencies thereof of any Offence, for which by any Law in force in this Colony such Person or Persons shall be liable to be transported, it shall be lawful for and for that Court, or any subsequent Court holden for the same Place, Borough and Adjacent such Person or Persons so convicted as aforesaid, shall be transported beyond the Sea, for the Term of Life, or Years, for which such Person or Persons shall be severally liable to be transported as aforesaid.

II.—And be it further enacted, by the Authority aforesaid, That whenever His Majesty, His Heirs or Successors, or the Governor of this Colony, having for the time being Authority in that behalf, shall be pleased to extend Mercy to any Offender convicted within this Island or any Dependency thereof, of any Crime for which he or she shall be entitled the benefit of Clergy, or Condition of Transportation beyond Sea, and such intention of Mercy shall be signified by the Colonial Secretary to the Judge or Justice before whom such Offender shall be convicted, or to any Judge or Justice of any such superior Court of Criminal Jurisdiction, such Judge or Justice shall cause to be sent to the Sheriff of the Island Gaol, and shall make an Order for the immediate transportation of such Offender, and such Warrant and Order shall be considered as an

allowance and order made by the Court before which such offenders was convicted, and shall be entered upon the Records of the same Court by the proper officer thereof.

III. — *And be it further Enacted*, by the Authority and with the advice aforesaid, that every such Sentence or order of transportation so made as aforesaid, shall subject the offender to be conveyed to such Port or places beyond Sea and within His Majesty's Dominions as the Governor, Lieutenant Governor, or other person for the time being administering the Government of this Colony, shall from time to time by any Proclamations to be by them issued in pursuance of the said order of His Majesty in Council, or any other order of His Majesty in Council for that purpose made, appoint as the place or places to which offenders convicted in this Colony or any dependency thereof, and being under Sentence or order of Transportation shall be sent or transported.

IV. — *And be it further Enacted*, by the Authority and with the advice aforesaid, that it shall and may be lawful for the said Governor whenever any such Sentence or order of transportation shall be carried into effect, and when any offenders shall be about to be transported, to give all necessary and proper orders for their removal to the Vessel in which they are to be transported, and to appoint some person or persons to have the Custody of such offenders, during the Voyage, to the place to which they are to be transported.

V. — *And be it further Enacted*, by the Authority and with the advice aforesaid, that the Sheriff or Gaoler receiving such order of removal, shall forthwith deliver every offender to whom the same shall apply, to such person or persons as shall by such order be authorized to receive the offender or offenders ordered to be removed, and the person so empowered to receive such offender or offenders, shall give a receipt in writing to the Sheriff or Gaoler, which shall be a discharge to such Sheriff or Gaoler.

VI. — *And whereas*, the carrying into effect such Sentences or orders of Transportation as aforesaid, may be often attended with inconvenience or great delay — **Be it further Enacted**, by the Authority and with the advice aforesaid, that it shall be lawful for the said Governor, whenever he shall think fit so to do, to order any Male offender or offenders, being under such Sentence or order of Transportation as aforesaid, to be removed and confined, and kept to labour at Prince Augustus Harbour or Maria Island, or any other part or place within this Island or its dependencies, to be appointed for the reception of offenders, and every offender who shall be so removed, shall continue at such Port or place aforesaid, and be under the Custody and management of the Commandant thereof, until the said Governor shall

otherwise order; provided always that no [illegible]

VII. — *And be it further Enacted*, by the Authority and with the advice aforesaid, that after the removal of any offender as aforesaid the Commandant shall have the Custody or superintendence of such offender, and shall have the same power and authority over him as are incident to the office of Sheriff and Gaoler during such Custody, be guilty of any misdemeanor the Commandant shall, and may cause such punishment to be inflicted on him as in like cases any Justice of the Peace may cause to be inflicted on any offender transported to this Colony, and being here under Sentence or order of Transportation.

VIII. — *And be it further Enacted*, by the Authority and with the advice aforesaid, that it shall, and may be lawful to and shall be taken every offender under Sentence or order of Transportation, who he or she shall remain in the common Gaol of this or her health permit, and that it shall be lawful for the Governor, if he shall think fit so to order such offender, being a Male, to be removed to and kept to hard labour under the Custody and management of the Superintendent, or in Chains upon the high Roads or other Public Works in like manner to order any such offender, being a female, to be removed and confined in any Factory, and there kept to hard labour under the Custody and management of the Superintendent thereof, or otherwise, or under the Custody of any Assigned Servant male or female offender to any person or persons or his or their assigns for all or any part of the Residue then to come of the term for which such offender shall be sentenced or ordered to be transported, which person or persons, and their assigns, shall have a Property in the Service of such offender, for and during the time for which he or she shall be assigned.

IX. — *And be it further Enacted*, by the Authority and with the advice aforesaid, that the time during which every offender shall continue in, or at any Gaol, Gaol or place of confinement, Hospital or Factory, or as an Assigned Servant, shall be taken and reckoned in part discharge of the term of his or her Transportation.

X. — *And be it further Enacted*, by the Authority and with the advice aforesaid, that the Superintendent of any Penitentiary or Factory having the Custody of any such offender, under the Authority of this Act, shall, during the term of such Custody, have over such offenders the same powers as are incident to the office of Sheriff or Gaoler.

XI. — *And be it further Enacted*, by the Authority and with the advice aforesaid, that if any offender who shall be convicted, or ordered to be transported, either for life or years, shall escape from any Gaol, Prison, Penitentiary or Factory, or other place of confinement, or from any Assigned Servant, or shall be at large within this Colony, or any of the Dependencies thereof, without some lawful cause before the expiration of the term

for which such offence shall have been sentenced or ordered to be transported, every such offender so being at large, being thereof lawfully convicted, shall suffer death as in Cases of Felony without benefit of Clergy, and if any person shall rescue such offender from the Custody of such Commandant or Superintendent as aforesaid, or from the Custody of the Sheriff, or any Gaoler or other person, conveying, removing, transporting, or locomoving him or her, or shall convey or cause to be conveyed, any disguise, instrument for effecting escape, or arms to such offender, every such offence shall be punishable in the same manner as if such offender had been confined in a Gaol or Prison, in the Custody of the Sheriff, or Gaoler, for the crime of which such offender shall have been convicted.

XII. — *And be it further Enacted*, by the Authority, and with the advice aforesaid, that in any information or indictment against any offender for being found at large contrary to the provisions of this, or of any other act hereafter to be made, and also in any information or indictment against any person who shall rescue or attempt to rescue, or assist in rescuing any such offender from such Custody, or who shall convey or cause to be conveyed any disguise, instrument for effecting escape, or arms to any such offender, contrary to the provisions of this or of any other act hereafter to be made, it shall be sufficient to charge and allege the order made for the transportation of such offender without charging or alleging any information or indictment, trial, conviction, judgement, or sentence, or any pardon, or commutation of mercy, or signification thereof, for or against, or in any manner relating to such offender.

XIII. — *And be it further Enacted*, by the Authority, and with the advice aforesaid, that the Registrar or Clerk of the Court, or other person having the Custody of the records of the Court where such Sentence or order of Transportation shall have been passed or made, shall at the request of any person on his Majesty's behalf, make out and give a Certificate in writing, signed by him, containing the effect and substance only (omitting the formal parts of any information or indictment and the recital of such Order and of the sentence or order for the transportation) and stating in the same more than Six Shillings and Eight pence) which Certificate shall be sufficient evidence of the conviction and Sentence or order for the Transportation of such offender.

XIV. — *And be it further Enacted*, by the Authority, and with the advice aforesaid, that any offender under Sentence or order of Transportation, shall, while confined in any Gaol,

Penitentiary or Factory, or while assigned as a Servant, be subject to the Summary jurisdiction of the Justices of the Peace, and the Principal Superintendent of Convicts in such Cases and in such manner as offenders transported to this Colony are subject thereto.

XV. *AND*, in order to avoid frequent repetitions and to use expeditious terms in this Act; *Be it Enacted*, by the Authority, and with the advice aforesaid, that whenever the word Governor is used in any part of this Act, the same shall be construed to mean the Governor for the time being of this Island, and in case of his absence or of a Vacancy in that Office, the Lieutenant Governor or other person for the time being lawfully administering the Government of this Island; And that by the word Commandant, shall be understood and meant the Officer commanding a regiment or other person by whatever denomination known in the time being having the command and management of the Island, Fortress, Port, or place to which such Commandant mentioned or referred to in that part of this Act, in which the word Commandant is used, that by the term Penitentiary, shall be understood and meant any building or place for the time being used for the reception and lodging of male offenders transported from Great Britain and in the service of the Government and that by the term Factory shall be understood and meant any building used for the reception of female offenders transported from Great Britain and in the service of the Government and that by the term Inhabitants, as applicable to a Penitentiary or Factory, shall be understood to mean or include the same being, by whatever denomination known, who shall have the charge, care or superintendance of such Penitentiary or Factory as aforesaid.

XVI. — *And be it further Enacted*, by the Authority, and with the advice aforesaid, that nothing in this Act contained, to restore the Sentence or order to any Court, for the transportation of Offenders liable to be so, shall apply to any Sentence or order made by any Court of General or Quarter Sessions, or any Justice or Justices of the Peace respectively in the exercise of the Summary jurisdiction, vested in such Courts of General and Quarter Sessions, and Justices or Justice of the Peace respectively as aforesaid by an Act of Parliament made and passed in the seventh year of the reign of his present Majesty entitled "an Act to provide until the first day of July, One thousand "eight hundred and twenty seven, and until the end of the next "Session of Parliament, for the more commodious Trial of Offences "in New South Wales and Van Diemens Land and for the more "effectual Government thereof; and for other purposes therein "mentioned." — And be the same more hereby Act of Parliament, as far as relates to the Transportation of Offenders.

XVII. — And whereas, since the opening of the Supreme Court of Van diemen's Land, several offenders convicted before the said Court of petty Larceny and other offenders convicted before the said Court of grand Larceny, within the benefit of Clergy, have been by the said Court ordered to be transported to such places as the Lieutenant Governor should appoint for terms of Seven Years each, and other offenders convicted before the said Supreme Court, of receiving Stolen goods, knowing them to be Stolen, have been by the same Court ordered to be transported to such places as the Lieutenant Governor should appoint for terms of fourteen Years each, and The Lieutenant Governor has from time to time appointed Macquarie Harbour and Maria Island as the places to which such offenders should be sent or transported, and many of such offenders have been sent to such places for the terms for which they have so been respectively ordered to be transported. And whereas several offenders convicted of capital crimes have received promises of Pardon upon Condition of Transportation, and have been sent to Macquarie Harbor or Maria Island, or have been transported to Norfolk Island, for the several terms according to the conditions upon which they have been respectively promised such Pardons. **Be it further Enacted**, and declared, by the Authority, and with the advice aforesaid, that every sentence or order of Transportation which hath been so made by the said Supreme Court, hath been and is good and valid in law, as an order of Transportation, and that every such offender who hath been so sent to Macquarie Harbour or Maria Island, and who hath not since been pardoned, and also every such offender capitally convicted as hath been so sent or transported to either of those places or Norfolk Island, as aforesaid, and the condition of whose pardon hath not been since remitted, is, and shall be deemed and taken to have been and to be lawfully transported, and shall be subject and liable to all laws, regulations and penalties to which transported offenders are or shall be subject and liable, and that every offender who now is under such Sentence or order of transportation and hath not been removed or transported, as also every such person capitally convicted to whom a pardon has been promised on condition of transportation, such condition not having been remitted to him or her, shall and may, without further sentence or order, be transported to, or removed to, and — confined in such place or be assigned as a Servant for all the residue now to come of the term for which he or she hath been so ordered to be transported or on condition of transportation for which he or she hath been promised such pardon in such and the like manner as any offender who shall be hereafter be sentenced or ordered under or by virtue of this Act shall and will be liable to be transported, removed, confined and assigned, and shall be subject and liable to all the same laws, regulations, and Penalties.

XVIII. — And be it further Enacted, by the Authority and with the advice aforesaid, that nothing in this Act contained shall affect his Majesty's royal prerogative of Mercy.

XIX. — And be it further Enacted, by the Authority and with the advice aforesaid, that if any suit or action shall be prosecuted against any person, for anything done in pursuance of this Act, the defendant may plead the general issue and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done by the Authority of this Act, and if a Verdict shall pass for the defendant, or judgement shall in any manner be given against the plaintiff, the defendant shall recover treble costs, and have the like remedy for the same, as any defendants have by law in other cases, and notwithstanding a Verdict shall be given for the plaintiff, in any such Action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had, shall certify his approbation of the Verdict.

Signed, Geo: Arthur.

Passed the Council, this Twenty first day of Septr 1827.

A true Copy,
John Montague
Clerk of the Council.

Hobart Town 25th September 1827

I hereby humbly Certify to his Excellency the Lieutenant Governor that I have perused the within written draft of a proposed law or ordinance entitled an Act for the transportation of Offenders from Van diemen's Land and that the same is not repugnant to the Laws of England but consistent therewith so far as the circumstances of the Colony will admit.

A true Copy of my Certificate on the above Act as it passed the Council.

J. H. Pedley
Chief Justice of the Supreme Court of Van diemen's Land.

At a Meeting of the Legislative Council held by Adjournment at the Council Room.

Hobart Town 22nd Septr 1826

Present.

His Excellency the Lieutenant Governor
His Honor the Chief Justice.
The Colonial Secretary.
M. H. Hamilton Esqr.
Thomas Anstey Esqr.
Thomas Archer Esqr.

Anno Octavo Georgii IV. Regis. No. 5.

By His Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van diemen's Land and its dependencies, by and with the advice of the Legislative Council.

[An Act to provide for the Registration of Deeds, Wills, Judgments, and conveyances affecting Real Property.]

Whereas, it is expedient to prevent secret and fraudulent conveyances in this Island, and to provide means whereby the title to real property may be more certainly known:

I.— Be it therefore Enacted, by His Excellency the said Lieutenant Governor, by and with the advice of the Legislative Council, that from and after the first day of November now next ensuing, there shall be established at Hobart Town, in the said Island, a Public Office for the Registration of Conveyances, deeds, and other instruments, wills, and judgments, in manner hereinafter mentioned; such Office to be held and executed by a fit and proper person, as Registrar; and that, from and after the Establishment of such Office, all conveyances and other deeds, wills and devises, and other instruments in writing now or hereafter to be made or executed, and all judgments now subsisting and unsatisfied, or hereafter to be obtained, by which conveyances, deeds and other instruments, wills and judgments, any lands, tenements, or hereditaments in Van diemen's Land or its dependencies, now are, or are intended to be, or shall, or may hereafter be affected, may be entered and registered in the said office, in the manner hereinafter respectively directed.

II.— And be it further Enacted, that all such conveyances, deeds, and other instruments in writing as aforesaid, which shall from and after the passing of this Act, be made or executed, and all judgments which shall hereafter be obtained, which said conveyances, deeds, and other instruments, and judgments shall be so registered in conformity with the provisions of this Act, shall be entitled to, and to allow to and have priority over other conveyances, deeds and other instruments in writing which shall be made or executed after the passing of this Act and over judgments which shall be hereafter obtained, affecting or intending to affect the same lands, tenements, and hereditaments, according to the priority of the time of such registration thereof; and all such conveyances and other deeds and instruments in writing and judgments as last aforesaid and all future devises which shall not be registered in conformity with the provisions of this Act, shall, (as against any subsequent bonâ fide purchaser or mortgagee of the same lands, tenements and hereditaments, for valuable consideration) be and be adjudged absolutely null and void to all intents and purposes whatsoever. Provided, that nothing hereinbefore contained, shall extend to or affect bonâ fide leases at rack rent, for any term not exceeding fourteen years.

III.— Provided always, and be it further enacted, that all judgments hereafter to be obtained, and all conveyances, deeds, wills and other instruments hereafter to be made or executed, which shall be duly registered within the respective times next hereinbefore mentioned (that is to say) all conveyances and other deeds and instruments (except Wills) executed in Van diemen's Land or its dependencies, shall be registered within One Month, or which executed in New South Wales or its dependencies, shall be registered within three Months, or which executed in any other place, shall be registered within six Months after the time of the execution thereof respectively; and all Wills which of the devisor die in Van diemen's Land or its dependencies, shall be registered within one Month, or which the devisor die in New South Wales or its dependencies, shall be registered within three Months, or which the devisor die in any other place, shall be registered within Twelve Months after the decease of the devisor respectively, and all future judgments which shall be registered within one Month after the time of signing or recording thereof, shall severally be, in like manner entitled to priority and shall take effect respectively, by relation to the date thereof only, and have and be allowed the same force and effect in all respects, as the same would have, or be entitled to, in case this Act had never been made, any thing hereinbefore contained to the contrary notwithstanding.

IV.— And be it further Enacted, that the registration of all judgments, deeds, conveyances, wills, and devises, and other instruments in writing, affecting, or intending to affect any lands, tenements or hereditaments in Van diemen's Land or its dependencies shall be made in the manner next mentioned (that is to say)— A Memorial thereof shall be written on Parchment and delivered into

the said Office, so to be established, signed (in case of deeds, conveyances, and other instruments, except wills) by some or one of the parties to the original deed or instrument, or, (if dead or absent from the Colony) then by one or more of the witnesses to such deed or instrument; and (in case of Wills and devises) signed by some or one of the devisees, or his, her, or their guardians or trustees, and (in case of Judgments) signed by the Plaintiffs or Plaintiff, or his, her or their authorized Agent, and every such Memorial shall be verified by the Oath of some Competent person, that the same contains a just and true account of the several particulars therein set forth, which oath shall be made and taken before any Judge or Master in Chancery, or before the registrar of deeds so to be appointed, who is hereby authorized and empowered to administer the same.

V. — And be it further Enacted, that every Memorial of any Judgment shall contain the following particulars, (that is to say) the names and additions of the Plaintiffs and defendants respectively; the sums thereby recovered or secured; the time of the signing or entering up of the same, and the sum of Money bona fide due thereon; and every Memorial of any deed, or conveyance, will, or other instrument shall contain and set forth the date of such deed, conveyance, will, or other instrument, and the particular nature and object thereof, the names and additions of all the parties to such deed, conveyance or instrument, and of the devisor and devisee or devisees of such will, and the names and additions of all the witnesses thereto, and shall especially particularize and express the lands, tenements, and hereditaments, affected or intended to be affected by such deed, conveyance, will or instrument, and the proper and ordinary or accustomed names of the districts, towns or places where the same lands, tenements, or hereditaments shall be situate, and (except in cases of Wills) the pecuniary or other consideration for the same, and to whom, and how paid, in the form or to the effect of the form set forth in the schedule hereto annexed. Marked A.

Provided always, that where there shall be more writings than one, for perfecting the same conveyance, devise or security, affecting the same lands, tenements, and hereditaments, all such writings shall be stated in one and the same Memorial, in which Memorial it shall be sufficient to particularize such lands, tenements, and hereditaments, once only.

VI. — And be it further Enacted, that upon the delivery of any such Memorial, so verified as aforesaid, the same shall be numbered according to the order of time in which it shall have been so delivered; and the said registrar so to be appointed shall give a receipt for the same, in which receipt shall be specified the certain day, and time of day, when the Memorial shall have been so delivered into his Office; and the proper number thereof in the said Office, and he shall also in like manner, immediately endorse on the back of such Memorial, a Certificate containing the said day and time of day, when the same was so delivered, and the name and place of abode of the person verifying the same; and shall sign the said Certificate when so endorsed, and such Certificate shall be taken and allowed as Evidence of the registration and time of registration of every such judgment, conveyance, deed, will, devise and instrument whereof such Memorial shall be so made.

VII. And be it further Enacted, that every such Memorial shall, as soon after the receipt thereof as practicable, be carefully registered by the registrar, in regular succession, as received according to its proper number, in a particular Book to be kept by him for that purpose, and shall afterwards be deposited by him in some secure place in his Office, and there kept for future reference when required. — And he shall also keep an Alphabetical Index of the districts, Towns and places mentioned in every such Memorial: and also a like index or Indexes of the names of the several Parties to conveyances and other deeds and instruments; and of devisors and devisees in Wills; and of the Plaintiffs and defendants in case of Judgments; with accurate references in all such indexes, respectively to the number and Page of registry of the Memorial to which any entry in such index or indexes shall relate; which said Book of registry and Index or indexes shall be open, at convenient times, in the said Office, to the inspection of Persons desirous of searching the same.

VIII. — And be it further Enacted, that in case of Mortgages and judgments registered in pursuance of this Act, if at any time afterwards, such verified certificate as is hereinafter next mentioned, shall be brought to the said registrar, signed by the respective Mortgagors, or mortgagees, or plaintiffs and defendants, or their Agents, respectively, and attested by two credible witnesses, whereby it shall appear, that the whole of the monies due on any such mortgage or judgment have been fully paid, or that such Mortgage or judgment is otherwise satisfied, then the said registrar shall make a short entry or Memorandum thereof on the Memorial, and in the Margent of the registry, of such Mortgage or judgment, and shall afterwards carefully register the same Certificate in one of the registrar Books of his Office, and the said registrar shall also make an entry thereof in his Alphabetical index or indexes referring accurately to the page of registry of such Certificate.

IX. — And be it further Enacted, that every such Certificate shall contain the following particulars: (that is to say) in case of judgments, the names and additions of the plaintiffs and defendants

the time of executing up or signing thereof, the sum or sums to be received; and the date or dates of payment, or other satisfaction of the amount bona fide due thereon, and in case of mortgages, the names and additions of the original parties, the date of the instrument, the sums thereby secured, and the time or times of payment, or other particulars thereof, and every such certificate shall be certified by the oath of some credible person, that the same contains a just and true account of the several particulars therein set forth, which oath shall be made and taken before any Master in Chancery, or before the Judge of the said Registrar who is hereby authorized to administer the same; and the said Registrar shall indorse on the back of such certified certificate, the Registrar shall immediately endorse the date, whereon the same was received by him, and the name and place of abode of the person who brought the same, and the said certificate shall, after being so endorsed and entered as aforesaid, be safely kept in his office, for future reference when required.

X. — **And be it further Enacted**, that it shall be lawful for any person or persons whatsoever to deposit in the said Registers office, for safe Custody, any conveyance, deed, power of Attorney, or instrument in writing whatsoever, or the last will and testament, of which deeds, conveyances, wills or other instruments, the said Registrar shall (first giving a receipt for the same) immediately make an entry or entries, in a book to be kept for that purpose, to which book he shall keep an accurate alphabetical index, having reference thereto, as well to the name of the Testator or Parties to such deed or instrument, as to the person or persons depositing the same: —— And the said Registrar shall carefully and securely keep all such deeds, wills, or other instruments, in his said Office, until required by the party or parties so depositing the same, to deliver them back again. — Provided that every such will, and testament shall be enclosed within a Cover or envelope, sealed with the seal of the testator or testatrix, whose name shall be endorsed by the Registrar on such envelope or cover, and every such will shall remain in the said Office until the decease of the Testator or testatrix (unless he or she shall previously require the same to be delivered back) and upon the death of the testator or testatrix, the said Registrar shall (after examining such will) deliver the same to the Executor first named therein, or to such other person as the Chief Justice of the Supreme Court shall upon petition order.

XI. — **And be it further Enacted**, That if the said Registrar, or any Clerk or Person employed in the same Registers Office, shall wilfully neglect or omit to number, register, or enter in manner hereinbefore directed, any Memorial or Certificate delivered into the said Office, he shall for every such offence forfeit and be liable to pay to his Majesty, his Heirs and Successors, the penalty or sum of One Hundred Pounds, and be further liable to damages to the party injured, to the extent of the loss or injury sustained. —

And if the said Registrar, or any Clerk or Person whatsoever, shall wilfully destroy, embezzle, or secrete, forge, counterfeit, vary, deface or alter any Memorial or any part thereof, or any endorsement made thereon, or any entry or register thereof in any Book in the said Office, with intent to defraud or injure any person or persons, such Registrar, Clerk or Person so offending, shall be (and be deemed to be) guilty of Felony, and being thereof duly convicted, shall suffer death without benefit of Clergy.

XII. — **And be it further Enacted**, that the several fees or Sums of Money, mentioned and appointed in and by the Schedule hereunto annexed, marked **B**, shall be demanded by and paid to the said Registrar, for and in respect of the several matters and things to be by him performed and done under or by virtue of this Act, and no greater or other fees of all which said fees which shall be received by him, a true and regular account shall be kept by him in his said Office, and the same having been first sworn to by him as true before some Justice of the Peace, shall be by him transmitted and delivered to the Auditor of Civil Accounts at the end of every quarter in every Year.

Signed, Geo. Arthur

Passed the Council this Twenty second day of September 1827

A true Copy
John Montagu
Clerk of the Council.

Schedule. A.

1. Date of Will or instrument
2. Nature and Object thereof.
3. Names and Additions of the Parties, or Vendors and Vendees
4. Names and Additions of the Witnesses thereto
5. Description of the lands or Tenements conveyed or affected by the deed or will
6. Name of the district or place where situate
7. Consideration, and how much and how paid.
8. Any other particulars that the case may require

Schedule. B.

Schedule or Table of Fees to be taken in the Registers Office

75.

		£	s	d
1.	For receiving each Memorial or registered Certificate	0	2	6
2.	For entering a caveat for, and afterwards entering and registering the same	0	7	6
3.	For receiving every Will	0	5	0
4.	For receiving every deed or other instrument	0	5	0
5.	For each search	0	2	6
6.	For Copy, or other particulars of any Memorial or Certificate	0	7	6

Hobart Town September 21st 1827

I humbly certify to his Excellency the Lieutenant Governor that I have perused the within written draft of a proposed law or ordinance entitled "An Act for providing for the registration of deeds, Wills, judgments and conveyances, affecting Real Property" and that notwithstanding the alterations which have been made in it the second Clause (the most material one) appears to me to be so entirely in the nature of an "ex post facto" law and therefore unjust that I cannot certify that the act is not repugnant to the laws of England.

I should observe too that this draft does not affect what I understand to be the chief object of the Government, inasmuch as it only makes unregistered deeds void as to purchasers.

If it is intended to punish the forgeries mentioned in clause VIII capitally, I doubt if it be effected Benefit of Clergy not being expressly taken away.

Of the 12th Clause I can form no opinion as it is left incomplete I presume reasonable fees will be inserted in Schedule B.

A true Copy of my Certificate on the draft of the above Act as it was first laid before me

J. L. Redder
Chief Justice of the Supreme Court
of Van diemen's Land

Hobart Town September 21st 1827.

I have perused the alterations made in the second section of the within written draft of a proposed law or ordinance entitled "An Act for providing for the registration of deeds, wills, judgments and conveyances affecting real Property" and the alteration made in the 12th Clause and I humbly certify that the said proposed law is not repugnant to the laws of England but consistent therewith so far as the circumstances of the Colony will admit

J. L. Redder
Chief Justice of the Supreme Court
of Van diemen's Land

A true Copy of my Certificate to the above Act as altered after my former Certificate and as it passed the Council.

At a Meeting of the Legislative Council held at the Council Room Hobart Town the 1st day of August 1828 at 11 O'Clock A. M.

Present

His Excellency the Lieutenant Governor (to preside the Day)
His Honor the Chief Justice.
The Colonial Secretary
W. A. Hamilton Esqr.
A. H. A. Humphrey Esqr.

The following Oaths were administered to A. H. A. Humphrey Esqr by His Honor the Chief Justice before His Excellency the Lieutenant Governor in Council.

1st The Oath of Allegiance
2nd The Oath of Abjuration
3rd The Oath of Supremacy
4th The Oath of Office
The Declaration against Transubstantiation

Anno Nono
Georgii IV. Regis.
No 1.

By His Excellency Colonel George Arthur Lieut. Governor of the Island of Van Diemens Land and its Dependencies with the advice of the Legislative Council.

An Act for vesting Subject to the Regulations and Restrictions hereinafter mentioned in the Principal Superintendant of Convicts for the time being certain of the Powers, Authorities, and Jurisdictions, given to the several Justices of the Peace of this Island in and by an Act of Parliament passed in the Sixth Year of the Reign of His present Majesty intituled, "An Act for punishing Offences committed by Transports kept to labour in the Colonies; and

letter

"better regulating the Powers of Justices of the Peace in New South Wales" And for extending the powers authorities and jurisdictions so to be vested as aforesaid

Whereas by An Act passed in the seventh Year of the Reign of His present Majesty by His Excellency Colonel George Arthur, Lieutenant Governor of the Island of Van Diemens Land and its Dependencies with the advice of the Legislative Council entitled "An Act for the summary punishment of disorderly conduct in Female Offenders in the service of the Government, or of any Inhabitant of Van Diemens Land; and for vesting in the Principal Superintendent of Convicts, the like powers and authorities, as are given to the several Justices of the Peace, by a Law or Ordinance made in the Sixth Year of His Majesty's Reign, by His Excellency Sir Thomas Brisbane, late Governor of New South Wales, with the advice of the Council of that Colony, entitled, "An Act for the summary punishment of disorderly conduct in any Offender in the service of Government, or of any Inhabitant of New South Wales or Van Diemens Land and by the present Act" certain Jurisdictions, Powers, and Authorities were vested in the Principal Superintendant of Convicts in this Island for the time being; And whereas the said Act will expire on the day of the date hereof; and it is expedient to make further and other provisions in respect of the matters aforesaid therein contained and in lieu thereof Now therefore be it enacted by His Excellency Colonel George Arthur Lieutenant Governor of the Island of Van Diemens Land and its Dependencies with the advice of the Legislative Council that all and every the Powers Authorities and Jurisdictions vested in and by a certain Act passed in the Parliament of the United Kingdom of Great Britain and Ireland in the Sixth Year of the Reign of His present Majesty entitled "An Act for punishing Offences committed by Transports kept to hard Labour in the Colonies and better regulating the powers of Justices of the Peace in New South Wales" are vested in any one or more Justice or Justices of the Peace in and for this Colony or in or for any District District or County thereof to be by such Justice or Justices exercised in a summary way for the taking cognizance of complaints made against any Felon or other Offenders who had been or should be transported to New South Wales or its Dependencies and whose sentences had not expired or been remitted for drunkenness disobedience of orders neglect of work absconding or desertion abusive language to their her or his Employers or Overseers insubordination or other turbulent or disorderly conduct or for punishing such Offences or any of them shall be and the same are hereby vested in the said Principal Superintendent of Convicts for the time being

II. And be it further enacted that it shall and may be lawful for the said Principal Superintendent to exercise all and every the same powers authorities and Jurisdictions for the taking cognizance of and punishing all and every of the Offences hereinbefore specified which shall have been or which shall be committed by any person or persons convicted in this Colony and being under sentence or order of transportation therein

III. And be it further enacted that it shall and may be lawful for the said Principal Superintendent and he is hereby empowered to administer an Oath or Oaths in all cases where it shall be necessary or proper so to do for the purposes of this Act

IV. And be it further enacted that it shall and may be lawful for the said Principal Superintendent without the Requirement of any Complaint and without examination of any Witness or Witnesses to convict any such Offender as aforesaid being in the service of the Government of any of the Offences aforesaid committed by them or either within the View of the said Principal Superintendent and upon every such conviction to order the infliction of such Punishment upon the Offender convicted as by the present Act is hereinbefore authorized in such case Provided that all such Jurisdictions Powers and Authorities as are hereby committed to the said Principal Superintendent aforesaid shall in the exercise thereof be subject to and controlled by the regulation and restriction in the said Act of Parliament in that behalf mentioned

V. Provided always that nothing herein contained shall be deemed to Authorize the said Principal Superintendent to

to take cognizance of any Offence committed by any person, who at the time of the Commission of the same, shall be in the private Service of him the said Principal Superintendant.

VI. Provided also, that the said Principal Superintendant shall make a Return on Monday in every week, to the Governor, Lieutenant Governor, or person administering the Government for the time being of this Colony, of all commissions made, and all punishments ordered by him, under the authority of this Act during the week preceding every such return.

Signed / Geo: Arthur

Passed the Council this first day of August 1828.

John Montagu
Clerk of the Council.

I humbly certify to His Excellency the Lieutenant Governor that I have perused the above written Copy of a proposed Law or Ordinance, and that I am of opinion that the same is not repugnant to the Laws of England, but is consistent with such Laws so far as the circumstances of this Colony will admit.

Chief Justice of the Supreme Court of Van Diemans Land.
August 1st 1828.

At a Meeting of the Legislative Council held at the Council Room Hobart Town the 8th day of September 1828 at 11 O'Clock A. M.

Present:

His Excellency the Lieutenant Governor.
His Honor The Chief Justice.
The Colonial Secretary.
W. D. Hamilton Esqr.
A. W. A. Humphrey Esqr.
Thomas Anstey Esqr.

The Lieutenant Governor informed the Council that the Bill he had intended to submit for consideration required a few alterations, which could not be completed until one O'Clock to-morrow, and he was therefore under the necessity of adjourning the Meeting until that time.

Adjourned at 1 O'Clock P.M.

John Montagu
Clerk of the Council.

At an adjourned Meeting of the Legislative Council held at the Council Room Hobart Town the 9th day of September 1828 at one O'Clock P.M.

Present.

His Excellency The Lieutenant Governor
His Honor The Chief Justice
The Colonial Secretary
W. H. Hamilton Esqr.
A. W. H. Humphrey Esqr.
Thomas Anstey Esqr.

The Lieutenant Governor informed the Council he regretted the alterations he had referred to at the Meeting of yesterday were not completed, and that he therefore found a further adjournment necessary until eleven O'Clock tomorrow Morning.

Adjourned at 0 O'Clock P.M. xd.

John Montague
Clerk of the Council

At an adjourned Meeting of the Legislative Council held at the Council Room Hobart Town the 10th day of September 1828 at 11 O'Clock A.M.

Present.

His Excellency the Lieutenant Governor (to submit the Bill)
His Honor The Chief Justice
The Colonial Secretary
W. H. Hamilton Esqr.
A. W. H. Humphrey Esqr.
Thomas Anstey Esqr.

The Draft of An Act intitled (An Act for regulating the Sale of Wine and of Beer, Rum, and other Malt and Spirituous Liquors by Retail: and promoting good Order in Public Houses.) was read and the further consideration of the subject was deferred until 7 O'Clock P.M. tomorrow Evening

xd.

Adjourned at 4 O'Clock P.M.

John Montague
Clerk of the Council

At an adjourned Meeting of the Legislative Council held at the Council Room Hobart Town the 11th day of September 1828 at 1 O'Clock P.M.

Present

His Excellency The Lieutenant Governor
His Honor The Chief Justice
Thomas Anstey Esqr.

As there were not sufficient Members present to form a Council the Meeting was adjourned until 12 O'Clock tomorrow

Adjourned at 1 O'Clock P.M.

John Montagu
Clerk of the Council

At an adjourned Meeting of the Legislative Council held at the Council Room Hobart Town the 12th day of September 1828 at 12 O'Clock

Present

His Excellency The Lieutenant Governor.
His Honor The Chief Justice
The Colonial Secretary
W. H. Hamilton Esqr.
A. E. H. Humphreys Esqr.
Thomas Anstey Esqr.

Anno Nono Georgii IV. Regis. No. 2.

By His Excellency Colonel George Arthur Lieut.t Governor of the Island of Van Diemens Land and its Dependencies with the advice of the Legislative Council

[An Act for Regulating the Sale of Wine, and of Beer, Rum, and other Malt and Spirituous Liquors, by Retail:- And promoting good Order in Public Houses]

Whereas the Laws for regulating the Sale of Wine and of Beer Rum, and other Malt and Spirituous Liquors, by retail and for promoting good order in Public Houses, have expired: And it is expedient to make new provision in respect thereof:- Be it therefore, and it is hereby declared and enacted, by His Excellency Colonel George Arthur Lieutenant-Governor of the Island of Van Diemens Land and its Dependencies with the advice of the Legislative Council; that if any person shall after the passing of this act; sell, barter, exchange or retail, or shall, in or on any part of his or her house or premises, permit or suffer to be sold, bartered exchanged or retailed, any Ale, Beer, or other Malt Liquors or Wine, Cider, Ginger Beer, Brandy, Rum, Gin, Whiskey, Cordials,

or any other Strong or Fermented Liquors in a less quantity than five Gallons without having first obtained a License in the manner and form hereinafter mentioned, he or she shall forfeit and pay for every such offence a penalty or sum of not less than Ten Pounds, or more than Fifty Pounds

II. Provided always, and be it further enacted that nothing herein contained, shall be deemed to extend to any person practising as a Physician Apothecary, Surgeon, Chymist or Druggist, who may prescribe administer, or sell any of the Liquors before mentioned, as Medicines or for Medicinal purposes

III And be it further enacted, that if any Dealer in Wares, Provisions, or any other things by retail, (not being licensed under this Act,) shall give away or deliver any such Liquors to any person coming to his or her house or shop to buy any of such Wares, or other things under the pretence of such last mentioned person being a customer, or under any other pretence or if any unlicensed person shall sell or deliver any such Liquors in a quantity equal to or more than Five Gallons, with an understanding that part thereof shall be returned; and the quantity so sold or delivered (deducting the part so returned or to be returned), shall then be under Five Gallons, then and in each of such cases, such Dealer or person shall be deemed a retailer of the Liquors so given away or sold or delivered; and shall be liable to the said penalty, as for selling the same by retail without a License

IV And be it further enacted that in all proceedings whatsoever against any person for retailing, or permitting or suffering to be retailed, any such Liquors without a License, such person shall for all purposes connected with those proceedings, be deemed and taken to be unlicensed, unless he or she shall at the hearing of the case, produce his or her License before and exhibit the same to the sitting Magistrates, or shall then and there produce other satisfactory proof of his or her being a licensed person.

V And be it further enacted, that upon information on oath, being made before any Justice of the Peace by any Constable, or credible person, that he or she doth verily suspect and believe that any such Liquor or Liquors is or are habitually sold or retailed in any particular unlicensed house or other unlicensed place, and such Constable or other person, shall in such information, set forth the and shew reasonable grounds for such belief and suspicion then and in such case it shall be lawful for such Justice in his discretion, to grant his Warrant to any Constable to enter and search such House or other place, either by day or by night, which said Constable may break open the doors, if not opened within a reasonable time after demand, and seize all such Malt or strong fermented or Spirituous Liquors as he shall there find, and the Vessel or Vessels in which such Liquors shall be contained, and shall and may detain the same until the owner thereof shall appear before the said Justice to claim such Liquors, and shall satisfy the said Justice, how and for what purpose he became possessed of the same, and if it shall appear to the said Justice, after due inquiry and examination that such Liquors were in the said house or other place, for the purpose of being illegally sold or disposed of by retail, then such Justice shall adjudge the said Liquors, and Vessel or Vessels to be condemned and forfeited and the same shall and may be sold, and the proceeds thereof (after payment of incidental expenses to be allowed by such Justice,) applied and distributed in equal moieties, to the use of His Majesty, and to or amongst the party or parties so informing, but if otherwise, then such Liquors and Vessel or Vessels shall be forthwith restored to the proper owner.

VI And be it further enacted, that it shall be lawful for the Justices of the Peace, sitting at or on the trial or hearing of any information under this Act for retailing without a License, to determine the fact of what is such selling or retailing without License according to the circumstances of, or attending, each and every particular case without direct evidence of Money or Value having been given for the Liquors alleged to have been so sold or retailed

VII And be it further enacted, that if any Master or other Employer, shall directly or indirectly agree with any Journeyman, Workman, Servant, Labourer, or other person hired or employed by or for him or her in any manner whatsoever, to pay such Journeyman Workman or Servant Labourer, or person, or shall in fact pay him or her for or on account of wages, hire or reward for work or service

either in the whole or in part in or by, or by the sale or delivery of any such Liquors as aforesaid, or shall make any set off against or deduction from such wages, hire, or reward for or in respect of any such Liquors such Master, or Employer shall forfeit and pay for every such offence, a penalty or sum of not less than Ten Pounds nor more than Fifty Pounds; and every such Journeyman, Workman, Servant, Labourer or other person so hired, or employed shall be entitled to his or her whole wages, hire or reward as such agreement or any other agreement, to the contrary notwithstanding.

VIII And for the more effectual discouragement of Tippling and Drinking in unlicensed houses, be it further enacted, that every person to whom after the passing of this Act, any such Liquors shall be sold or retailed in a less quantity than Five Gallons, by any unlicensed person, shall forfeit and pay a penalty or sum of not less than Five Pounds, nor more than Twenty-five Pounds, unless he or she shall inform against such unlicensed person, or voluntarily become a Witness against him or her in respect of such act of selling or retailing.

IX And be it further enacted, that no License shall be granted for retailing any Spirituous Liquors within any Gaol, Factory, Penitentiary, Lock-up-house, Watch-house, or other place of confinement, or place for the Lodging of Convicts, and that if any Gaoler Keeper, or Officer of any such Gaol, Factory, Penitentiary Lock-up-house Watch-house or other place, shall sell lend, or give away, or knowingly suffer any spirituous Liquors, or strong Waters to be sold, used, lent or given away in, or brought into the same, except such as shall be prescribed by the order of a practising Physician, Surgeon, or Apothecary, such Gaoler, Keeper, or Officer, shall forfeit and pay a penalty or sum of not less than Twenty Pounds, nor more than One Hundred Pounds, and upon a second conviction be deprived of his or her Place or Office

X And be it further enacted that if any person shall bring or endeavour to bring any Spirituous Liquors, or strong waters, (except in the way of Medicine) into any such Gaol, Factory, Penitentiary, Lock-up-house Watch-house, place of confinement, or place for the Lodging of Convicts, the Gaoler, Keeper, or Officer, thereof, or any of his or her Servants may immediately apprehend and carry the Offender before any Justice of the Peace who shall or may without any information exhibited for that purpose hear and determine such offence in a summary way; and if by the oath of one Witness or otherwise, such person shall be convicted of such offence, he or she shall forfeit and pay for every such offence, a penalty or sum of not less than Ten Pounds, nor more than Fifty Pounds.

XI Provided always, and be it further enacted that nothing hereinbefore contained shall extend to or affect any such Gaoler, Keeper, or Officer, or any other Person, on account or in respect of any such Liquors brought or received into, or endeavoured to be brought into any such Gaol, Factory, Penitentiary, or Place for the Lodging of Convicts, or which shall be there kept for the use or consumption of, or which shall be in fact used or consumed by such Gaoler, Keeper, or Officer, or his or her Family, within his or her Office or Residence therein.

XII And be it further enacted that on information upon Oath by any credible Person, that he or she doth know or doth suspect and believe that Spirituous Liquors or Strong Waters are, contrary to this Act, kept or disposed of in any such Gaol, Factory, Penitentiary Lock-up-house, Watch-house, Place of confinement, or Place for the Lodging of Convicts, if such Person shall in such Information set forth and shew reasonable grounds for such belief and suspicion, any Justice of the Peace may enter the said Gaol, Factory, Penitentiary Lock-up-house Watch-house, or other such Place, and search for, or empower by Warrant any Constable to search for and seize and detain all such Liquors as shall be there found; and if it shall appear to the said Justices after due inquiry and examination that such Liquors were kept there contrary to the provisions of this Act or for the purpose of being illegally sold, or otherwise disposed of, then such Justice shall or may adjudge the said Liquors to be condemned, and the same shall and may be sold and the proceeds thereof be applied and distributed in equal moities, to the use of His Majesty, and to or amongst the Party or Parties so informing, but if otherwise, then

such Liquors shall be restored to the Owner thereof.

XIII And be it further enacted that the Gaoler Keeper Master, or Chief Officer of every Gaol, Factory, Penitentiary Lock-up-house, Watch-house, Place of Confinement or Place for the Lodging of Convicts, shall procure a Copy of the four preceding clauses, to be painted or fairly written and hung up in one of the most public Places of such Gaol, Factory, Penitentiary, Lock-up-house Watch-house, or Place, and renew the same from time to time, so that it be always kept fair and legible, under the penalty of Forty Shillings. And any Justice of the Peace may at any time demand a sight of such copy, and if it be not immediately shewn to him, hung up in some such public place, fair and legible, he shall or may forthwith convict such Gaoler, Keeper, Master or Chief Officer, and so from time to time as often as he shall think fit.

XIV And be it further enacted, that every Person desirous of obtaining a Certificate for a License under this Act, shall, on or before the sixteenth day of the present month of September, and on or before the sixteenth day of the month of August in every following Year, deliver, or cause to be delivered to the Clerk of the Peace, or Person acting as Clerk of the Peace, at Hobart Town or to his Deputy, at Launceston, a Notice in writing, of his or her intention to apply for such Certificate in which Notice shall be contained a full description of his or her Premises, with a statement of the Names, Residences, and additions of his or her proposed Sureties. And also, in case he or she shall be desirous of keeping a Tap, or Tap-room, in or on any other part of the same Premises than in the House itself in which he or she shall bonâ fide reside, or a Tap-room in such House having any other Entrance thereto than such House itself hath, a particular description of such proposed Tap or Tap-room, and in cases where such Tap is not to be kept in such House, with the Name of some reputable free Person by whom the same will be personally managed and superintended and shall also in like manner deliver, or cause to be delivered with such notice a Certificate signed by three known and respectable Householders in the Form prescribed by the Schedule of this Act, marked with the letter A. Provided always, that nothing in this clause contained shall extend to compel any Person to deliver any such Notice or Certificate in this present year who shall or may have already caused the same to be delivered.

XV And be it further enacted, that a General Meeting the Justices of the Peace acting within the division of the Island, which is commonly call Buckinghamshire shall be holden at Hobart Town, on the Eighteenth Day of the present Month of September, and on the Eighteenth Day of September in every following Year; unless such Day shall happen to be Sunday, and in that case, on the Seventeenth Day of the same Month, for the purpose of taking into consideration Applications for Certificates for the License of Public Houses, in such division or in any Dependency of the said Island, and on the same Day or Days in this and every following Year, a General Meeting of Justices of the Peace residing within the division of this Island, which is commonly called Cornwall, shall be holden at Launceston, for the purpose of taking into consideration Applications for Certificates for the License of Public Houses, in such last-mentioned Division which Justices so meeting at Hobart Town and Launceston are hereby empowered to adjourn from the Day of such Meeting to such other Day or Days as the said Justices shall from time to time agree upon, and except in such cases as are hereby specially provided for, no Certificate shall be granted on any other Day than the Day of such General Meeting, or on one of the Days to which the Justices may have so adjourned.

XVI And be it further enacted, that every such Person so desirous of obtaining a License, shall at such General Meeting of Justices at Hobart Town or Launceston (as the case may require) or at one of such Days of adjournment enter into a Recognizance to His Majesty, His Heirs and Successors with two Sureties to be approved of by such Justices in the Sums and Form, and with the Condition mentioned and prescribed in and by the Schedule of this Act, marked B. which Recognizance shall be entered into in the presence of the Majority of the Justices then assembled, and be signed by at least two of such Justices which said Justices, or two of such Justices shall before any License shall be granted certify their approbation thereof in the Form prescribed by the Schedule of this Act, Marked C, and the Clerk of the Peace, or Person acting as Clerk of the Peace or his Deputy, shall, upon receiving from the Person in whose favor such Certificate may be

made, the sum of Two Shillings and Six-pence for the said Certificate and Ten Shillings and six-pence for the Recognizance therein referred to, deliver such Certificate with a copy of the said Recognizance to such Person who shall thereupon lodge the said Certificate with the Colonial Treasurer, or Person acting as Colonial Treasurer, at his Office, or other Person from time to time for that purpose appointed by the Governor Lieutenant Governor, or other Person administering the Government for the time being.

XVII And be it further enacted, that in all cases in which the Justices at any such General or adjourned Meeting, shall approve of any such Tap or Tap-room, as aforesaid, being kept at such Place as shall have been for that purpose specified in any such notice, as aforesaid, and also in cases of Taps not to be kept in the Dwelling house, shall approve of the Person named as the Manager or Superintendent thereof such Justices or the Justices before whom the Recognizance of the Person to be Licensed in respect thereof shall be or have been taken, shall cause a memorandum in writing of such approval, under their hands, to be made at the foot of the Certificate, which shall be granted to such Licensed Person, and in such case, but not otherwise, it shall be lawful for such Licensed Person to have and keep such Tap or Tap-room, so approved of, and to sell Liquors therein by Retail, any thing hereinafter contained to the contrary notwithstanding. Provided always that every such Tap or Tap-room, not being in the house itself, shall, during the term of the License, except in case of the occasional Sickness of such Manager or Superintendent, be in fact managed and superintended by the Manager or Superintendent so approved of, or by some other Manager or Superintendent, to be approved of by two or more Justices at a special Meeting to be convened for that purpose by Notice under the hand of the Clerk of the Peace, or his Deputy, inserted in two succeeding numbers of one or more of the Public Newspapers—And, if any Licensed Person shall, save with such approbation of the Justices as aforesaid, keep or have any Tap or Tap-room, other than in the Licensed house itself in which he or she shall bona fide reside, or having any other Entrance thereto than such house itself hath, or if any such Tap or Tap-room allowed to be kept otherwise than in such House, shall be in fact at any time not managed and superintended by the Person so for that purpose approved of, as aforesaid, then, and in either of such cases such Licensed Person shall forfeit and pay for every such Offence, a Penalty or Sum of not less than Twenty Pounds, nor more than Fifty Pounds or upon a third or subsequent conviction, shall, at the discretion of the convicting Justices, forfeit and be deprived of his or her License.

XVIII And be it further enacted, that in case any person desirous of obtaining such certificate for a License shall be hindered through sickness or infirmity, to attend in person at any such General or adjourned Meeting of Justices, it shall be lawful for such Justices to certify in favour of such person upon three sufficient sureties to be approved as aforesaid, entering into such Recognizance, each surety in the penalty of Fifty Pounds, for performance of the condition of the said Recognizance, which said Recognizances shall in like manner be entered into in the presence of the Majority of the Justices then assembled, and be signed by at least two of such Justices.

XIX And be it further enacted, that all Recognizances with their conditions, shall be by the Clerk of the Peace or person acting as Clerk of the Peace, or his Deputy, entered and filed among the Records of the Sessions of the peace; and in the event of any Recognizances being entered or taken at a time when such Clerk or acting Clerk, or his deputy, is not present the Justice presiding as Chairman of the Meeting, at which the same may have been taken, shall forthwith send them to such Clerk or his Deputy for that purpose

XX And be it further enacted, that for every License for selling or retailing any of the Liquors hereinbefore mentioned, there shall be paid to the Colonial Treasurer or other person so appointed before any such License shall be by him issued the sum of Twenty-five Pounds which said License shall be in the form prescribed by the Schedule to this Act marked D., but no License shall be valid for any purpose until the same shall have been produced to and countersigned by the Auditor, or Acting Auditor of Civil Accounts for the time being, and that no License shall be granted

for the retailing of Spirituous Liquors only.

XXII And be it further enacted, that every such License shall bear date on the Twenty eighth day of September, and shall continue and be valid for one Year, and no longer, (that is to say) up to and until the Twenty ninth day of September in the Year following and every License upon the application of the holder thereof, shall be renewed before any new License be granted, unless the holder of the License so required to be renewed shall have been convicted of a breach of his or her Recognizance.

XXIII And be it further enacted, that if any licensed person shall die before the expiration of the term of the License, or if the Premises mentioned in such License shall become unoccupied, for the space of one Month, it shall be lawfull for any two Justices of the Peace, at any Special Meeting to be convened by public Notice by the Clerk or acting Clerk of the Peace or his Deputy, published in One of the Public Newspapers at least fourteen days previous to such Meeting to certify in favor of the Executors or Administrators of the deceased or of any new Tenant or occupier, for the purpose of entitling such Executors or Administrators, or new Tenant or Occupier to receive a License for the same Premises, provided that such new Tenant or Occupier do at such Meeting produce such Certificate, and enter into such Recognizance as are hereinbefore respectively mentioned.

XXIIII And be it further enacted, that any two Justices of the Peace specially assembled for the purpose, shall have power to certify in favor of the transfer of any License to the Appointee of the Owner thereof; such Appointee producing the like form of Certificate, and entering into the like form of Recognizance, as the original Party obtaining the License produced or entered into.

XXIV And be it further enacted, that it shall be lawful for any two Justices to certify at any time in favor of the Grant or transfer of a License for selling Liquors by retail in any Canteen, to any person Applying for such License who shall hold such Canteen, under authority of the Government without regard to the obtaining of any Certificate

&c.

or the entering into any Recognizance any thing in this act to the contrary notwithstanding, and the Colonial Treasurer, or other person in that behalf appointed, as aforesaid, shall deliver to such person a License accordingly, and every person holding such Canteen, under such authority and having such License, may keep such canteen and sell therein and in the Premises thereunto belonging, but not elsewhere, all such Liquors as he or she shall be by such License empowered to sell by retail, without being subject to any Penalty under this Act for selling without a License.

XXV And be it further enacted, that it shall be lawful for the Governor, Lieutenant Governor, or other person for the time being, administering the Government of the Colony, previously to the Eighteenth Day of September in every Year, to limit the Number of Public Houses to be licensed in the several towns or districts, on the then next licensing day and to signify his pleasure thereon to the Clerk of the Peace or other proper Officer, and the Justices shall limit the Licenses accordingly, and if in any Year, there shall by such means be a reduction in the number of Licenses granted for the preceding Year, the Justices shall select such Houses to be Licensed as may appear to them to have been kept in the most orderly manner.

XXVI And be it further enacted, that no Justice of the Peace being a Brewer, Malster, or Distiller, or a Dealer in Wine or any Malt or Spirituous Liquors or concerned in partnership with any Brewer, Malster or Distiller, or Dealer in Wine, or Malt or Spirituous Liquors, or being the Owner or part Owner of or Trustee Manager or Agent for any Owner or part Owner of any House Licensed or about to be Licensed, or being directly or indirectly interested in any such House shall sit at or act in any Meeting of Justices, during the consideration of any application for a Certificate for a License, or of any thing relating thereto or shall convict or join in any conviction, or in the consideration or determination of any appeal under this Act; and every Justice who shall knowingly offend in the Premises, shall for every such Offence forfeit and pay a Penalty or Sum of One hundred Pounds, to be recovered by Action of Debt in the Supreme Court of Van Diemen's Land, in which no wager of

law, nor more than one Impeachment shall be allowed the one moiety thereof to be to the use of his Majesty and the other to the use of any person who shall first sue for the same. Provided that nothing in this Section shall extend to or affect any Justice being such Trustee, Manager or Agent, unless he shall in some manner be directly or indirectly beneficially interested in any such House, or in the Rents, Issues or profits thereof, or the profits of the business carried on or to be carried on therein

XXVII And be it further enacted that no person holding Office or Employment under the Government nor Under-Sheriff, Bailiff, or other Sheriff's Officer, nor any Constable shall hold any License under this Act, nor shall any such person nor any Justice of the Peace, nor any Publican or Dealer in Wine or in Malt or Spirituous Liquors be received or taken as surety in any Recognizance to be entered into as aforesaid

XXVIII And be it further enacted, that if any Licensed person shall offend against the tenor of his or her License, or shall in any respect commit a breach of or otherwise be guilty of any Offence against the condition of the Recognizance by him or her entered into, he or she shall for every such Offence forfeit and pay, or become liable to the several penalties or disabilities hereinafter mentioned; that is to say, for the first Offence, a sum of not less than Ten Shillings, nor more than Ten Pounds, and for the second Offence a sum of not less than Two Pounds nor more than Twenty Pounds, and for the third or any subsequent Offence, it shall be lawful for any one Justice upon complaint or information of such third or subsequent Offence, to issue a Summons requiring the person so complained of or informed against to appear at the then next General or Quarter Sessions of the Peace to be holden in that Division of this Island as aforesaid within which such Licensed person resides, then and there to answer to the matter of such complaint or information, and also to bind the complainant or informant, and any other person or persons to appear at such Sessions, and give evidence against such Licensed person; and the Justices of the Peace at such Sessions, shall enquire of the Offence charged in the said complaint or information and if they find that such Licensed person hath committed the Offence against the tenor of his or her License or Recognizance in the said complaint or information specified and that such Licensed person hath been twice or oftener previously convicted of Offences against the tenor of the said License or Recognizance it shall be lawful for the said Justices at such Sessions, to adjudge such Licensed person guilty of such third or subsequent Offence, which adjudication shall be filed, and thereupon, or in either of such cases the said Justices shall have authority to punish the party so convicted, by a fine or penalty of not less than Ten Pounds, nor more than One Hundred Pounds, or (at the discretion of the said Justices) by declaring his or her Recognizance to be forfeited and also (at their discretion) his or her License to be void, and such Recognizance shall be forfeited, and such License from thenceforth be void accordingly; and the said person whose License shall be so declared void, shall from thenceforth be utterly disabled to receive or hold any other License under this Act for three Years, to be computed from the time of such third or subsequent Offence committed.

XXIX Provided always and be it further enacted that no Recognizance shall be declared forfeited, unless upon such adjudication by the said Court of general or quarter sessions upon such third or subsequent conviction and in every proceeding under this Act against a person as a licensed Publican, the production of his or her Recognizance shall be evidence of his or her being such licensed Publican; and if such licensed person so complained of or informed against for such third or subsequent offence, shall not appear at such next ~~of~~ General or Quarter Sessions, pursuant to the Summons, it shall be lawful for the Justices in such Sessions assembled on proof of the service of such Summons, to enquire into and determine the matter of the said complaint or information, and in all respects to proceed against the persons so summoned and not appearing in the same manner as if

he or she had appeared

XXX And be it further enacted that it shall be lawful for any Justice of the Peace or any Chief District Constable, either alone or attended by Petty Constables, or other Officers upon demand to enter any licensed house at any hour, by day or by night and if admittance be refused or wilfully delayed the License of such house shall upon conviction of such offence before any two Justices of the Peace be declared forfeited and thereupon such License shall become immediately void, or at the discretion of such Justices, the party so offending, shall forfeit and pay a penalty or sum of not less than Five pounds nor more than Fifty Pounds

XXXI And be it further enacted, that if any licensed person shall take or receive in payment or as a pledge, or in barter, or exchange for any Liquor, or for any entertainment supplied in or from such Licensed house, any Goods, or thing, except the current Coin of this Island, or the Paper Money of some known Bank, Banker or Bankers, he or she shall forfeit and pay for such offence, a penalty or sum of not less than Ten Pounds nor more than Fifty Pounds, and in case of a third or subsequent conviction, for a like offence such licensed person shall immediately forfeit and be deprived of his or her License:- Provided always, that nothing herein contained, shall extend to prevent any licensed person from receiving in payment from known Householders, any live Stock or Meat, or other corn or Grain

XXXII And be it further enacted that no licensed person shall maintain any action for or recover any Debt or demand on account of Spirituous Liquors, unless such Debt shall bona fide have been contracted at one time, to the amount of Twenty Shillings, or upwards, nor shall any items in any account for Spirituous Liquors be allowed, where the Liquors bona fide delivered at one time shall not amount to the full sum of Twenty Shillings.

XXXIII And be it further enacted that if any licensed person shall admit any unlicensed person as, or to be his or her Partner or shall otherwise directly or indirectly permit any such unlicensed person to participate in the profits of his or her licensed house, or directly or indirectly agree with any such unlicensed person, to let such last mentioned person have, directly or indirectly any interest in such house, or the profits thereof, or shall suffer any such unlicensed person to be remunerated for, or shall agree with any such unlicensed person, that he or she shall be remunerated for any services in respect to the profits of such house or the quantity of Liquor therein, or therefrom sold or retailed, or shall abandon the occupation of such licensed house as his or her place of residence, and permit any person whatsoever to manage, superintend, or conduct the business of such house, or shall, whether residing in such house or not, permit any unlicensed person to become virtually, or in effect the Keeper, or one of the Keepers thereof, then in either of the said cases upon proof of the fact to the satisfaction of any two Justices of the Peace, the License of the same house for the then current Year, shall become and be absolutely void, any thing herein before contained to the contrary notwithstanding, or at the discretion of the said convicting Justices, such licensed person shall forfeit and pay for such offence, a penalty or sum of not less than Fifty Pounds, nor more than One Hundred Pounds.

XXXIV And be it further enacted, that every conviction shall, by the Justices before whom the same shall have been had, be returned to the next Quarter Sessions of the Peace, and the record of such conviction shall, unless the same be afterwards quashed on appeal, be received as evidence of such conviction against the party thereby convicted, in any prosecution to be instituted against him or her for any other offence under this Act, and the Clerk, or acting Clerk of the Peace, or his Deputy, to whom such conviction shall be returned, shall, on such return, (if the same relate to a licensed Publican) cause to be made, a memorandum of such conviction in a register, which he is hereby directed to keep of the marks and places of abode of the several persons licensed, and shall in every such

memorandums, stating whether such convictions be the first, second, third, or other subsequent convictions of the offender.

XXXV And be it further enacted that in all proceedings by this Act directed to be had or matter authorized to be heard and determined at any Court of Quarter Sessions, or by or before any Justices or Justice of the Peace such proceedings shall be so had, and such matters be so heard and determined in a summary way And (in other cases) all offences not otherwise provided for, shall, or may upon information in that behalf exhibited, be also in a summary way heard and determined, and all Fines and Penalties in respect of the same, be awarded and imposed by any two Justices; provided that no such determination or award or other adjudication by Justices under this Act, shall be enforced or carried into effect, until after the expiration of one week next after the time of such determination, award or adjudication.

XXXVI And be it further enacted, that if any person shall feel aggrieved by the summary judgment or conviction of any Justices or Justice under this Act, such person shall be entitled to appeal from such judgment or conviction, in the manner in that behalf provided in and by the Act intituled "An Act to regulate summary proceedings before Justices of the Peace".

XXXVII And whereas, under the then existing Laws for regulating the sale of Liquors by retail, sundry Licenses for Public Houses have been granted for a period which is not yet arrived and doubts may arise whether such Licenses are not for that reason void; And whereas also informations have been exhibited and are now depending for Offences against those Laws or one of them, committed on or before the seventh day of September instant Be it therefore declared and enacted, that every such License (except the same shall have become, or shall hereafter become void or voidable by reason of any matter or thing by which it would have been liable to forfeiture, under the provisions of the said Laws or one of them) is and shall be deemed to be valid and subsisting, and that every such License (except as aforesaid) shall continue and be in force for the time for which the same shall have been so granted, and that none of the provisions of this Act respecting the sale of Liquors by retail without License shall affect the person to whom any such subsisting License shall have been so granted, or any person to whom the same shall have been lawfully transferred by virtue of the said Laws or either of them, any thing herein contained to the contrary notwithstanding, and that every such Offence for which any such Informations shall have been so exhibited, as aforesaid, shall (notwithstanding the said expiration of the said Laws) be heard and determined, and every conviction thereupon be had and enforced, and acted upon or carried into effect in all respects the same as if the said Laws and each of them had been perpetual.

XXXVIII And be it further enacted that the amount of all and singular the fees or sums of Money paid or payable for Licenses under and by virtue of this Act shall be reserved, and the same fees and sums are hereby reserved to His Majesty His Heirs and Successors for the support of the Judicial Establishments of this Island, and shall go to and be applied in aid of the Colonial Fund of this Island for that purpose accordingly

(Signed) Geo Arthur

Passed the Council
this Twelfth Day of
September 1828

John Montagu
Clerk of the Council

Schedules referred to in this Act

Schedule A

Form of Householder's Certificate:-

To the Worshipful the Justices of the Peace acting in and for the Buckinghamshire (or Cornwall) Division of the Island of Van Diemens Land.

We, the undersigned, [Name] [of Place] in Van Diemen's Land [Description] [Name] of [Place] in the said Island [Description] and [Name] of [Place] in the said Island [Description] (being severally Householders) do hereby certify, that [Name] [of Place] in the said Island, [Description] is well known to us as a person of good fame and of sober life, and habits, and a fit and proper person to be entrusted with a License to keep a Public House.— Witness our hands, this day of One thousand eight Hundred and

Schedule B

Form of Recognizance:-

Van Diemen's Land.— At a General [or at an adjourned] Meeting of His Majesty's Justices of the Peace, acting in and for the Buckinghamshire [or Cornwall] Division of the Island of Van Diemens Land, holden at Hobart Town [or Lancestion] on the day of September One thousand eight hundred and

pursuant to an Act of His Excellency Colonel George Arthur Lieutenant Governor of this Island with the advice of the Legislative Council, made and passed on the twelfth day of September one thousand eight hundred and twenty eight [Name] of [Place] in the said Island, acknowledges himself to be indebted to our Sovereign Lord the King, in the Sum of One Hundred Pounds, and [Name] of [Place] and [Name] of Place respectively acknowledge themselves to be indebted to our said Lord the King, in the sum of Fifty Pounds each, of lawful Money of Great Brittain, to be respectively levied on their Goods and Chattles Lands and Tenements, to the use of our said Lord the King, his Heirs and Successors by way of Recognizance:- Upon Condition that if the said [Name] shall receive a License under the said Act to keep a Public House, and to sell therein Liquors by retail, being at the House wherein he [or she] now dwells, having the sign of in the District of from the twenty-eighth day of September instant, until the twenty ninth day of September in the Year now next ensuing:- Then if the said [Name] do during the term of the said License, sell and retail more other than good and wholesome Liquors, in full measure, and without fraudulently diluting or adulterating the same:- And if the said [Name] do not, nor shall knowingly permit any Playing at Cards Hazard, Dice, Bagatelle, or other sedentary Game, in or on the said licensed House, or the Premises thereunto belonging, by any Journeyman, Labourer, Servant, or Apprentice And do not, nor shall introduce or permit any Bull-baiting, Cock-fighting, or other such sport or amusement on any part of the said House or Premises:- Nor shall get Drunk or knowingly permit any other person to get Drunk or [when Drunk] to remain in or on the said House or Premises:- Nor shall suffer any drunken person to enter the same House or Premises, without immediately removing him or them therefrom:- Nor do, nor shall permit any person to remain in or on the said House or premises Tippling or Drinking after the hour of eight at night, or on Sunday at any hour, always excepting refreshment to bonâ fide Travellers or inmates of the said House:- Nor do nor shall, on Sunday open the said licensed House for the purpose of receiving or entertaining, or dealing with any other customers or persons than bonâ fide Travellers, and regular customers coming or sending to the said House, between One and Three o'clock in the day-time, and between Six and Eight o'clock in the evening to purchase such liquors to be immediately taken away:- Nor do, nor shall suffer any riot, fighting or other disorder, tumult or disturbance to take place or be carried on, in or on the said House or Premises:- Nor shall refuse or neglect to admit any Justice of the Peace

or Chief District Constable at any time into any part of the said House or Premises:- Nor do nor shall suffer any convict to remain in or on the said House or Premises on Sunday, at any time, (except a convict Travelling with a regular pass, or in attendance upon his or her Master, or Employer, or having the written authority or order of such Master, or Employer) or after Eight o'clock at night, on any other day:- Nor do nor shall conceal or harbour, or knowingly assist in the concealment of any runaway convict or other offender for whom search is making by the proper authorities, or obstruct any Magistrate Constable, or any other person in making such search:- And to be inserted in the case of Public Houses in Hobart Town or Launceston, or within Two Miles of either of those Towns) Also, if the said [Name] do and shall keep one Lamp well trimmed, and a Light opposite to the entrance door in the front of the said licensed House, and in a line with the street fence, and at a distance of not less than seven, nor more than ten feet from the ground, throughout the whole of the Year, from Sunset to Sunrise:- Then this Recognizance shall be void BUT otherwise it is to remain in full force.

Taken and acknowledged before us the Day and Year first above written

Schedule C.

Form of Certificate of the Justices

Van Diemens Land.- At a General [or at an adjourned] Meeting of the Justices of the Peace acting in and for the Buckinghamshire (or Cornwall) Division of the Island of Van Diemens Land, holden at Hobart Town (or Launceston) on the day of September, one thousand eight hundred and [illegible] pursuant to an Act of His Excellency the Lieutenant Governor with the Advice of the Legislative Council made and passed on the twelfth day of September, One thousand eight hundred and twenty-eight:- These are to certify, that we have received a certificate signed by [Name] of [Place] [Name] of [Place] and [Name] of [Place] (being severally Householders) setting forth that [Name] of [Place] is well known to them as a person of good fame, and sober life and habits, and as a fit and proper person to be entrusted with a License to keep a Public House, and that we have taken from the said [Name] and from [Name] of [Place] and [Name] of [Place] (his or her Sureties) a Recognizance in the form prescribed, in and by the said Act, and we do approve of his (or her) receiving a License to keep a Public House and to sell therein, Ale Beer and other Malt Liquors, and Wine, Cider, Ginger Beer, Brandy, Rum, Gin, Whiskey, Cordials, and any other strong fermented or Spirituous Liquors, being the House in which he (or she) now dwells, having the sign of [Name the Sign] in [Name & Street] Street in [Name of Town] or, in the District of [Name of District]

[Add Memorandum when necessary, to the effect mentioned in Section XVIII.]

Schedule D.

Form of License:-

Whereas [Name] of [Place] hath caused to be deposited with me, a Certificate from the Justices of the Peace assembled at Hobart Town (or Launceston) on the day of September, instant, approving of his (or her) receiving a License (under the Act of His Excellency the Lieutenant-Governor, with the advice of the Legislative Council of this Islands, in that behalf made) to keep a Public House, and he (or she) hath also paid to me, the sum of Twenty-five Pounds, being the amount in that behalf provided:- Now Therefore, the said [Name] is hereby licensed to keep a Public House, and to sell in the same (being the House in

which he (or she) now dwells in [or at] in or District] having the sign of the Three Jars Bear; and other Malt Liquors and Wine Cider, Ginger Beer, Brandy, Rum, Gin, Whisky Cordials, and any other strong fermented or Spirituous Liquors Provided that good order and rule be maintained and kept in the said House, pursuant to the condition of the Recognizance entered into by the said [Name] and his sureties in that behalf and provided that the provisions of the said Act, under which this License is granted, be in all respects duly observed. This License to continue and be in force for One Year, (that is to say) from the twenty-eighth day of September instant, (being the day of the date hereof) until the Twenty-ninth day of September, in the Year now next ensuing, and no longer. Dated this Twenty eighth day of September, One thousand eight hundred and. (where it shall appear by the Justices Certificate, that a separate Tap-room has been approved of, subjoin as follows,, — "Memorandum, the said [Name] is permitted to keep "one Tap, or Tap-room, [described it as in Justices' certificate; and, if not in the House add] to be under the Management and Superintendence of [Name] a person for that purpose duly approved of.")

Hobart Town September 10th 1828.

I humbly certify to His Excellency the Lieutenant Governor that I have read the copy of a proposed Law or Ordinance written within upon twenty three Sheets of Paper on the margin of each of which I have set the initials of my name, and that I am of opinion that the same Law or Ordinance is not repugnant to the Laws of England but consistent therewith, so far as the circumstances of this Colony will admit.

Chief Justice of the Supreme Court of Vans Diemens Land

I humbly certify to His Excellency the Lieutenant Governor that I have perused (the) alterations made in the within written copy of a proposed Law or Ordinance since the date of my former Certificate and that I am of opinion that the same (with those alterations) is not repugnant to the Laws of England but consistent therewith so far as the circumstances of this Colony will admit.

Chief Justice of the Supreme Court of Van Diemens Land.
September 11th 1828.

Anno Nono Georgii IV Regis No. 3.

By His Excellency Colonel George Arthur Lieutenant-Governor of the Island of Van Diemens Land and its Dependencies with the advice of the Legislative Council.

[An act to Regulate Summary Proceedings before Justices of the Peace.]

Whereas inconveniences have arisen in summary proceedings before Justices of the Peace, from the want of a general form of conviction; and it is expedient to regulate all such proceedings, in the manner hereinafter mentioned — Be it therefore enacted by His Excellency Colonel George Arthur, Lieutenant-Governor of Van Diemens Land and its Dependencies, with the advice of the Legislative Council, that from and after the passing of this Act, in all cases wherein by any act or acts heretofore made and passed, or hereafter to be made and passed, any proceeding shall have been, or shall be, or is by this Act directed to be had, or matters or matter authorised to be heard and determined, by or before a Justice, or by or before two or more Justices, in a summary way, and no particular mode of proceeding shall have been, or shall be, by any such Act directed in that behalf, it shall be lawful for any one Justice, upon an information in that behalf exhibited before him, to summon all necessary parties and witnesses in the manner hereinafter mentioned; and upon the appearance of the Defendant, or his or her contempt by not appearing, such Justice, or any two or more Justices (as the case may require) shall or may

proceed to examine into and hear and
determine the matter in a summary way
and to examine upon oath all witnesses
produced therein, and to give his or their
judgment thereon; and, in ——— case such
Justice or Justices shall convict the
Defendant, and award against him or her
any fine or pecuniary penalty, and he or
she shall neglect to pay the same fine or penalty
together with the costs and charges of and
attending such conviction, to be assessed and
ascertained by the said Justice or Justices,
into the hands of the said convicting Justice,
or of one of the said convicting Justices
(in case there shall have been more than one
such Justice) within one week next after such
conviction, (without any previous demand
of such penalty) then it shall be lawful for
such Justice or Justices, or either of them, or
for any other Justice of the Peace (at his or
their discretion) to cause such fine or
penalty, and costs and charges, to be
levied by distress and sale of the goods
and chattels of the Offender, the overplus
after deducting the charges of such distress
and sale, to be rendered to the said Offender
or such Offender may by such convicting
Justice or Justices, or either of such Justices
or by any other Justice of the Peace be
committed by Warrant to one of His
Majestys Gaols, there to remain until
payment of the full amount of such Fine
or Penalty, and costs and charges; or
such Offender may be proceeded against
by both distress and sale, and by such commitment
also, (at the discretion of any such Justices
or Justice) until the whole of such Penalty
costs and charges, shall be satisfied.

III And be it further enacted, that
in all cases in which no other mode
of proceeding shall have been, or shall be,
in that behalf provided, the directing
of any Summons to any person whatsoever
in the name or names by which he or she
is or has been usually known, whether

the same be the real or the feigned or assumed name
or names of such person, and the leaving of such
Summons at his or her then last usual place of abode
or the affixing a copy thereof on one of the doors, or
some other conspicuous part on the outside of
such abode, [such service being proved on the
Oath of the person so serving such Summons,
and being also in like manner proved (to the
satisfaction of the sitting Justice or Justices, at
the hearing of the case) that the person so serving
such Summons, hath endeavoured to serve the
same on the party, but without effect; and
that there is reason to suspect and believe that
such party hath kept out of the way to avoid
such service,] — shall be deemed to be a legal
and effectual service on such party, as fully
to all intents and purposes, as if the same
Summons had been personally served on
such party, and as if the same had been
directed in his or her proper and real names
; — and that every Summons may direct the
party to appear, either before the Justice or
Justices issuing the same, or before any one
or more Justice or Justices generally, as the
case may require, (without naming any Justice)
provided that such Summons shall direct
the party so to appear, at a time and place
certain, to be named in such Summons

IIII And be it further enacted, that in all
cases in which any person shall be, or is now
entitled to appeal (from any Judgment, or
Conviction, of any Justice or Justices, under or
by virtue of any such Act as aforesaid, (and
no other mode of proceeding shall have been
or shall be in that behalf provided) then,
if such person (in case a pecuniary Penalty
shall have been awarded) shall pay
into the hands of the convicting Justice, or
one of the convicting Justices, (as the case may
be), the full amount of such Penalty,
together with the assessed Costs and Charges
within One Week next after such conviction,
— or, in case no pecuniary Penalty shall have
been awarded) shall within One Week next

after the date or time of such Judgment or Conviction had, enter into a Bond to the convicting Justice or Justices, to the use of His Majesty, his Heirs and Successors, with two sufficient Sureties to be approved by such convicting Justice or Justices, conditioned to prosecute such Appeal with effect, and to abide the event of the same Appeal, and to pay the full amount of all such Costs as shall be or may on such Appeal be awarded against the appealing party; then it shall be lawful for such person to appeal from such Judgment or Conviction, to the next General Quarter Sessions (unless such Sessions shall be held within Six Days next ensuing, and in that case to the General Quarter Sessions next but one afterwards); provided that the matter of every such Appeal shall be heard and determined by the Justices assembled and sitting at a Court, or Adjourned Court, of General Quarter Sessions, holden at such one of the places which shall or may be appointed for the holding of General Quarter Sessions as shall happen to be the place (or nearest to the place) where the Judgment or conviction appealed from shall have been had. And the Justices at such Sessions so assembled, shall hear and thereupon finally determine the matter of every such Appeal in a summary way; and their Judgment thereon shall be final and conclusive, to all intents and purposes, nor shall any Writ of Certiorari afterwards be allowed.- And such Justices at such Sessions so assembled, are upon such Appeal hereby authorised to award, in all cases, such Costs as to them shall appear proper to be paid by either party, not exceeding in the whole, the Sum of Ten Pounds, on any one Appeal; and in case the Appeal shall be allowed, and the Conviction or Judgment appealed from be quashed, then (in cases where a pecuniary Penalty was awarded) the whole amount of such Penalty, and of the Costs and Charges aforesaid, shall be forthwith ordered and levied to the party so appealing.

IV.- And be it further enacted, that if any person shall be summoned to appear as a Witness, to give Evidence before any such Justice or Justices, or before any Court of General or Quarter Sessions, touching any of the matters aforesaid, and shall neglect to appear at the time and place for that purpose appointed, without a reasonable excuse for such neglect, every such person shall, for every such offence, forfeit and pay a Penalty or Sum of not less than Five Pounds nor more than Fifty Pounds; which said Penalty shall or may be recovered by proceedings before any one Justice of the Peace, who is hereby authorised to hear and determine such offence in a summary way; and shall be levied, and go and be distributed, in the manner by this Act directed, with respect to all other cases by this Act intended to be provided for.

V.- And be it further enacted, that in all cases (except where a particular form of Judgment or Conviction shall have been or shall be by any such Act directed to be used in that behalf) a Judgment or Conviction in the Form, mutatis mutandis, (as the case shall happen to be) prescribed by the Schedules to this Act, marked A, shall be good, valid, and effectual, to all intents and purposes whatsoever; without setting forth or stating in any such Convictions, the name of any Informer, or Witness, or the particular place where the Offence was committed, or whether the Defendant appeared, or was or was not summoned to appear, and without setting forth or stating the evidence, or facts, in any further or more particular manner than shall be

necessary to shew, that the offence was one against the true intent and meaning of the Act, creating such offence:- and no Conviction whatsoever (whether under this or any other Act, and whether a particular form shall have been, or shall be, in that behalf directed, or not) shall be quashed in any case, for any mere error, or mistake, in any name, or date or title, or in any matter of description only; but in all cases, regard shall be had alone to the substantial merits and Justice of the case.

VI.— And be it further enacted, that in all cases where, by any Act a pecuniary Penalty of uncertain amount shall have been, or shall be, or is by this Act, imposed (that is to say) a Penalty or Sum of not less, nor more, than an amount in that behalf specified— the amount of every such Penalty (within the limits so prescribed) shall be in the discretion of the convicting Justice or Justices; and that every Penalty awarded by such Justice or Justices, shall in all cases (except where otherwise provided by any such Act) go and be distributed, one Moiety thereof to the use of His Majesty, and the other Moiety to the use of the Informer, or party prosecuting; who shall also be in all cases entitled to his or her costs and charges, over and above such Penalty, to be ascertained and assessed as aforesaid.

Signed Geo Arthur

Passed the Council this
Forty-fifth Day of September, 1828.

John Montagu
Clerk of the Councils

Schedule A

(Being the Form of Judgement or conviction by this Act required to be:-

Van Diemens Land— Be it remembered

that on this day of 18 [Name of the Place] was duly convicted before me A.B. or us A.B. and C.D., one [or two; or more as the case may be] of His Majesty's Justices of the Peace, upon an Information in that behalf exhibited before [Name of the Justice or Justices] on the day of now last past; for that on the day of 18 [State the fact or Offence in respect of which the Judgement or Conviction is had] and I [or we] do in pursuance of the Act in such case made and provided, intituled [or made for] [state either the Title or the principal subject of the Act] award, order, and adjudge, that [set forth the adjudication and (if awarding a Penalty) as follows:] the said [Offender] do for such Offence [where necessary, add, being his (or her) second or third, or subsequent Offence; as the case may be] forfeit and pay the sum of Pounds, to go and be distributed as in and by the said Act [or, if such Act shall not have specially provided for any distribution of such Penalty, here state the Title of the Act providing for such distribution] is provided; besides the costs and charges of, and attending, this conviction; which said costs and charges I [or we] the said Justice [or Justices] do hereby ascertain and assess at the Sum of.

Given under My hand and
Seal [or our Hands and Seals]
the Day and Year first
above written.

Hobart Town September 11th 1828.

I humbly certify to His Excellency the Lieutenant Governor that I have perused the within written draft of a proposed Law or Ordinance contained in nineteen pages of paper on the Margin of each of which I have set the Initials of my name and that I am of opinion that the same Law or Ordinance is not repugnant to the Law of England, but consistent therewith so far as the circumstances of this colony will admit.

Chief Justice of the Supreme
Court of Van Diemens Land

At a Meeting of the Legislative Council held at the Council Rooms Hobart Town the 22nd day of September 1828 at 12 O'Clock A.M.

Present

His Excellency the Lieutenant Governor
His Honor the Chief Justice
The Colonial Secretary
W. H. Hamilton Esq.
Thomas Archer Esq.

The Lieutenant Governor informed the Council that the Bills which he had intended to submit for the advice of the council this day, were not quite complete and he therefore found it necessary to adjourn the Council until the 30th Instant at 10 O'Clock

adjourned at 2 O'Clock P.M.

John Montagu
Clerk of the Council

At an adjourned Meeting of the Legislative Council held at the Council Room Hobart Town the 30th day of September 1828 at 10 O'Clock A.M.

Present

His Excellency The Lieutenant Governor (to present the two Bills)
His Honor the Chief Justice
The Colonial Secretary
W. H. Hamilton Esq.
Thomas Archer Esq.

Read the drafts of two Bills entitled "An Act to prevent the removal of Wines and Spirituous Liquors, without a Permit; and to make further Provisions to restrain the illicit Dealing in, and clandestine Importation of, such Liquors."
"An Act for the Licensing of Wholesale Dealers in Wines and Spirituous Liquors"

The further consideration of these Bills was deferred until 11 O'Clock tomorrow Morning

adjourned at 1 O'Clock P.M.

John Montagu
Clerk of the Council

At an adjourned Meeting of the Legislative held at the Council Rooms Hobart Town the 1st day of October at 11 Oclock A.M.

Present

His Excellency the Lieutenant Governor (to present the Bill)
His Honor The Chief Justice
The Colonial Secretary
W. H. Hamilton Esqr.
Thomas Archer Esqr.

Anno Nono. Georgii IV. Regis. No. 4.

By His Excellency Colonel George Arthur Lieut Governor of the Island of Van Diemens Land and its Dependencies with the advice of the Legislative Council

[An Act to prevent the removal of Wine and Spirituous Liquors, without a Permit; and to make further Provisons to restrain the illicit Dealing in, and clandestine Importation of such Liquors]

Whereas, it is expedient to make further provisions to restrain the illicit dealing in and retailing of Wine, and Spirituous Liquors and to prevent the clandestine importation thereof, without payment of Duty: Be it therefore enacted by His Excellency Colonel George Arthur Lieutenant Governor of the Island of Van Diemens Land and its Dependencies, with the advice of the Legislative Council, that if any person whatsoever shall after the fifteenth day of the present month of October, convey or remove, or cause or procure to be conveyed or removed or willingly and knowingly assist in conveying or removing (either by Land or by Water) any Wine, in any quantity equal to or above Three Gallons, or any Rum, Brandies or other Spirituous Liquors, in any quantity equal to or above One Gallon without having first obtained a Permit for such removal or conveyance of the same, he or she shall forfeit and pay a Penalty or Sum of not less than One Pound nor more than Fifty Pounds.

II.- Provided always, and be it further enacted, that nothing in this Act contained shall extend to or affect any person, in respect of the removal or conveyance of any such Liquors, between the hours of nine and four in the day time, from on board of any Ship or Vessel, to any lawful quay or other duly authorized landing place for Goods and Merchandize, by or under a sufferance, or other authority in writing, of or from the proper Custom House Officer; or the removal and conveyance of the same Liquors thereupon, to the House Warehouse Shop, or other place of deposit, of the Owner or Importer thereof; or in respect of the removal and conveyance of any Liquors from one part of any House, Warehouse, Shop, or other place of deposit, to another part of the same House or Premises; any thing therein contained to the contrary notwithstanding

III. And be it further enacted, that all and every such Liquors and Liquor, as shall be conveyed or removed contrary to the provisions of this Act, shall or may (with or without any special Warrant for that purpose) be seized by any Officer employed in the Collection of the Revenue, or any Constable, or other Peace Officer, or (under the especial authority of any Justice of the Peace) by any other person, either during, or at any time after, such conveyance or removal; together with the Package or Packages, and Vessel or Vessels, containing such

Liquors or Liquor, and the Carriage and Cattle, Boat, or Vehicle used in conveying the same; and, upon proof of the facts before any two or more Justices, such Justices shall adjudge such Liquors, and Package or Packages and Vessel or Vessels, and may (at their discretion) adjudge such carriage also, and Cattle and Boat, or other Vehicle, to be condemned; and thereupon the Articles so condemned, shall be sold by Public Auction, and the proceeds of such sale (after deducting incidental expences, to be approved of by such Justices), shall go and be distributed, one Moiety thereof to the use of His Majesty, and the other Moiety to the Informer or to and amongst the Informer, and the person or persons having seized the same, at the discretion of such Justices, and in such proportions as they shall think fit: Provided that the said convicting Justices may at their discretion, notwithstanding any such seizure, award that any such Carriage, and Cattle, Boat, or Vehicle, so seized, shall be restored to the Owner or Owners thereof; either on condition of Payment by such Owner or Owners, of a reasonable sum of Money to the Informer, or party or parties so seizing, or to both, or each of them (at the discretion of such Justice) or without such condition, or any other condition whatsoever.

IV And be it therefore enacted, that every Permit for the conveyance or removal of any such Liquors as aforesaid shall be (as nearly as may be) in the form contained in the Schedule to this Act, marked **A**; and be issued and signed by the Collector, or acting Collector of Internal Revenue for the time being, or by the person acting as assistant Colonial Treasurer at Launceston for the time being or by such other person or persons either at or for Hobart Town or Launceston or in or for other Districts, or places within this Island as shall respectively be for that purpose appointed from time to time by the Governor, Lieutenant Governor, or Person for the time being administering the Government; and in every such Permit there shall be set forth the Date, the particular places from and to which, respectively, the Liquors therein referred to, are to be conveyed or removed, and the particular kind and quantity of such Liquors, and the kind and number of Packages, or Vessels in which the same are contained, and a reasonable time for the conveyance and removal, and delivery, thereof shall be in and by such Permit mentioned; and limited (and every such Permit shall be in words at length) only.

V.— And be it further enacted that if any of such Liquors shall not be delivered within the time limitted in or by any such Permit (except in case of unavoidable accident to be proved by the Party removing, or having charge of, the same) or shall not be removed from, and delivered at or to, the place or places in that behalf respectively specified in and by such Permit, such Liquors shall be deemed and taken to have been removed and conveyed without a Permit, and be forfeited accordingly; and the party or parties conveying or removing, or knowingly assisting in conveying or removing the same be subject to the Penalty by this Act provided for removing Wine or Spirituous Liquors without a Permit:— And if any fraud or wilful deceit shall be practised in the obtaining of any Permit, or if any unauthorized alteration shall wilfully be made in any part thereof, such Permit shall be absolutely void, to all intents and purposes whatsoever.

VI And be it further enacted, that if any person employed in the carrying or conveying of any such Liquors as aforesaid (and having a Permit for the same) shall refuse or wilfully neglect to produce and

exhibit such Permit, to any Justice Constable or Peace Officer, or Officer of Revenue after demand thereof, he or she shall forfeit and pay a Penalty or sum of not less than Five Pounds, nor more than Fifty Pounds and if any such person, so employed as aforesaid, shall not on Jact after any such lawful demand thereof, produce and exhibit a Permit, authorizing the removal of the Liquors so carried or conveyed; the fact of such omission shall be received, as evidence that no valid Permit for such removal or conveyance was then in force or subsisting, and the seizure and detention of such Liquors shall, in all actions or proceedings for such seizure or detention, be held justifiable; and the Plaintiff in any such action, shall not recover, or be entitled to, any costs or damages therein; and in all proceedings or prosecutions under this Act, for removing or conveying Liquors without a Permit, it shall, for all purposes connected with such proceedings be assumed that there was no valid or subsisting Permit for such conveyance or removal, unless proof to the contrary shall be adduced by the Defendant, before the sitting Justices at the hearing of the case.

VII And be it further enacted, that for every Permit there shall be demanded and received by the person granting or issuing the same, (whether there shall be included within such Permit, one or more Package or Packages) the Sum of Six-pence:- Provided that no quantity of Liquors exceeding One Hundred and Fifty Gallons shall be included in any one Permit.

VIII And be it further enacted, that upon information on oath being made before any Justice of the Peace by any Constable or credible person, that he or she doth verily suspect and believe that any such Liquor or Liquors as aforesaid hath or have been, contrary to the provisions of this Act, removed or conveyed to any particular House, or other place, and such Constable or other person, shall in such Information set forth and shew, reasonable grounds for such belief and suspicion, then and in such case it shall be lawful for such Justice, in his discretion to grant his Warrant to any Constable, to enter into or upon such House or other place, in the day-time, and proceed to search the same; which said Constable may break open the doors of any such House or place, if not opened within a reasonable time after demand and seize all such Wine or Spirituous Liquors as he shall there find, and the Vessels or Vessels in which such Liquors shall be contained; and shall and may detain the same, until the owner thereof shall appear before the said Justice to claim such Liquors; and if it shall appear to the said Justice, after due inquiry and examination that such Wine or Liquors was or were not in fact, removed, conveyed, or delivered contrary to the provisions of this Act, then he shall cause such Liquors and Vessels or Vessels, to be forthwith restored to the person so owning the same; but if otherwise, then the same Wine or Liquors, and Vessel or Vessels shall or may forthwith be by such Justice adjudged to be condemned; and the same shall thereupon be sold, and the proceeds thereof be distributed, in the manner herein before in that behalf provided.

IX. And be it further enacted, that on the first Monday in every month of January, April, July, and October, after the passed Year, every Licensed Dealer in, or Retailer of, any such Liquors, as aforesaid, and every Licensed Distiller, shall make out and shall, within one week thence next ensuing cause to be delivered to the Collector or Acting Collector of Internal Revenue

(or other person or persons in that purpose to be appointed from time to time, by the Governor, Lieutenant Governor, or person administrating the Government, as aforesaid) a true and particular return, or account in writing, under his or her hand, of all and singular the quantities of all such Liquors as aforesaid, bought or imported or received or had, by him or her, during the preceding three calendar months, and of all and singular the quantities of such Liquors by him or her during the same period sold or exported, or exchanged, or otherwise disposed of, or delivered out (whether by Wholesale or Retail) and of the quantity of Liquor or Liquors then on hand; distinguishing in such account in all cases, the several kinds of such Liquors, and the names of the persons from whom, and particularly specifying the places from which, the several quantities of Liquor shall have been so bought, imported received, or had, and the places to which, and also (excepting in returns by Publicans respecting liquors retailed in quantities under five gallons) the names of the Persons to whom, the several quantities of liquor or Liquors shall have been so sold, or exported exchanged, or delivered, and the dates of such purchase, importation, or receipt; and sale exportation, exchange, or delivery, respectively and he or she shall also, within one week next following the said first Monday in the said months of January, April, July, and October, cause a true Copy of such return or account, to be delivered, to the Collector or Controller of Customs for the time being, at Hobart Town, at the Custom House there.

X.— And be it further enacted, that if any such licensed dealer, seller, publican, retailer, or distiller, shall neglect or omit to make out any such return or account as aforesaid, or to cause the same return or account, or such Copy thereof as aforesaid to be delivered as aforesaid respectively or shall knowingly insert or omit or cause to be inserted or omitted, any thing in any such account or return, contrary to or for the purpose of concealing the truth, he or she shall for every such offence, forfeit and pay a penalty or Sum of not less than Five Pounds, nor more than Fifty Pounds.

XI Provided always, and be it further enacted that it shall be sufficient for any licensed publican (in respect of all Liquors retailed by him or her in quantities under five gallons, at any one time) to specify, and he or she shall specify in every such return, as aforesaid, in respect of all Liquors so retailed in his or her licensed House, the gross amount or quantity of Liquors so retailed therein, in each week, during the quarter to which the account or return shall relate, provided that the gross amount of each kind of Liquor so retailed during each week be therein truly specified.

XII.— And be it further enacted, that in all proceedings by this Act directed to be had, on matters authorised to be heard and determined by or before any Justice or Justices, such proceedings shall be had, and such matters be so heard and determined, in a summary way:— And (in other cases) all offences against this Act not otherwise provided for, shall or may, upon information in that behalf exhibited, be also in a summary way heard and determined and all fines and penalties in respect of the same, be awarded and imposed, by any two or more Justices— Provided that every such Information shall be exhibited, or other prosecution under this Act be commenced within three calendar months next after the time of the offence committed.— And Provided also that no determination, award, or other adjudication, by any Justice or Justices, under this Act shall be enforced or carried into effect until after the expiration of one week thereafter the time of such determination award or adjudication.

XIII And be it further enacted, that in all

cases of seizures of Liquors, and vessels, or boats vehicles and cattle, under any of the provisions of this Act, if no Person shall appear to claim the same it shall be lawful for any Justice, or for two Justices (as the case may require), after notice for that purpose given, by advertisement inserted in three successive numbers of one of the Public newspapers, and after the expiration of one week next following the time of such third insertion, to proceed in respect of such seizure or seizures, in the same manner as if the owner had been duly summoned and appeared.

XIV.— And be it further enacted, that if any person shall feel aggrieved by any summary judgment or conviction under this Act, he or she shall be entitled to appeal therefrom, in the manner in that behalf provided in and by the Act intituled "An Act to regulate summary proceedings before Justices of the Peace."

XV. And be it further enacted, that the amount of all and singular the fees or sums of Money, paid or payable for Permits under and by virtue of this Act shall be reserved, and the same fees and sums are hereby reserved to His Majesty, his Heirs, and Successors, for the support of the Police Establishments of this Island, and shall go and be applied in aid of the Colonial Funds of this Island for that purpose, accordingly

Passed the Council the
First Day of October 1828

Schedule A

(Form of Permit.)

Whereas, [Name] of [Place] [Description] hath on behalf of [Name] of [Residence] in the said Island, [Description] applied to one for permission to remove [Kind and number of Vessels and Packages] containing [Quantity] of [Liquor] from [State particularly the Place] to [State particularly the Place]

This is to permit and authorize the removal of the said [Quantity of Liquor] in the said [Packages or Vessels] accordingly.

The present Permit to be in force, for and during days [or hours] from the date hereof (that is to say) for the present day and up and until [Day of the Week] the [Date] instant, and no longer.

Given under my Hand at [Place] the day of 18

Hobart Town September 1828

I humbly certify to His Excellency the Lieutenant Governor that I have perused the within written Copy of a proposed Law or Ordinance containing nineteen pages of paper on the margin of each of which I have set the initials of my name and that I am of opinion that the same Law or Ordinance is not repugnant to the Laws of England but is consistent with such Laws so far as the circumstances of this Colony will admit

Chief Justice of the
Supreme Court of Van Diemens
Land.

Anno Vicesimo Georgii IV. Regis No. 5

By His Excellency Colonel George Arthur Lieutenant Governor of the Islands of Van Diemens Land and its Dependencies with the Advice of the Legislative Council

[An Act for the Licensing of Wholesale Dealers in Wine, and Spirituous Liquors]

Whereas, the illicit retailing of Wine, and Spirituous Liquors by unlicensed persons, and the clandestine importation of such Liquors without payment of Duty, have been promoted, by the facility with which persons are enabled to become Dealers in those Liquors, and to sell the same in quantities not less than Five Gallons, without any License in that behalf being granted, or any entry of the places of keeping such Liquors being made: And it is expedient, therefore, to provide a remedy for those evils in future, in the manner hereinafter mentioned: Be it therefore enacted, by His Excellency Colonel George Arthur, Lieutenant Governor of the Islands of Van Diemens Land and its Dependencies, with the Advice of the Legislative Council, that from and after the first day of January now next ensuing, every Dealer in Wine, or in Brandy, Rum, Gin, Whiskey, Cordials, or any other Spirituous Liquors, not being a Licensed Distiller, or Retailer, shall annually obtain a License, in the manner and form hereinafter prescribed, under a Penalty of not less than Ten Pounds nor more than Fifty Pounds; and that every such Dealer, not being so Licensed under this Act who shall, after the said first day of January, sell or exchange any such Liquors, or shall, in or on any part of his or her House or Premises, permit or suffer any such Liquors to be sold or exchanged, in any quantity equal to or above Five Gallons, shall for every such offence, forfeit and pay a Penalty or Sum of not less than Ten Pounds, nor more than Fifty Pounds.

II.— And be it further enacted, that every person not being a Licensed Distiller, or Retailer, who shall at any one time import into this Island, for the purpose of sale or barter, or have in his or her custody, for either of those purposes, any quantity of such Liquors, exceeding the quantity of Twenty Gallons, shall, for the purposes of this Act, be deemed and taken to be a Dealer in such Liquors:— Provided that nothing herein contained shall extend to or affect any person, in respect of any such Liquors which shall have been bonâ fide imported, or brought for his or her own consumption merely;—or which shall not actually be landed within this Island.

III And be it further enacted, that every Dealer, or person desirous of obtaining a License under this Act, shall deliver or cause to be delivered to the Collector of Internal Revenue for the time being at his Office, or to such other person or persons, as shall for that purpose be from time to time appointed by The Governor Lieutenant Governor or person for the time being administering the Government of the Colony, a true and particular account in writing, or entry, under his or her hand, of all and singular the Storehouses, Houses, Shops, Rooms, Vaults, Cellars, and other places by him or her used, or intended to be used, for the sale or custody of all Liquors to be by him or her sold or disposed of.

IV And be it further enacted, that upon the receipt of such account or entry, and of the Sum of Ten Pounds, as the price of such License, the said Collector, or other person or persons for that purpose appointed as aforesaid, shall deliver to the person applying for the same a License in

the form contained in the Schedule of this Act Marked A. :- Provided always, that no such License shall be valid for any purpose until the same shall have been produced to and signed by the Police, or acting Police Magistrate, in or for the District within which such Dealer shall reside :- And provided also, that no License under this Act shall in any case be granted, to any person being here under sentence or order of Transportation without the express permission in writing of the Governor, Lieutenant Governor, or other Person administering the Government as aforesaid

V.- And be it further enacted that the duration of every License under this Act, shall (without reference to the time when granted) be until the first day of January next ensuing the date thereof, and no longer; nor, shall the holder of any such License, obtain or receive a License for the ensuing, or any subsequent Year, until he or she shall anew have caused an account in writing, or entry, to the effect in that behalf aforesaid, to be delivered to such Collector, or person for that purpose appointed as aforesaid.

VI.- And be it further enacted, that the said Collector or acting Collector of Internal Revenue, (or other Person or persons so appointed as aforesaid,) shall, within one week after the date thereof, transmit a true copy of every License so granted, (if the Dealer so licensed, reside within the Division of this Island called Buckinghamshire) to the Clerk or acting Clerk of the Peace at Hobart Town - or (if such Dealer reside within the Division called Cornwall) to the deputy or acting deputy of such Clerk at Launceston; by whom respectively, all such copies shall be carefully preserved

VII.- And be it further enacted, that no such License shall extend to authorize any such Dealer to sell or dispose of, or to have or keep for the purpose of sale or barter, any such Liquors, from, in, or upon any house, store House, Shop, room, cellar, vault or place, other than such as shall have been mentioned in such account in writing, or entry, as aforesaid; or in some other similar account in writing, or entry, under his or her hand, delivered to such Collector or acting Collector of Internal Revenue, or other person for that purpose appointed as aforesaid, nor, unless such last mentioned account or entry shall have been delivered, before any such sale or disposal of Liquor, or deposit of Liquors for sale or disposal shall have taken place :- Provided always, that nothing hereinbefore contained shall extend to, or affect, any such Dealer, by reason of any deposit in any of His Majesty's Bonded Stores, or Warehouses

VIII And be it further enacted, that notwithstanding the Act made and passed on the Twelfth day of September, now last past, for regulating the sale by Wine and other Liquors by Retail, - it shall be lawful for any dealer in wine (being a Dealer duly licensed under this Act) and he or she is hereby authorized (although not licensed under the said Act of the twelfth day of September) to sell any kind of Wine by retail provided always that the same be bonâ fide Bottled Wine, and be sold and delivered in reputed quart bottles, and be not so delivered or sold, in any quantity less than the quantity which shall be contained in one dozen of such bottles.

IX And be it further enacted, that all offences against this Act, shall, upon information in that behalf exhibited, be heard and determined in a summary way, and all fines and penalties in respect of the same be awarded and imposed by and before any two Justices of the Peace; - Provided that every such information shall be so exhibited, and every prosecution under this act be commenced within three calender months next after the time of the offence committed :- And, every person feeling aggrieved by any judgment or conviction of such Justices, shall be entitled to appeal therefrom, in the Manner provided by the Act, intituled - "An Act to regulate Summary Proceedings before Justices of the Peace." - And that in all prosecutions under this Act, the Defendant shall be deemed and taken to be unlicensed unless such Defendant shall produce and exhibit his or her license before the Sitting Magistrates

at the hearing of the case, or shall then and there produce other satisfactory proof of his or her being a licensed Dealer.

X.– And be it further enacted, that the amount of all and singular the fees or sums of Money, paid or payable for Licenses under and by virtue of this Act, shall be reserved, and the same fees and sums are hereby reserved, to His Majesty, His Heirs and Successors for the support of the Judicial Establishments of this Island, and shall go to and be applied in aid of the Colonial Fund of this Island for that purpose accordingly.

Signed Geo Arthur

Passed the Council, the First Day of October

John Montague
Clerk of the Council

Schedule A referred to in this Act

In pursuance of an Act of this Island in such case made, intituled [title of this Act] I have received an account in writing, or entry, under the hand of [Name] of [Place] [description] setting forth that [here insert the entry of Warehouses &c] are all the Storehouses, houses, shops, rooms, vaults, cellars, and places, used, or to be used by the said [name] for the sale or custody of Wine and spirituous Liquors:– And I have also received from him [or her] the sum of Ten Pounds being the amount in that behalf by the said Act provided.– The said [name] is therefore hereby duly licensed, as and to be a Dealer, under the said Act, in Wine and in Brandy, Rum, Gin, Whiskey, Cordials, and other spirituous Liquors, and to sell, exchange, or otherwise dispose of (in any quantity not less than five gallons) all or any of the said Liquors, in or upon all or any of the premises and places, in the said account or entry mentioned as aforesaid but not elsewhere.– This present License to continue and be in force until the first day of January, now next ensuing and no longer; as in and by the said Act is provided.

Given under my Hand,
this day of 18

I humbly certify to his Excellency the Lieutenant Governor that I have perused the within written copy of a proposed Law or Ordinance contained in 21 pages of paper on the Margin of each whereof I have set the Initials of my name together with the alterations which have been made in the said copy since it was first laid before me, and that I am of opinion that the same as it now stands altered is not repugnant to the Laws of England but consistent with such Laws so far as the circumstances of this Colony will admit.

Chief Justice of the
Supreme Court of Van
Diemens Land.–
Septr 23. 1828.–

Read the draft of a Bill entitled "An Act to provide for the conveyance and postage of letters"

The further consideration of this Bill was deferred until 3 O'Clock on the 4th.–

Adjourned at 1/4 before 8 O'Clock P.M.–

John Montague
Clerk of the Council

At an adjourned Meeting of the Legislative Council held at the Council Room Hobart Town (the 4th day of October 1828 at 3 O'clock P.M.

Present

His Excellency the Lieutenant Governor
His Honor The Chief Justice
The Colonial Secretary
W. H. Hamilton Esqr.
Thomas Archer Esqr.

Anno Nono Georgii IV Regis No 6

By His Excellency Colonel George Arthur Lieut. Governor of the Islands of Van Diemens Land and its Dependencies with the advice of the Legislative Council

[An Act to provide for the temporary Conveyance and Postage of Letters]

Whereas by An Act, made in the Parliament of Great Britain, in the Ninth Year of the Reign of Her Majesty Queen Anne intituled, "An act for establishing a General Post Office, for all Her Majestys Dominions, and for raising a Weekly sum out of the Revenues thereof for the service of the War, and other Her Majestys occasions," certain provisions were made, for the erection of one General Letter Office and Post Office for all Her Majestys Dominions, and for the appointment of one Master of such General Letter Office and Post Office by the name and style of Her Majestys Post Master General, with power and authority amongst other things, to settle Posts for the carrying and receiving of all Letters to and from all parts and places of and in Her Majestys Dominions as in and by the said Act is more particularly expressed: And whereas, no Post Route as yet has been settled or established by the Post Master General within this Island, and it is expedient until such Post shall be so settled, to make provision for the temporary conveyance and Postage of Letters, in the manner hereinafter mentioned: Be it therefore enacted by His Excellency Colonel George Arthur Lieutenant Governor of the said Island of Van Diemens Land and its Dependencies, with the Advice of the Legislative Council, that from and after the passing of this Act (and until His Majestys Post Master General shall, by virtue and in exercise of the powers and authorities in him in that behalf vested, erect and settle a Post in this Island) it shall and may be lawful for the Governor, Lieutenant Governor, or other person administering the Government for the time being, to settle erect, and establish for the receiving, despatching, carrying, conveying and delivering of Letters and Packets, from and in this Island and its Dependencies, one General Post Office at Hobart Town and such and so many Post offices, at other parts and places in the said Island and its Dependencies,— and to constitute and appoint one Principal Post Master and such and so many other Post Masters with such reasonable Salaries and allowances respectively and the same from time to time to remove and displace, and others to constitute and appoint in their stead,— and to settle and fix such rates and sums of Money, to be demanded and received by the said several Post Masters, for the receiving despatching, carrying, and delivering of Letters and Packets respectively, and the same rates and sums from time to time to increase, reduce, and vary— as to such Governor, Lieutenant Governor or person administering the Government shall seem expedient; and to make such rules and regulations, for the establishing and managing of the said several Post Offices, and the receiving, despatching, carrying and delivering, of such Letters and Packets, and the collecting and

receiving of the said rates and Sums, and from time to time to alter or vary any new rules and regulations, or to revoke the same, and make new or other rules and regulations in lieu thereof as such Governor Lieutenant Governor, or person administering the Government shall deem fit and proper.

II. Provided always, and be it further enacted, that such rates and sums to be so settled and fixed as aforesaid, shall not in any case exceed the rates and sums hereinafter set forth; that is to say:-

I.- For and upon every Letter or Packet, put or received into the General Post Office at, and intended for delivery in, Hobart Town, or into the Post Office at, and intended for delivery in, Launceston,-

Not weighing more than two ounces avoirdupois,	Weighing above two ounces and not more than four ounces,	Weighing above four ounces and not more than six ounces,	Weighing above six ounces and not more than eight ounces,
One Penny	Two Pence	Three Pence	Four Pence

2.- For and upon every Letter or Packet put into any Post Office, directed to a person, at a distance from such Post Office,-

Miles		Miles	Single	Double	Triple	Quadruple
			Pence	Pence	Pence	Pence
Above	1 - and not exceeding	10	3	5	6	8
Above	10 - and not exceeding	20	4	6	8	10
___	20 ___	30	5	8	10	13
___	30 ___	40	6	9	12	15
___	40 ___	50	7	11	14	18
___	50 ___	60	8	12	16	20
___	60 ___	70	9	14	18	23
___	70 ___	80	10	15	20	25
___	80 ___	90	11	17	22	28
___	90 ___	100	12	18	24	30
___	100 ___	110	13	20	26	33
___	110 ___	120	14	21	28	35

and so on, progressively, in the same proportion.

3.- For and upon every Letter or Packet, to or from any place beyond Sea (in addition to its appropriate inland Postage)

Single	Double	Triple	Quadruple
Three Pence	Four Pence	Five Pence	Six Pence

and so on progressively, in the same proportion.

III.- Provided always, and be it further enacted, that for the purposes of this Act, every Letter or Packet not weighing more than half an ounce avoirdupois (whether containing enclosures or not) shall be deemed single; and every Letter or Packet weighing more than half an ounce, and not above three quarters of an ounce, double; and every Letter or Packet weighing more than three quarters of an ounce, and not above one ounce, triple; and every Letter or Packet weighing more than one ounce, and not above one ounce and a quarter, quadruple; and so on, progressively (according to the weight of each Letter and Packet) in the same proportion;- and provided also, that no Letter or Packet, weighing more than eight ounces avoirdupois, shall in any case be carried or conveyed by or through any such Post Office.

IV.- Provided always, and be it further enacted that it shall be lawful for any Post Master to receive or take charge of any Packet of Letters or Paper Parcels, from any place beyond Sea, although such Packet or Parcel shall exceed eight ounces avoirdupois, in weight; so that every such Packet or Parcel shall be so received or taken charge of by way of deposit only, or for the purpose of safe custody thereof, until such Packet or Parcel shall be called for by, and be delivered to, the party intitled to receive the same; and that there shall be paid to and received by such Post Master upon such delivery by him, for and upon every such Packet and Parcel, such rate or sum of rates or sums, as shall be in that behalf settled and fixed from time to time by such Governor Lieutenant Governor, or person administering the Government, as aforesaid, not exceeding, for and upon each such Packet or Parcel (weighing not more than one pound avoirdupois) the Sum of six pence, or (if exceeding that weight) the sum of one shilling.

V.- Provided always and be it further enacted that nothing herein contained shall extend to authorize any charge for Postage on Newspapers

printed and published within this Island according to Law; but that all such Newspapers (if put up in covers, open at both ends, and not containing within the same, any Letter, Note, or Writing, either on such paper or otherwise) shall be received, conveyed, and delivered at, to, and from, every Post Office, free of all ~~ex~~postage whatsoever: And, provided also, that all Letters (actually and bona fide on the Public Service addressed to, or franked by, any of the Public Officers, or persons, who shall be in that behalf named, or exempted from Postage, in or by any of the regulations so to be made as aforesaid, and in the manner to be prescribed thereby; and all Letters under the weight of half an ounce, to or from any part of the United Kingdom, sent by, or addressed to, any person being here under Sentence or order of Transportation, and not holding a Ticket of leave, if concerning his or her private affairs, and sent under cover to, or franked by the Principal Superintendant of Convicts) shall also, in like manner, be severally received conveyed and delivered, at, to, and from, every Post-Office free of all postage.

VI. And be it further enacted, that no Letter, under the weight of half an ounce, from any Non-commissioned Officer, Seaman, or Private, employed in the Navy Army, Artillery, or Marines, shall (whilst so employed) be chargeable with a higher rate of Postage than One Penny, to be paid at the time of putting such Letter into the Post Office; provided that there be written upon the same, in the hand writing of, and signed by, his Commanding Officer for the time being, - his name, and the Ship, corps, regiment, or detachment, to which such person belongs; nor shall any Letter directed to any such non-commissioned Officer Seaman, or Private (if concerning his private affairs only, and specifying the Ship, or other particulars before mentioned) be chargeable with more than One Penny Postage, to be paid upon the delivery of such Letter.

VII. And be it further enacted, that all Deeds, or wills, and all Memorials of Deeds, Wills and Judgments bona fide intended for Registration according to Law (if inclosed within a cover marked on the outside thereof "Deeds &c. for Registration," and subscribed with the name of the party transmitting the same, and not containing within, or written on any part of the same, any Paper, Note, or Writing, which shall not wholly relate to such Deed, Will, or Memorial,) shall be chargeable with only one half of the amount of Postage, chargeable for or upon any other Packet of the same weight: Provided always, and be it further enacted that if any person shall wilfully or knowingly send to, or put or deliver into, or cause or procure to be sent to, or put or delivered into, any Post Office, or into the hands of any Post Master, or person employed in the receipt, carriage, or delivery, of Letters under this Act, any Letter or Packet having a cover marked as aforesaid, (and which shall not contain, in fact, solely and only some Deed, or Deeds, or Will, or Wills, or Memorial, or Memorials, then intended for Registration as aforesaid, or which shall contain any Paper, Note, or Writing, not wholly relating thereto) he or she shall, for every such offence, forfeit and pay a penalty or sum of not less than five pounds, nor more than twenty pounds

VIII And be it further enacted, that of all such Packets and Paper Parcels, so received or taken charge of by any Post Master, by way of Deposit, or for the purpose of safe custody only, as aforesaid, and also, of all other Letters and Packets duly conveyed to or put into any Post Office, or received by any Post Master, directed to persons within the limits of the District, or portion of this Island, for which such Post Master shall have been appointed, - every such Post Master shall, as soon as conveniently may be after any such receipt of any such Packets, or Parcels, or Letters, as aforesaid cause a list in writing to be made out and affixed on some conspicuous part of his Post Office, so as that the same list shall be legible by any person, on or from the outside of such Post Office; and shall cause such list, or a list of

such Packets, Parcels, and Letters, as shall from time to time remain for delivery to be so kept and affixed, fairly written and legible as aforesaid for the space of not less than thirty days thence next following; unless all the Packets, or Parcels, and Letters, therein mentioned shall have been previously delivered to the persons entitled to receive the same respectively: Provided that the Post Masters at or for Hobart Town, or Launceston, respectively shall, without any extra charge or remuneration, cause to be duly and carefully delivered (within such reasonable time as may for that purpose be appointed, by any of the said rules and regulations) all such Letters and Packets, not weighing more than eight ounces avoirdupois, as shall have been duly carried and conveyed to, or put or received into, his Post Office, or delivered to or received by him, as such Post Master, directed to any person at any place within the limits of the same Towns:— And every Post Master, who shall offend in any respect against any or either of the provisions in this section contained, as aforesaid shall forfeit and pay for every such offence a penalty or sum of not less than Five Shillings nor more than Fifty Pounds.

IX.— And be it further enacted, that every person appointed to be a Post Master shall, before the exercise by him of the duties of such Office, take and subscribe an Oath, for the due execution of such duties, before one of His Majesty's Justices of the Peace, which said oath such Justice is hereby authorized and required to administer, in the words following (that is to say) "I [Name] do swear, that I will not "willingly or knowingly open, detain or delay "or cause or suffer to be opened, detained, or delayed "any Letter, Packet, or Parcel, which shall come "into my hands, power, or custody, by reason of "my employment as a Post Master within "this Island; except by the consent of the person "or persons, to whom the same Letter, Parcel, or "Packet, shall be directed, or by an express warrant "in writing for that purpose, under the hand of "the Governor, Lieutenant Governor or person "administering the Government of this Island, for "the time being; or except in cases, where the party "or parties to whom such Letter, Parcel or Packet "shall be directed, or who shall be chargeable "with the payment of the Postage, shall refuse or "neglect to pay the same; and except such Letters, "Parcels, or Packets, as shall be returned for want "of true directions, or where the party or parties to "whom the same shall be directed, cannot be "found.— And I swear, that I will not in any "way embezzle or secrete any such Letter, Parcel, "or Packet.— So help me God.

X.— And be it further enacted, that any Post Master taking any such oath as aforesaid under the provisions of this Act, who shall wilfully forswear and perjure himself in such oath, and shall be lawfully convicted thereof, shall suffer such punishment, as by Law may be inflicted on persons convicted of wilful and corrupt perjury.

XI.— And be it further enacted, that if any Post Master, or person employed by or under a Post Master, or in the receiving, sorting, carrying conveying, or delivering of Post Letters, or otherwise in the Business of the Post Office, shall offend against, or wilfully neglect or omit to comply with or shall not observe and follow, all or any or either of the said rules and regulations, so from time to time made as aforesaid, he or she shall for every such offence, neglect or omission, forfeit and pay a penalty or sum of not less than Five Shillings, nor more than Fifty Pounds:— Provided always, that nothing in this section contained shall extend to any person, being here under sentence or order of Transportation; but that every such person, shall or may be punished for any such offence, neglect or omission as aforesaid in the same manner as such person might, or may, by law, be punished for disobedience of Orders, or neglect of Work.

XII.— And be it further enacted, that no person whatsoever employed in carrying conveying, or delivering Letters, under the

provisions of this Act shall, whilst bonâ fide engaged in such employment, be liable to, or chargeable with, the payment of any Ferryage or Ferry, Punt, or Turnpikes, Tolls, or Dues; either in going with, or returning after the delivery of Letters; but shall be and all such persons, whilst so engaged and employed are hereby expressly exempted from any such payment.

XIII.— And whereas, after the arrival of Vessels in the Ports or Harbours of this Island from parts beyond the Sea,— Letters directed to persons within this Island have been, in some instances a long time detained on board thereof:— Be it therefore enacted, that all Mails, Mail Bags, Letters, and Packets of Letters, and Paper Parcels, which shall or may at the time of the arrival of any Ship or Vessel, at any Port or place within this Island or any of its dependencies, be on board of such Ship or vessel, directed to any person or persons at any place within this Island or its Dependencies shall immediately upon the demand, or at the request of any such Post Master as aforesaid, or, (in case of his sickness, or inability to attend) of any person for that purpose appointed by, or otherwise duly acting for him, be delivered up to such Post Master, or person; [excepting always, Letters and Packets concerning any Goods on board of such Vessels, and to be delivered with such Goods,— and excepting also, Letters and Packets containing Commissions Affidavits, Writs, and other legal proceedings, or returns thereof; and all letters and packets sent by any private friend or friends, by way of introduction only, or in the way of his or their journey or travel, or concerning his or their private affairs]:— And, if any Master, Passenger, or other person, on board of such Vessel, shall wilfully or knowingly detain, or have on board of such Vessel, or keep in his or her possession, any such Mail, Mail Bag, Letter, Packet, or Parcels (except as aforesaid) after such demand or request made by any such Post Master, or person acting as aforesaid, he or she shall forfeit and pay for every such Letter, Packet or Parcels, so detained, had or kept,— a penalty or sum of not less than one pound nor more than Five Pounds.

XIV.— And, in order to encourage the due and expeditious delivery of all such Letters Parcels and Packets:— Be it further enacted, that every Master, or other person, on board of any such Ship or Vessel as aforesaid, shall be entitled to receive, at any time after the expiration of twenty four hours next after the arrival of such Vessel, from the Post Master, or person acting as aforesaid, to whom he shall, upon such demand as aforesaid of the said Post Master, or other person, or without such demand deliver Letters, Parcels, or Packets, directed to persons within this Island, or any of its Dependencies, (and such Post Master or person so acting as aforesaid, is hereby required to pay to such Master or person) the sum of one penny for every such Letter, Parcel, and Packet [excepting always, Letters, Parcels, and Packets bonâ fide written and addressed on the Public Service or addressed to the Governor, Lieutenant Governor or person administering the Government as aforesaid] which he shall so deliver as aforesaid.— Every such Master, and person signing a certificate of the number of such Letters, Parcels, and Packets, delivered; and mentioning therein by what Vessel they came, and the time when he so delivered the same; and also giving a receipt; for such money as he or they shall have received from such Post Master, or person as aforesaid, in respect thereof; which receipt shall be to such Post Master or person, a sufficient acquittance, or voucher, for the amount of the sum or sums of money expressed therein; and the same sums shall be allowed to such Post Master in account accordingly.

XV.— And whereas, Masters and other persons having the charge or command of Vessels departing from this Island, have in some cases refused to receive on board, such Vessels,— and in other cases, having received on board, have refused to convey therein,— Letters and Packets from persons within this Island or its Dependencies directed to persons at places beyond the Sea;—

wherely great damage and inconvenience have in those cases been sustained by Merchants, and other persons:— Be it therefore enacted that if any Master, or person having the charge or command of any Vessel, about to depart from this Island, shall (after being thereunto required by any such Post Master, or person duly acting for such Post Master as aforesaid) refuse, or wilfully neglect, to receive on board such Vessel, any Male, Mail Bag, or Packet of Letters, directed to,— or to or for any person at,— any Port or place beyond the Sea for which such Vessel shall then be bound, or shall at any time refuse or neglect carefully to deposit any such Male, Mail Bag, or Packet of Letters, in some secure place on board of such Vessel,— or to convey the same upon and for her then intended voyage.— such Master, or person having such charge or command, shall for every such Offence, forfeit and pay a penalty or Sum of not less than Fifty Pounds, nor more than Two Hundred Pounds: to be recovered in a summary way, by or before two Justices, in the manner and form prescribed by the Act, intituled "An Act to regulate Summary proceedings before Justices of the Peace." And if any such Master, or person having such charge or command,— after having received on Board his Ship or Vessell any such Mail, Mail Bag, or Packet— shall willfully neglect duly to deliver the same, or either of them on arrival at the Port or Place to or for which the same shall be directed, as aforesaid; to the Post Master General, Vice Consul, or other proper Officer, or person, there appointed to receive or take charge of such Mails, Letters, and Packets — such Master, or person having such charge or commands, shall for such last mentioned Offence, forfeit and pay the penalty or sum of Five Hundred Pounds; to be recovered by action at Law, at the suit of any person who shall sue for the same; and be applied, one Moiety thereof to the use of His Majesty, and the other to the use of the party so suing.

XVI.— Provided always and be it further enacted that every such Master, or person in charge of any such Vessells as last aforesaid who shall duly receive on board thereof any such Mails Male, Bag, or Packet for the purpose of conveying the same according to the direction thereof, shall be entitled immediately to demand and receive from the Post Master, or person from whom he shall so receive the same (and such Post Master, or person is hereby required to pay to him) a Sum of Money for the carriage thereof, equal to, or at and after the rate of, One Penny for every Letter contained in every such Mail, Mail Bag, or Packet;— (excepting always in respect of Males, Mail Bags, and Despatches from the Governor, Lieutenant Governor, or person administering the Government as aforesaid, or other Letters, or Packets, bonâ fide written and addressed on the Public Service); such Master or person giving to such Post Master, a receipt for the sum of Money so paid by him, which said receipt shall be a sufficient voucher to such Post Master for such payment, and the same shall be allowed to him in account accordingly.

XVII.— And be it further enacted, that if any person shall willingly, or knowingly open detain, or delay, or cause, procure, permit, or suffer, to be opened, detained, or delayed,— any Letter, Parcel, or Packet, after the same shall have been delivered into any Post Office, or into the hands of any person employed in the receiving, carrying or delivering of Letters or Packets, under this Act— and before delivery to or for the use of, the person to whom such Letter, Parcel, or Packet, shall be directed,— except by or under an express warrant in writing, in that behalf, under the hand of the Governor, Lieutenant Governor, or person administering the Government as aforesaid, or except in cases, where the party or parties to whom such Letter, or Packet shall be directed or who shall be chargeable with the payment of the Postage thereof, shall refuse or neglect to pay such Postage,— and except such Letters or Packets as shall be returned for want of

true directions, or where the party or parties to whom the same are directed cannot be found) — or shall embezzle any Post Letter or Packet, such person shall, for every such offence forfeit and pay a penalty or sum of not less than five Pounds, nor more than Fifty Pounds, — and every such person so offending shall be for ever incapable of having, exercising, or enjoying, any office trust, or employment, in or relating to the Post Office or any branch thereof.

XVIII. And be it further enacted, that if any person shall steal and take from any carriage, or from the possession of any Post Master or any person employed to convey Letters sent by the Post, from or in this Island or from out of any Post Office, or House or Place for the receipt or delivery of Letters or Packets, or Bags, or Mails of Letters, sent or to be sent by such Post, — any Letter or Packet, or Bag or Mail of Letters, (sent or to be sent by such Post), — or shall steal and take any Letter or Packet out of any such Bag or Mail, — every person so offending (being thereof duly convicted) shall be adjudged guilty of Felony.

XIX. And be it further enacted that all offences against this Act, or against any or either of the said rules and regulations in respect of which said offences any pecuniary fine or penalty is by this Act imposed, (and no other provision for recovery thereof is hereinbefore in that behalf made) shall or may be heard or determined, and such fines and penalties be awarded and imposed, in a summary way, by or before any two Justices upon Informations in that behalf exhibited; and that all such fines and penalties, so awarded and imposed by any such Justices, shall go and be distributed, — And all persons aggrieved by any summary judgment or conviction under this Act, shall be entitled to appeal therefrom, — in the manner provided respectively, in and by the Act intituled "An "Act to regulate summary proceedings before "Justices of the Peace"

XX. And be it further enacted, that the amount of all and singular the rates and fees received or payable, for or in respect of Postage under and by virtue of this Act, shall be from time to time paid over by the said several Post Masters, to such person or persons, and at such time or times, and in such manner, as shall by the Governor Lieutenant Governor, or person administering the Government as aforesaid, be from time to time for that purpose appointed; and the same rates and fees, or sums shall be, and the same are hereby reserved to His Majesty, his Heirs, and Successors, in the first place for the maintenance and support of the said several Post Office Establishments, under this Act, and the surplus (if any) to and for the construction and repairs of Roads and Bridges throughout this Island; and the same rates and fees or sums shall go to and be applied for those purposes, accordingly.

(Signed) Jos Anstey

Passed the Council, the
Fourth Day of October, 1828.

John Scott
Clerk of the Council

Hobart Town Sept:

I humbly certify to His Excellency the Lieutenant Governor that I have perused the within written draft of a proposed Law or Ordinance contained in thirty three pages of paper on the margin of each whereof I have set the initials of my name and that I am of opinion that the same Law or Ordinance is not repugnant to the Laws of England but consistent with such Laws so far as the circumstances of this Colony will admit.

Chief Justice of the Supreme
Court of Van Diemens Land

Rose up at ½ past 4 o'clock P.M.

At a Meeting of the Legislative Council held at the Council Room Hobart Town the 24th day of December 1828 at 0 o'Clock P.M.

Present

His Excellency the Lieutenant Governor
The Colonial Secretary
W.H. Hamilton Esqre
Thomas Anstey Esqre
Edward Abbott Esqre

The Lieutenant Governor laid before and read to the Council His Majesty's Warrant bearing date the ninth of May 1828 revoking and annulling His Royal Warrant of the 10th day of September 1825 and the nominations and appointments therein made and to nominate and appoint

John Lewes Pedder Esqre Chief Justice
John Burnett Esqre Colonial Secretary
William Henry Hamilton Esqre
Adolarius W.H. Humphreys Esqre
Thomas Anstey Esqre
Thomas Archer Esqre
Edward Abbott Esqre

to be members of the Legislative Council of the Island of Van Diemens Land and its Dependencies and submitted to the Council a Proclamation of this date which His Excellency had issued notifying the Royal pleasure and the receipt of the Warrant in this Island

The following Oaths were then administered to the members present before His Excellency the Lieutenant Governor in Council.

1st The Oath of Allegiance
2nd The Oath of Supremacy
3rd The Oath of Abjuration
4th The Oath of Office
The Declaration against Transubstantiation

The Lieutenant Governor then laid before the Council a Dispatch from the Right Honorable the Secretary of State for the Colonies dated the 31st July 1828 Signifying His Majesty's disallowance of the Act of the Legislative Council entituled "An Act to regulate the Printing and Publishing of Newspapers and for the prevention of blasphemous and seditious libels" and submitted to the Council his Proclamation of this date to notify and publish the said disallowance

Anno Nono
Georgii IV. Regis
No 7

By His Excellency Colonel George Arthur Lieutenant Governor of the Island of Van Diemens Land and its Dependencies with the advice of the Legislative Council

[An Act to regulate the Printing and Publishing of Newspapers]

the printing

Whereas it is expedient to make provision for restraining and publishing of blasphemous and seditious Libels, and preventing the mischiefs which may arise from the printing and publishing of Newspapers by Persons unknown:

Be it therefore enacted by His Excellency Colonel George Arthur Lieutenant Governor of the Island of Van Diemens Land and its Dependencies, with the advice of the Legislative Council, That from and after the first day of January 1829, no person shall print or publish, or cause to be printed or published, within this Island, any newspaper, until he or she shall have delivered, or caused to be delivered to the Colonial Secretary at his Office, such affidavit or affirmation as is hereinafter in that behalf required, made and signed as hereinafter in that behalf mentioned, and containing the several matters and things herein after in that purpose specified.

VI And be it further enacted, that every paper commonly called, or serving the purpose of a Newspaper, and

every paper and pamphlet either in the whole or in part containing Public News or intelligence, or occurrences, or any remarks or observations thereon, or upon any act, measure, or order of Government, or upon any matter of Government, - and which shall be published periodically, or in parts or numbers, at intervals not exceeding 90 days between the publication of any two such papers or pamphlets, or parts or numbers (where any of the said papers or pamphlets or parts or numbers shall not exceed three sheets of paper) shall be deemed and taken to be a Newspaper, within the true intent and meaning of this Act.

III And be it further enacted, that no quantity of paper, less than a quantity equal to 31 inches in length and 22 inches in Breadth (in whatever way or form the same may be made, or may be divided into leaves or in whatever way the same may be printed or published) shall be deemed or taken to be a sheet of paper within the meaning of this Act, and that no cover or blank leaf shall, for the purposes of this Act be deemed or taken to be a part of any such Newspaper, paper, or pamphlet, or part, or number as aforesaid.

IV And, in order to avoid the use of numerous Terms in this Act and to prevent misconstruction of the Terms used herein, - Be it enacted that the terms "Governor" or "Lieutenant Governor" shall be construed to mean, the Governor, Lieutenant Governor, or other person lawfully administering the Government of this Island for the time being: - That the term "Colonial Secretary", and all other terms used herein descriptive of any Public Officer shall be construed to mean the Colonial Secretary or Public Officer mentioned or the person acting as Colonial Secretary or as such other Public Officer for the time being: - That the terms "Publisher" shall be construed to mean the first or original Publisher of any Newspaper: - That the term "this island" shall be construed to mean, the Island of Van Diemens Land and the Dependencies thereof: - That the term "Printing Office" shall be construed to mean the house or place where the Newspaper referred to in the Sentence shall be printed or where the last Affidavit (to be delivered as hereinafter is mentioned) shall declare that the same is intended to be printed. - And that the terms "Affidavit" or "Affirmation" (if only one be necessary) and her or more respectively Affidavits or Affirmations (if more than one be in the particular sentence required or intended)

V And be it further enacted, that in every such Affidavit or Affirmation as aforesaid shall be set forth in words at length the real and true names, additions, descriptions, and places of abode respectively, of all and every the persons and person who are and is intended to be the printers or printer and publishers or publisher of the Newspaper proposed or intended to be printed and published and of all the proprietors of the same; and a true description of the Printing Office or House or Place wherein any such Newspaper is intended to be printed and published; and likewise, the title of such Newspaper.

VI And be it further enacted that every such Affidavit or Affirmation shall be in writing and signed by the person or persons making or affirming the same; and shall be taken by or made before the Colonial Secretary who is hereby authorized to take such Affidavits upon the oath or Oaths of the person or persons making the same, - and such affirmations, (in the case of persons commonly called Quakers) and such Affidavit or Affirmation shall be required from, and be sworn or affirmed by all and every the Printers or Printer and Publishers or Publisher and Proprietors or Proprietor of the Newspaper to which the same shall relate who shall be adult and resident within this Island.

VII And be it further enacted, that an Affidavit or Affirmation of or to the like purport and effect shall be in like manner made signed and delivered as often as either of the printers or publishers or proprietors named in any such affidavit or affirmations shall be changed or shall change his or her place of abode or Printing Office, and as often as the title of the Newspaper shall be changed and as often as the Governor or Lieutenant Governor shall see cause for requiring such new or subsequent Affidavit or Affirmation and shall give notice in writing signed by the Colonial Secretary that he doth require the same; Such notice to be left at such Printing Office as in the Affidavit or Affirmation last delivered is mentioned as the Printing Office or place at which the Newspaper to which such notice shall relate is printed

VIII And be it further enacted that if any person shall print or publish or shall knowingly and wilfully sell retail or circulate any Newspaper such Affidavit or Affirmation containing such matters as by this act are in that behalf required not having been duly signed made and delivered when and as often as by this act is required he or she shall forfeit and pay for every such offence a penalty or sum of One hundred pounds

IX And be it further enacted that if any person making such Affidavit or Affirmation as by this act is required shall knowingly and wilfully insert or set forth therein the name or names, addition or additions or place or places of abode of any person as proprietor printer or publisher of any Newspaper to which such Affidavit or Affirmation relates who is not a proprietor, printer or publisher thereof, - or shall knowingly and wilfully omit to mention in such Affidavit or Affirmation the name or names, addition or additions and place or places of abode of any of the Proprietors Printers or Publishers thereof contrary to the true meaning of this act, - or shall knowingly and wilfully in any other manner or respect set forth in such Affidavit or affirmations any matter or thing by this act required to be set forth otherwise than according to the truth or shall knowingly or wilfully omit to set forth therein according to the truth any matter or thing required by this act to be therein set forth, every person so offending shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury

X And be it further enacted, that every such Affidavit and Affirmation as is herein before required shall be filed and kept in the office of the Colonial Secretary; and the same or copies there of certified as hereinafter mentioned shall respectively in all proceedings Civil and Criminal touching the Newspaper to which the same shall relate or touching any matter or thing contained in such Newspaper be received and admitted (with regard to all the matters set forth in such Affidavits or Affirmations, and by this Act required to be therein set forth,) as conclusive evidence of the truth of those matters against every person who shall have signed and sworn or affirmed the same

XI Provided Always and Be it and it is hereby further enacted that if any such person against whom any such affidavit or affirmation or any copy there of shall be offered in evidence shall prove that he or she hath signed and sworn or affirmed and delivered to the Colonial Secretary previously to the day of the date of the Newspaper to which such proceedings as last aforesaid shall relate an Affidavit or Affirmation that he or she hath ceased to be the printer, or publisher, or proprietor (as the case may be) of such Newspaper as last aforesaid, - such person shall not be deemed by reason of any former Affidavit or Affirmation to have been the Printer or Publisher, or Proprietor of such Newspaper at any time after the day on which such last mentioned Affidavit or Affirmation shall have been so delivered to the Colonial Secretary as last aforesaid -

XII And be it further enacted that in some part of every Newspaper there shall be legibly printed the true name and names addition and additions and place and places of abode of the Printer and Printers and Publisher and Publishers of the same and also a true description of the Printing Office or place where the same Newspaper is printed; - And if any person or persons shall print or publish any Newspaper not containing all the particulars in this clause mentioned, he or she shall for every such offence forfeit and pay a penalty or sum of One Hundred Pounds and proof made in manner herein mentioned in any proceeding to recover the same that the party proceeded against is a Printer or Publisher of a Newspaper so printed or published as aforesaid shall be deemed and taken to be proof that such Party is a person wilfully and knowingly printing or publishing or causing the same to be printed or published unless he or she shall satisfactorily prove the contrary there of

XIII And be it further enacted that it shall not be necessary after any such affidavit or affirmation or certified copy shall have been produced in evidence as aforesaid against any person who signed and made the same [and after any Newspaper shall be produced in evidence, intituled in the same manner as the Newspaper mentioned in such

affidavit or affirmation or copy is intituled and wherein the name or names of the Printer or Publisher or Printers or Publishers and the Printing-Office shall be the same as the name or names of the Printer or Publisher or Printers or Publishers and the Printing Office mentioned in such affidavit or affirmation] for the Plaintiff in any action or Prosecutor upon any indictment or informations or for any person seeking to recover any Penalty given by this act to prove that the Newspaper to which the case relates was purchased or received at, or had from any house shop or place belonging to or occupied by the Defendant or by his or her servants or workmen, or was in any manner purchased or received or had from any such Defendant or his or her servants or agents or workmen or any of them

XIV And be it further enacted that service at the house or place mentioned in such Affidavit or Affirmation as aforesaid as the house or place at which such Newspaper to which any proceedings Civil or Criminal shall relate is printed and published or intended so to be of any legal notice, summons, sub-pœna, rule, order or process to, for or against any Printer or Publisher or Proprietor of such Newspaper shall be deemed to be good service respectively against every person named in such Affidavit or Affirmation as aforesaid as the Printer or Publisher or Proprietor of the Newspaper mentioned in such Affidavit or Affirmation

XV Provided Always and be it further enacted, that if any person shall have signed and sworn or affirmed and delivered to the Colonial Secretary previously to the day of the date of the Newspaper to which the case shall relate any Affidavit or Affirmation that he or she hath ceased to be the printer, publisher or Proprietor (as the case may be) of such Newspaper and shall make proof thereof then such person shall not be deemed by reason of any former Affidavit or Affirmation to have been the Printer, Publisher or Proprietor of such Newspaper at any time after the day on which such last mentioned Affidavit or Affirmation shall have been delivered to the Colonial Secretary as last aforesaid

XVI And be it further enacted that the Colonial Secretary upon application made to him by any person requiring a Copy certified according to this Act of any such Affidavit or Affirmation as aforesaid in order that the same may be produced in or upon any Civil or Criminal proceeding shall deliver to the person so applying for the same such certified Copy; he or she paying for the same the sum of one Shilling and no more

XVII And Whereas in many cases it may be impossible or highly inconvenient for the Colonial Secretary to attend personally in order to prove upon any trial or other proceeding the facts of the signing swearing or affirming and delivering of any Affidavit or Affirmation in the manner by this act in that behalf prescribed; Be it therefore enacted that in all cases a copy of any such Affidavit or Affirmation certified to be a true copy under the hand of the Colonial Secretary in whose possession the same shall then be shall (upon proof that such certificate was signed by such Colonial Secretary) be received in evidence as and shall be sufficient proof of the contents of such Affidavit or Affirmation and that the same was duly signed and sworn or affirmed and delivered according to this act, and such certified copy shall have the same effect for the purposes of evidence to all intents and purposes whatsoever as if the original Affidavit or Affirmation of which it purports to be a copy had been produced in evidence and been in the ordinary manner proved to have been so signed and sworn or affirmed and delivered by the person or persons appearing by such copy to have sworn or affirmed the same

XVIII And be it further enacted that from and after the said first day of January the Printer or Publisher of every Newspaper shall upon every day upon which the same shall be published or within ten days afterwards deliver to the Colonial Secretary at his office or to some person appointed by him there to receive the same one copy of the Newspaper so published signed by the printer or publisher thereof with his name and place of abode, which Newspaper shall be carefully kept by the said Secretary or such other person so appointed; for which said copies such printer or publisher shall be entitled to demand and receive from the Colonial Secretary

or such other person so appointed once in every three months the amount of the ordinary price of the Newspapers delivered during that period, and if the Printer and Publisher of any such Newspaper shall neglect or omit to deliver one Copy of such Newspaper in the manner hereinbefore directed such printer and publisher shall for every such offence forfeit and pay the Penalty or Sum of One hundred Pounds

XIX And be it further enacted that if any person shall make application to the Colonial Secretary or other person so to be appointed as aforesaid in order that a copy of any such Newspaper so signed as aforesaid may be produced in evidence in or upon any proceeding Civil or Criminal the said Secretary or other person shall (at the expense of the person so applying) at any time within two years from the publication thereof either cause the same Newspaper to be produced at the time and place for which the same is so required or shall deliver the same to the person so applying he the said Colonial Secretary or other person so appointed taking in his discretion reasonable Security (at the expense of the Applicant) for the returning of the same Newspaper to him within a reasonable time, and if by reason of the same having been previously required by any other person for the like purpose the said Newspaper cannot then be so produced or delivered then the Colonial Secretary, or the said other person so appointed shall cause the same to be produced or shall deliver the same so soon afterwards as he may be enabled so to do

XX And be it further enacted that if any person or persons shall file any Bill in any Court of Equity for the discovery of the names of the persons concerned in the property of any such Newspaper as aforesaid as the Printer Editor or Publishers thereof or for the discovery of any matters relative to the printing or publishing thereof in order to enable him her or them the more effectually to bring or carry on any suit or action for damages by him or her alleged to have been sustained by reason of any libellous matter contained in such Newspaper it shall not be lawful for any such Defendant to plead or demur to such Bill but he or she shall be compellable to make the discovery thereby required. **Provided Nevertheless** that such discovery shall not be made use of as evidence or otherwise in any other proceeding than that for which the discovery is made

XXI And be it further enacted that from and after the first day of March One thousand eight hundred and twenty nine no person shall print or publish any Newspaper until he or she shall have entered into a Recognizance before the Chief Justice of the Supreme Court of Van Diemens Land together with two or three sufficient sureties to the satisfaction of the said Chief Justice the person intending to print or publish such Newspaper in the sum of Four hundred pounds and his or her sureties in a like sum in the whole conditioned that such printer or publisher shall pay to His Majesty his heirs and successors every such fine or penalty as may at any time be imposed upon or adjudged against him or her by reason of any conviction for printing or publishing any blasphemous or seditious libel, at any time after the entering into such Recognizance: And every person who shall print or publish any Newspaper without having entered into such Recognizance with such sureties shall for every such offence forfeit and pay the penalty or Sum of Twenty Pounds

XXII Provided Always, and be it further enacted that if any such surety or sureties shall be at any time desirous of withdrawing from such Recognizance it shall be lawful for him or them so to do upon giving twenty days previous notice in writing to the Colonial Secretary at his Office, and also the like notice to the Printer or Publisher for whom he or they is or are Surety or Sureties, and that in such case from and after the expiration of the said twenty days every such surety shall cease to be liable upon the said Recognizance for any fine or penalty to be imposed or incurred in respect of any offence which may after the said expiration of the said twenty days be committed by such Printer or Publisher and for which fine or penalty the said surety or sureties would otherwise have been liable. **Provided** that the giving of such notices shall not be deemed or taken even after such expiration of the said term of twenty days to exempt any such surety from his liability under the said recognizance for the payment of any fines and penalties which may have been incurred or may be imposed in respect of any offence or offences committed by such printer or publisher before such expiration of such term and for the payment of which such surety would have been liable, in case such notice had not been given; any thing herein contained to the contrary

notwithstanding

XXIII *And be it further* enacted that after such notices so given as last aforesaid, and after the expiration of twenty days from the day of the date of such notices the person for whom any such surety shall have been bound shall not print or publish any such Newspaper as aforesaid until he or she shall have entered into a new recognizance with sufficient sureties in manner and to the amount aforesaid and if he or she shall at any time after the said expiration of the said twenty days print or publish any such Newspaper without having entered into such new recognizance as aforesaid he or she shall forfeit and pay for every such offence the penalty or sum of Twenty Pounds

XXIV *And be it further* enacted that in case any surety in any such recognizance shall at any time afterwards be declared insolvent under any law containing any provision for declaring insolvencies or shall be discharged under any law made or to be made for the relief of Insolvent Debtors, then the person for whom such surety shall have been bound shall not print or publish any such Newspaper until he or she (the said printer or publisher shall have entered into a new Recognizance with sufficient sureties in the manner and to the amount aforesaid provided that he or she shall be required so to do by a notice in writing signed by the Colonial Secretary and left at such place as is mentioned in the Affidavit or Affirmation last made as the place at which the said Newspaper to which such notice shall relate is printed And in case he or she shall print or publish any such Newspaper without having entered into such new recognizance with sureties as aforesaid (having been first required in manner aforesaid so to do) he or she shall forfeit and pay for every such offence the penalty or sum of Twenty Pounds

XXV *And be it further* enacted that a Certificate of every first or original and every new Recognizance which shall be entered into by virtue of this Act shall be sent by the proper Officer for recording the same to the Colonial Secretary as soon after such Recognizance shall be recorded as conveniently may be.

XXVI *And be it further* enacted that all fines and penalties imposed by this act exceeding the sum of twenty pounds shall be recovered by Action of Debt in the Supreme Court of Van Diemens Land; wherein no essoign, protection, wager of law, or more than one imparlance shall be allowed such penalty to be when recovered (as to one moiety thereof) to and for the use of His Majesty, his heirs and successors and (as to the other moiety) to and for the use of such person as shall first inform or sue for the same; and that all fines and penalties imposed by this Act not exceeding Twenty pounds shall on proof of the Offence before any two Justices of the Peace (such offence to be by them heard and determined in a summary way) be awarded and imposed by such Justices and when imposed shall go and be distributed and all persons aggrieved by any summary judgment or conviction of such Justices shall be entitled to appeal therefrom in the manner provided respectively in and by the Act intituled "An Act to regulate Summary proceedings before Justices of the Peace.

(Signed) Geo Arthur

Passed the Council this twenty fourth day of December 1828

John Montague

Clerk of the Council

Jericho 20th December 1828

I humbly Certify to His Excellency the Lieutenant Governor, that I have perused the within written draft of a proposed law or ordinance entitled "An Act to regulate the printing and publishing of Newspapers" contained in fourteen pages of paper (one being blank) on the margin of each of which, I have written the initials of my name. And that I am of opinion that the same proposed law or ordinance is not repugnant to the law of England but consistent therewith, so far as the circumstances of this Colony will admit.

I observe that it requires the disclosure of the names of the Proprietors of Newspapers — Such a disclosure was required by the Act of Council No 2 of the eighth year of the King, but that was I believe only because it was thought essential to the Licensing System which was one of the objects of that Act. But as the proposed law does not require a License I doubt whether it will be thought necessary to insist on

such a disclosure. If it should be thought unnecessary those parts of the draft which provide for it may be struck out. They occur in Sections 5, 6, 7, 9, 11, 14 and 15. I have included them in pencil brackets and the Certificates will be equally applicable to the law whether these parts be struck out or retained.

Chief Justice of the Supreme
Court of Van Diemens Land.

No 2.

Bankers up at ½ past 11 o'Clock P.M.

John Montagu
Clerk of the Council

Minutes of Proceedings of the Legislative Council appointed by His Majesty in pursuance of the 9 Geo: 4. Cap 83. S. 20. by His Royal Warrant dated 30th January 1829

Monday 4th January 1830.

The Legislative Council met pursuant to the Lieutenant Governor's summons at 12 o'clock, and the following members took their seats.

His Honor John Lewes Pedder Esqre Chief Justice
John Burnett Esqre Colonial Secretary
Algernon Montagu Esqre Attorney General
Jocelyn Thomas Esqre Colonial Treasurer
The Revd William Bedford Senior Chaplain
Rolla O'Ferrall Esqre Collector of Customs
Wm H. Hamilton Esqre
Thomas Anstey Esqre
Thomas Archer Esqre
Edward Abbott Esqre
John Kerr Esqr
James Cox Esqre
James Gordon Esqre
Richard Willis Esqre

Read the 20, 21, 22 & 23 Sections of 9 Geo: 4. C. 83. The dispatch enclosing His Majesty's Warrant, appointing the members of the Council, and the Lieutenant Governor read His Majesty's Warrant.

The oaths of Supremacy, of Allegiance, & of abjuration, and the Declaration against Transubstantiation were then administered to the Lieutenant Governor by the Chief Justice, and the same Oaths and the oath of Office were taken and subscribed by each of the members.

Read Sir George Murray's Dispatch No. 17. 31. July 1828, enclosing the Act of Parliament 9 Geo: 4. C. 83.

The Lieut. Governor stated that, before drawg up Rules of proceedgs for the Council, he proposed that the business should be conducted accordg to the followg rules — 1st That every bill should be read 3 times — 2d That on a bill being laid before the Council its general objects should be discussed. 3d That on the 2d readg the bill should be discussed clause by clause as in Committee. 4th That on the 3d reading no amendment should be proposed & the only question put should be that the Bill do pass.

The

The Lieutenant Governor laid before the Council Draft act to institute Courts of Requests. Read first time, to be Read second time on Wednesday 6th. instant.

The Lieutenant Governor also laid before the Council Draft act to "institute Courts of "General and Quarter Sessions and to extend the "authority thereof and of Justices of the Peace in "certain Cases" - Read first time and ordered to be read second time on Wednesday 6th. instant.

The Lieutenant Governor stated he proposed that the Draft act for the institution of Houses of Correction and for other purposes relating thereto, - and the Draft act to regulate the Slaughtering of sheep and Cattle, printed Copies of which had been sent to each of the members should be laid before the Council tomorrow

Adjourned at 4 oclock.

Tuesday 5th January 1830.

The Council met at 5 oclock.

Present -

The Attorney General
The Senior Chaplain
The Collector of Customs
W. A. Hamilton Esqre
Thomas Anstey Esqre
Thomas Archer Esqre
Edward Abbott Esqre
John Kerr Esqre
James Cox Esqre
James Gordon Esqre
Richard Willis Esqre

The Lieutenant Governor laid before the Council Draft act for the institution of Houses of Correction and for other purposes relating thereto, Read first time and ordered to be read second time on Thursday the 7th instant.

The Lieutenant Governor also laid before the Council Draft act to regulate the slaughtering of Sheep and Cattle - Read first time and ordered to be read second time on Saturday the 9th instant.

The Lieutenant Governor stated he proposed to lay before the Council the Draft act for amending the Laws to prevent the Harbouring of Felons or other offenders & to restrain them tippling and gambling on Thursday 7th instant. the Drafts of acts to simplify proceedings at Law & in Equity by or against the Van Diemens Land, the Derwent, and the Cornwall Banks, & the Draft "act for establishing regulations to restrain the "increase of Dogs" - on Friday the 8th instant and the draft act to amend the laws for the registration of deeds &c on Saturday the 9th instant. The Members having been furnished with printed Copies of each of these acts.

Read Extract from the Kings Instructions with regard to the Legislative Council.

Adjourned at 11 oclock.

Wednesday 6th January

The Council met at 5 oclock

Present - all the members except the Colonial Secretary.

Act to institute Courts of Requests Read - and discussed as in Committee - amendments proposed & 2d Reading adjourned to Saturday 9th instant.

Adjourned at ½ past 10.

Thursday 7th Jan.y 1830.

The Council met at 5 oclock

Present — all the members except the Chief Justice and the Colonial Secretary.

The act to institute Courts of General and Quarter Sessions &c — Read and discussed as in Committee amendments proposed and Second Reading adjourned to tomorrow

The Lieut Governor laid before the Council the Harbouring amendment act — Read 1ist time and ordered to be read Second time tomorrow.

The Lieutenant Governor stated he proposed that the Houses of Correction act which stood for 2d reading this day should be read a Second time on Monday 11th instant.

Adjourned at 10 oclock

Friday 8th January

The Council met at 5 oclock

Present — all the Members except the Chief Justice the Colonial Secretary the Colonial Treasurer and the Senior Chaplain

Act to institute Courts of General & Quarter Sessions Read 2d time — amendments made —

The Harbouring amendment act discussed as in Committee — Amendments proposed — Adjourned at 7 Section and further discussion deferred.

Adjourned at 10 oclock

Saturday

Saturday 9th January.

The Council met at 5 oclock

Present — all the members except the Colonial Secretary

The Lieutenant Governor laid before the Council the three acts to simplify proceedings at Law & in Equity by & against the Van Diemens Land, the Derwent, and the Cornwall Banks — Read 1ist time: to be read 2d time on Wednesday next

The Lieutenant Governor also laid before the Council the act to establish regulations to restrain the increase of Dogs — Read 1st time

Address against this act by some of the Inhabitants of the north side of the Island presented — read & ordered to lie on the Table

Act to be read 2d time on Tuesday next

The Lieutenant Governor laid before the Council Draft act to amend the Laws for the Registration of Deeds, Wills, Judgments & Conveyances affecting real property — Read 1st time — Read also Sir George Murrays dispatch No 55. dated 11th January 1829 — which, it is directed, should be brought under the consideration of the Legislative Council with a view to the Revision of the former Registry act — Act to be read 2d time on Monday 18th instant

The Lieutenant Governor laid before the Council draft Act extending to this Colony 10 Geo: 4. C. 7. being "An act for the relief of his Majesty's Roman Catholic Subjects."

Read Dispatch from Sir George Murray dated 4th May 1829 No. 53, directing that this Act should be laid before the Council — Act to be read 2d time on Tuesday 12th instant.

The Lieutenant Governor laid before the Council draft act to extend to this Colony certain

certain acts of Parliament whereby pecuniary Penalties are inflicted which are applicable to some local purpose — To be read 2d time on Tuesday 12th instant.

Address from some of the inhabitants of the North side of the Island against the Act to regulate the Slaughtering of Sheep & Cattle — Presented, read and ordered to lie on the Table.

The Lieutenant Governor called the attention of the Council to the latter part of the 5th Section of the Sessions Act — and stated it would have the effect of preventing any trials for minor offences during the sittings of the Quarter Sessions, at the Police offices of Hobart Town & Launceston & at the Principal Superintendents office — And a motion was made that the whole proviso at the end of 5th Section be expunged which was carried.

Adjourned at 10 o'clock

Monday 11th January 1830

The Council met at 5 o'clock.

Present — all the members except the Chief Justice.

The Lieutenant Governor adverted to the two "addresses" from the Inhabitants of the North side of the Island against the Slaughtering Act & the dog tax Act. His Excellency stated that he should have felt it proper to object to receive them if he had not considered that their being styled addresses was through mere inadvertence — He thought it right however to notice the circumstance to prevent any inconvenient precedent, and to say that unless representations from the people to the Lt. Governor-Council were couched in the style of Petitions they would not be received.

The Slaughtering Act discussed as in Committee — amendments made — read 2d time — to be read 3d time 19th instant —

The Court of Requests Act read 2d time — amendments made — Ordered to be read a 3d time on Tuesday 19th January —

The Lieutenant Governor laid before the Council draft Act to confirm former acts — Read 1st time to be read 2d time to morrow.

Adjourned at ½ past 10.

Tuesday 12th January, 1830 —

The Council met at 5 o'clock

Present all the Members except the Chief Justice & the Colonial Secretary

House of Correction Act read and discussed as in Committee — amendments made — read 2d time — Discussion of Dog tax Act as in Committee commenced — adjourned at 1st Section.

Adjourned at 10 o'clock.

Wednesday 13th January 1830.

The Council met at 5 o'clock

Present — all the Members except the Chief Justice — The Colonial Secretary & Mr. Thomas

The discussion of the Dog tax Act as in Committee continued — amendments made — read 2d time — to be read a 3d time on Wednesday

Wednesday the 20th. instant.

Act to extend Catholic Act read 2d. time – to be read 3d. time on Wednesday 20th. instant –

Act to extend certain Acts of Parliament read 2d. time – to be read 3d. time on Wednesday 20th. instant.

Act to confirm former Acts – read 2d. time – to be read 3d. time on Wednesday 20th. instant.

The Van Diemens Land, the Derwent and the Cornwall Bank Acts read 2d. time – The deeds of copartnership were ordered to be obtained –

Adjourned at 10 o'clock

The Council met at 5 o'clock.

Thursday 14th. January

Present –

The Attorney General	The Colonial Secretary
The Revd. Wm. Bedford	The Collector of Customs
Thomas Anstey Esqre.	Thomas Archer Esqre.
John Kerr Esqre.	James Cox Esqre.
James Jordan Esqre.	Richard Willis Esqre.

Discussion as in Committee of Harbouring amendment Act – resumed – Amendments made – Read 2d. Time

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Friday 15th. January

The Lieutenant Governor Adjourned the Council by notice until Monday 18th. instant.

Monday 18th. January.

The Council met at 5 o'clock

Present all the members except the Chief Justice.

The Partnership Deed of the Van Diemens Land and Derwent Bank Acts laid on the Table as ordered –

The Second reading of the Act to amend the laws for the registration of deeds, bills, judgements & conveyances affecting real property, being appointed for this day – the Preamble was read when a motion was made – that the 2d. reading of the Act be adjourned sine die –

The motion was put & carried by a majority of 5.

For the motion	Against
Mess.rs Hamilton	Mess.rs Burnett
Cox	Bedford
Attorney General	d'Denall
Thomas	Abbott
Anstey	
Archer	
Kerr	
Jordan	
Willis	

The Majority recorded the grounds of their dissent as follows –

Minute

Council Room
18 January, 1836.

The Undersigned Members of the Legislative Council, having, in consequence of their votes of this Evening, against the passing of the proposed amended Act for the Registration of Deeds

Deeds, been required by His Excellency The Lieutenant Governor pursuant to the Act of Parliament to state the grounds of their dissent, they respectfully submit the following

1st _____ That the existing Registration Act appears to be unobjectionable, except as relates to the punishment of Death, attached to the breach of the 11th Clause

2 _____ That the practice of registering by Memorial has been found convenient, inexpensive, and beneficial, by the prevention of fraudulent Assignment of Property, which latter must be the main object of such a Law.

3 _____ That it is understood the Act now in force was drawn with much care and in perfect accordance with the Laws, which regulate the Middlesex and Yorkshire Registries

4 _____ That the Registry of the Deed or Document at length, is replete with Mischief, and especially so in this Colony where conveyancing has been, until lately but little understood, and less regarded, insomuch that a perusal of most of the Titles to Land would to a practised eye, afford abundant means of doubting, questioning, contesting, and probably of overturning them.

5. _____ That to subject the bonâ fide Purchasers of Land to a scrutiny so dangerous to their Interests, would be likely to disturb the peace, confidence, and good feeling of the community, by creating facilities for malignant, litigious, or dishonest Persons to question the tenure, on which such Property is held, and thereby to deprecate, or render comparatively valueless, that for which full consideration has been given.

6 _____ That the Memorial, as now registered, contains a full description of the parcels of Land, as set forth in the Title Deeds, which is all that appears essential to the leading purpose of the Law, and as respects the possibility of litigation, arising out of an inaccurate or incomplete Memorial, a similar consequence is to be apprehended in case of inaccuracy being proved to exist in the proposed copy of the Instrument the test being alike in both cases, i.e. the oath of the Solicitor, or Person employed to effect the Registration.

7 _____ That the deposit of a Copy of the Deed would also be attended by increased cost to the Parties; a result very undesirable in a Country, where Law Charges are most exorbitant.

The undersigned regret, that a sense of Public duty has compelled them to dissent from a Measure, which the Secretary of State for the Colonies has deemed expedient.

W. H. Hamilton
James Cox
[illegible]
[illegible]
[illegible]
Thos. Archer
J. Kerr
James Gordon
Richard Willis

Adjourned to Wednesday the 20th instant at 5 o'clock

Wednesday 20th January, 1830.

The Council met at 5 o'clock.

Present — all the members except the Chief Justice. The Attorney General and Mr. Amstey

Act to confirm former acts of Council — read 3d time and passed No. 1.

Quarter Sessions act — read 3d time — and passed — No. 2.

Act for establishing Courts of Requests — read 3d time and passed No. 3.

Act to regulate the Slaughtering of Sheep and Cattle read 3d time and passed No. 4.

Act to extend to the Colony the Act of Parliament [10 Geo: 4. C. 7.] for the relief of H.M. Roman Catholic Subjects read 3d time and passed No. 5.

Act to extend to the Colony certain acts of Parliament read 3d time and passed No. 6.

Act for the institution of Houses of Correction do read 3d time and passed No. 7.

Act for amending the laws to prevent the harbouring of Felons or other offenders and to restrain their Tippling and Gambling — read 3d time and passed — by a majority of 3. act numbered 8.

Act to facilitate proceedings by & against the Van Diemen's Land Bank — read 3d time and passed — Numbered 9.

Act to facilitate proceedings by & against the Derwent Bank read 3d time — and passed — Number 10.

Act for establishing regulations to restrain the increase of Dogs — read 3d time No. 11 and passed by a Majority of 7 — 9 for 2 against.

Act to regulate the Impounding of animals do read 1st time — to be read 2d time to morrow

Adjourned at 10 o'clock

Thursday 21st January 1830

The Council was adjourned by Notice from the Lieutenant Governor until to morrow.

Friday 22d January 1830

Ten Members not being present The Lieutenant Governor adjourned the Council until Monday 1st March next.

Monday 1st March 1830.

Ten Members not being present the Lieutenant Governor adjourned the Council until to morrow

Tuesday March 2d

The Council met at 5 o'clock

Present. The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Senior Chaplain
The Collector of Customs
W. H. Hamilton Esqre
Thomas Anstey Esqre
John Kerr Esqre
James Gordon Esqre

The

The Lieutenant Governor brought under the review of the Council as directed by the 22d Section 9 Geo: 4 C. 83. the Act No. 2 passed on the 20th January instituted "An Act to institute Courts of General & Quarter Sessions and to extend the Authority thereof and of Justices of the Peace in certain cases, the Chief Justice having transmitted to His Excellency a representation that in his opinion that Act, in a certain part thereof was repugnant to the act of Parliament of the 9th year of the reign of his present Majesty intitled "an act to provide for "the administration of Justice in New South Wales "Van Diemens Land, & for the more effectual "Government thereof & for other purposes relating "thereto."

The Lieut Governor directed the letter of the Chief Justice to be read; which is as follows—

Hobart Town
February 3d 1830.

Sir,

Having perused an act or Ordinance made by your Excellency with the advice and consent of the Legislative Council, and transmitted to the Supreme Court to be there inrolled and recorded, entituled "An Act to institute Courts of General and Quarter Sessions and to extend the Authority thereof and of the Justices of the Peace in certain Cases" I have the honor to inform you, that I am of opinion that the same is repugnant to the act of Parliament of the ninth year of the Reign of His present Majesty intituled "An act to provide for the administration of Justice "in New South Wales and Van Diemens Land, and "for the more effectual Government thereof and for "other purposes relating thereto" in so far as it makes liable to the summary jurisdiction of the Courts of General and Quarter Sessions persons not being Felons or other offenders transported to this Colony whose sentences

sentences have not expired or been remitted—
By the above-mentioned act of Parliament section 17 the Governor of this Colony is impowered with the advice and consent of the Legislative Council to institute Courts of General and Quarter Sessions within the Colony, by Ordinances to be from time to time made and enacted as therein mentioned and to give and grant to such Courts, powers and authority to take cognizance in a summary way of all crimes misdemeanors and other offences and misconduct not punishable by death which have been or shall be committed by any Felons or other offenders, who have been or shall be transported to the said Colony and whose sentences have not expired, and have not been remitted. But the same Section contains a proviso that all crimes offences and misdemeanors not committed by such Felons and other offenders as aforesaid / that is not committed by Felons and other offenders who have been or shall be transported to this Colony and whose sentences shall not have expired or been remitted / shall be prosecuted and laid before the said Courts in such and the same manner, and subject to all and the same rules and regulations in every respect as in the same act of Parliament are made and prescribed with respect to trials before the Supreme Court of the Colony. In other words they are to be prosecuted by Information in the name of the Attorney General and tried by seven commissioned officers of His Majesty's Sea or Land Forces
Now the third Section of the act of Council gives to the Courts of Sessions a summary Jurisdiction not only over Felons and other offenders who have been or shall be transported to the Colony but over "Felons and other offenders who have been or "shall be within this Colony or its dependencies "sentenced or ordered to transportation" and whose sentences respectively shall not have expired or been remitted: which terms include persons who may never

never have been transported to the Colony, or whose sentences, if they have been so transported, may have expired or been remitted — And the act of Council therefore so far as respects such persons, is repugnant to the Act of Parliament, which expressly directs, that crimes, offences & misdemeanors not committed by Felons and other offenders who have been or shall be transported to this Colony and whose sentences have not expired and have not been remitted, shall be liable in the Courts of Sessions to the same mode of prosecution and trial as is provided for in cases cognizable in the Supreme Court.

I have &c
(Sd) J. L. Pedder
Chief Justice

His Excellency
Lieut Governor Arthur
&c &c &c

The Lieutenant Governor put it to the Council, whether the said Ordinance, notwithstanding the repugnancy which the Chief Justice had pointed out should be adhered to.

The Council (two members dissenting) advised the Lieutenant Governor to adhere to the Act for the following reasons.

That it appears to have been the intention of the British Legislature that Convicts should be subjected to a summary trial, and though the terms used in the act have the effect virtually of exempting locally convicted felons from such trial, those terms were probably employed without adverting to this consequence

That there appears to be no reason whatever for any distinction in the mode of trial between the cases of persons transported to and persons convicted in the Colony.

That the repugnancy to the 9 Geo: 4 C. 83. being in letter only whilst the Spirit is perfectly consistent with the Quarter Sessions Act, the justice and expediency if not necessity of the enactment justify an adherence to the law

The Act to simplify proceedings at Law or in Equity by or against the Directors and Company of the Cornwall Bank — read a third time and passed — Numbered 1 of 11 Geo: 4.

The 2d redding of the Impounding Act was adjourned until tomorrow.

The Act to facilitate the apprehension of Felons & other offenders illegally at large read a 1st time: — to be read a 2d time tomorrow

An Act for the relief of certain Insolvent Debtors read first time and ordered to be read 2d time

Petition from Peter De Graves & Thomas Wells, and Petition from Henry Townsend, Henry Robinson, Edward Russell & Thomas Wilson, for certain alterations in the Act, read and ordered to lie on the Table.

Adjourned 10 o'clock.

Wednesday 3d March 1830.

The Lieutenant Governor adjourned the Council by notice until Tuesday 4th instant at 5 o'clock.

Thursday 4 March

The Act to facilitate the apprehension of Felons or other offenders illegally at large read a 2d time & ordered to be read a 3d time on Saturday the 6th inst

Friday

Friday 5th March

The Lieutenant Governor adjourned the Council by Notice until Saturday 6th inst: at 5 o'clock, in consequence of the indisposition of the attorney General

Saturday 6th March

The Lieutenant Governor adjourned the Council until Monday the 8th instant, at 5 o'clock - in consequence of the Collector of Customs' inability to attend from illness and his presence being necessary to make up the required number of 10 members -

Monday 8th March

The Council met at 5 o'clock -

Present - The same Members as on Tuesday 2d instant.

Impounding Act discussed as in Committee - amendments proposed - adjourned at 10 Section - until Wednesday.

Wednesday 10th March

The Council met at 5 o'clock

Present - The same Members as on Monday -

The discussion of the Impounding Act as in Committee continued - Amendments proposed

proposed - adjourned at 22d Section until Thursday 11 instant,

Thursday 11th March

The Council met at 5 o'clock

Present as on Wednesday

The discussion of the Impounding Act as in Committee continued amendments proposed - adjourned to to-morrow at 12 o'clock.

Friday 12th March

The Council met at 12 o'clock

Present the same as yesterday

The Impounding Act read 2d time - amendments made -

The Act to facilitate the apprehension of runaways - read third time & passed.

Adjourned to 9 o'clock to-morrow morning

Saturday 13th March

The Council met at 9 o'clock -

Present - The same as yesterday

The Act to Regulate the Impounding

Impounding of Animals for Trespass and for other purposes relating thereto - read a third time some verbal alterations made and Act passed.

W. T. Parramore
Clerk of the Council

Tuesday 13th April 1830.

The Council met pursuant to the Lieut Governor's summons at 5th o'clock.

Present.

The Chief Justice
The Colonial Secretary
The Colonial Treasurer
The Senior Chaplain
The Collector of Customs
W. H. Hamilton Esqre
Thomas Archer Esqre
James Cox. Esqre
John Kerr Esqre
James Gordon Esqre
Richard Willis Esqre

The Act for the relief of certain Insolvent Debtors read 2d time and discussed as in Committee - Amendments proposed.

The Lieutenant Governor laid before the Council Draft Act to regulate the constitution of Juries - Read 1st time, to be read second time tomorrow.

adjourned to tomorrow.

Wednesday 14th April 1830.

The Council met at 5 o'clock

Present - the same members as yesterday except the Chief Justice.

The discussion of the Insolvent Debtors' Act, as in Committee concluded - 2d reading carried - amendments made.

The Jury Act discussed as in Committee amendments proposed - adjourned (at 10th section) to Friday the 16th inst. at 5 o'clock.

Friday 16th April 1830.

The Council met at 5 o'clock.

Present - the same members as on Wednesday.

The discussion of the Jury Act as in Committee continued - amendments proposed and made - second reading carried.

A further amendment proposed and carried in the 13th section of the Insolvent Act, to insert "above the value of £2" in place of "above the value of £10" - which was expunged on the second reading

adjourned to Monday at 5 o'clock.

Monday 19th April 1830.

The Council met at 5 o'clock.

Present - the same Members as on Friday.

The Act for the relief of certain Insolvent Debtors, read third time and passed - numbered 4.

The

The 2d reading of the Jury Act, amendments made 2d reading carried.

The Lieutenant Governor laid before the Council the draft of an Act to prevent doubts as to the application of the Statutes of Henry - Read 1st time - to be read 2d time tomorrow -

The Lieutenant Governor also laid before the Council the Draft of an Act to provide for the summary discharge in certain cases of persons under committal for Felony or Misdemeanor - Read 1st time - to be read 2d time tomorrow.

The Lieutenant Governor also laid before the Council the draft of an Act for the better regulation of Courts of General Quarter Sessions Read 1st time, to be read 2d time tomorrow -

The Lieutenant Governor also laid before the Council the draft of an act to facilitate the prosecution of Servants for Larceny and Embezzlement and of persons aiding the escape of Felons or offenders under sentence of Transportation - Read 1st time, to be read 2d time tomorrow

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Tuesday 20th April 1830.

The required number of Members not being present the Lieutenant Governor adjourned the Council until tomorrow at 5 o'clock.

Wednesday 21st April 1830.

The Council met at 5 o'clock.

Present - the same members as on Monday -

The Act to regulate the constitution of Juries read 3d time and passed - Numbered 5 - &c.

The Lieutenant Governor referred to that part of Sir George Murray's Dispatch No 17 of 31st July 1828 read in Council on the 4th January last, which relates to the 10th section of the 9 Geo: 4. C. 83. providing for the extension and application in the Colony of the forms and manner of proceeding by Grand and Petit Juries in the Presentment and Trial of Crimes & Misdemeanors: and His Excellency desired the opinion of the Board Members present as to the expediency of an alteration in the Law in this respect - when the Members unanimously expressed their opinion that it was not expedient that any alteration in the Law in this respect should, at present, be made -

Act to prevent doubts as to the application of the Statutes of Henry read 2d time. To be read 3d time on Saturday the 24th instant.

Act to provide for the summary discharge in certain cases of persons under committal for Felony or Misdemeanor read 2d time - To be read 3d time on Saturday the 24th inst.

Act for the better regulation of Courts of General Quarter Sessions read 2d time - To be read 3d time on Saturday the 24th instant -

Act to facilitate the prosecution of Servants for Larceny and Embezzlement and of persons aiding the escape of Felons or offenders under sentence of Transportation read 2d time - To be read 3d time on Saturday the 24th instant.

The Council was adjourned to Saturday next at 5 o'clock.

Saturday

Saturday 24th April 1830.

The Council met at 5 o'clock

Present

The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Senior Chaplain
The Collector of Customs
W. H. Hamilton Esqre
John Kerr Esqre
James Gordon Esqre
Richard Willis Esqre

Act to prevent doubts as to the application of the statutes of Usury read 3d time and passed - Numbered 6.

Act to provide for the summary discharge in certain cases of persons under Committal for Felony or Misdemeanor, read 3d time and passed - numbered 7

Act for the better regulation of Courts of General Quarter sessions read 3d time and passed - numbered 8.

Act to facilitate the prosecution of Servants for Larceny & Embezzlement, and of persons aiding the Escape of Felons or offenders under sentence of Transportation - read 3d time and passed - Numbered 9.

W. T. Parramore
Clerk of the Council

Thursday 1st September 1831.

The Council met at One O'Clock.

Present

His Excellency the Lieutenant Governor
The Chief Justice.
The Colonial Secretary
The Attorney General.
The Colonial Treasurer.
The Senior Chaplain.
The Collector of Customs.
W. H. Hamilton Esqre
Thomas Archer Esqre
James Cox Esqre
John Kerr Esqr
James Gordon Esqre and
Richard Willis Esqre

The Oaths of Allegiance, Supremacy, and Abjuration were administered by the Lieutenant Governor to all the Members excepting the Chief Justice, The Colonial Secretary and Colonial Treasurer.

The Lieutenant Governor appointed a Committee of the Council to draw up Rules of Proceeding for the Council, consisting of

The Chief Justice
The Colonial Secretary.
The Attorney General
W. H. Hamilton Esqre
Thomas Archer Esqre and
James Cox Esqre

The Lieutenant Governor laid before the Council the Draft of an Act intituled "an Act for the effectual Administration of Justice in the Supreme Court of Van Diemens Land."

Read the first time - to be read the second time tomorrow.

Adjourned at ½ part 6 O'Clock P.M.

Friday 2nd September 1831

The Council met at 2 O'Clock P.M.

Present - The same members as yesterday, excepting the Colonial Treasurer.-

Read a Dispatch from the Right Honble The Secretary of State to the Lieutenant Governor, dated 20th March 1831. No 17. acquainting His Excellency that His Majesty had been pleased to appoint Alex" M.c Duff Baker to be the Puisné Judge of the Supreme Court of Van Diemens Land.-

Administration of Justice Act - 2nd Reading deferred till tomorrow.-

Read a Petition from J. H. Gellibrand praying to be heard at the Bar of the Council against some of the provisions of the Administration of Justice Act - Prayer of Petition not granted, but Mr. Gellibrand to be acquainted by the Clerk of the Council that if he will embody his objections to the proposed Act in a petition to the Legislative Council it will be duly considered.-

Adjourned at 7 O'clock

Saturday - 3rd September 1831.

The Council met at 2 O'Clock P.M.

Present His Excellency The Lieutenant Governor
The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Senior Chaplain
The Collector of Customs
W.m A. Hamilton Esqre
Thomas Archer Esqre
James Cox Esqre
John Kerr Esqre

James Gordon Esqre and
Richard Willis Esqre.-

Administration of Justice Act - Several verbal amendments proposed by His Honor the Chief Justice, and seconded by the Attorney General -

Read a second time - Ordered to be read the third time on Monday 5th September next.-

Read a Petition from Mr. J. H. Gellibrand praying to be heard at the Bar of the Council against some of the provisions of this Act.-

Moved by the Colonial Secretary and seconded by the Collector of Customs - "That the prayer of Mr. Gellibrands petition be granted." - Council divided Ayes 4 Noes 8.-

Moved by seconded by Mr. Thomas
"That the Attorney General do make the verbal alterations suggested by the Chief Justice, if he approves them, and then the Bill be engrossed.-

Ordered.-

The Lieutenant Governor laid before the Council a Draft Act, entitled, "an Act to supply the want of Fines and Recoveries."-

Read the first time to be read the second time on Monday the 5th Instant.

The Lieutenant Governor laid before the Council a Draft Act, entitled "an Act to enable the Governor in certain cases to grant Letters of Denization to Aliens."-

His Excellency informed the Council that he had received instructions from the Right Honble The Secretary of State for the Colonies to submit an Act of this description to the Legislative Council, and that the Act now submitted had been drawn by the Attorney General in strict conformity to the Secretary of State's Instructions.-

Read the first time - to be read the second time on Monday the 5th Instant.-

The Lieutenant Governor laid before the Council a Draft Act, entitled "an Act for the more effectual punishment of Male offenders liable to sentence of Transportation

transportation.

Read the first time - to be read the second time on Tuesday the 6th Inst.

Adjourned at 7 Oclock.

Monday - 5th September

The Council met at Oclock

Present

His Excellency The Lieutenant Governor
The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Senior Chaplain.
The Collector of Customs.
W. H. Hamilton Esqr
Thomas Archer Esqr
James Cox Esqr
John Kerr Esqr and
James Gordon Esqr

"Administration of Justice Bill"

Moved by Mr. Hamilton, and seconded by Mr. Cox "that in recital to Sec 4. the words necessary be substituted for the word expedient"

Carried -

Bill read a third time, and passed the Council (No 1)

"Fines and Recoveries Bill"

Various verbal amendments proposed and carried unanimously, and Bill discussed as in Committee

Moved by the Attorney General and seconded by Mr. Hamilton that in Sec 2. - after the word "released." to the words "such deed and conveyance shall be and be deemed." be expunged

Adjourned at 7 Oclock.-

Tuesday 6th September.

The Council met at Oclock.

Present - 12 Members - the same as yesterday. -

"Fines and Recoveries Bill"

Resumed discussion upon amendment proposed by the Attorney General yesterday. - Council divided

Ayes 6 Noes 5. -

Moved by Mr. Kerr - Seconded by the Chief Justice, that after the word "released" in the 2nd Section, be inserted the following words - "and such deed or conveyance shall "be acknowledged by such married woman before any "Judge of any Court of Law or Equity, or any Master in Chancery "or before any Justice of the Peace acting in and for Van Diemens "Land and its Dependencies, or any part or parts thereof, or "before any Mayor or other Chief Magistrate of any city or Town "in Great Britain or Ireland, nearest to which such married "woman resides to be act and deed of such married "woman then and from thenceforth every"

Council divided

Ayes 6. - Noes 6. -

President casting vote for Ayes -

Amendment carried. -

Various verbal alterations in Sec. 2 and 3 moved and carried.

Moved by the Chief Justice - seconded by Mr. Hamilton that the 4th Section be the following words -

"Provided also and be it enacted that in every case of a "conveyance by Lease and Release it shall be sufficient "if such an acknowledgment as aforesaid be made in respect of such release, and that such certificate as "aforesaid shall be indorsed upon or annexed to such "release". -

Carried

Second reading adjourned till tomorrow

Denization of Aliens - Bill.

Read two Dispatches from the Right Honble the Secretary of State for the Colonies upon the Subject of this Bill, dated 29th July 1827, No 9 and 6 November 1827 - No 80.

Various

Various verbal arrangements proposed and carried -
Second reading deferred till tomorrow -
Moved by the Chief Justice - seconded by the Colonial Treasurer
- that the 4th Section of this Bill, and the Schedule be expunged" -
Carried -
Adjourned at 7 Oclock.

Wednesday 7th Sept.

The Council met at 3 Oclock -

Present 11 Members - The same as yesterday except Mr Hamilton absent -

"Fines & Recoveries Bill" - deferred till tomorrow -

"Denization of Aliens Bill" - deferred till Friday.

"Rates and Duties Bill" - read the first time -

Adjourned at 6. P.M.

Thursday 8th Sept. 1836 -

The Council met at 2 Oclock -

Present 12 Members -

"Fines and Recoveries"

Moved by the Chief Justice - seconded by Mr Hamilton - "That the whole of the 5th Section be expunged."

Withdrawn -

Moved by Mr Kerr seconded by Chief Justice "That the 5th Section be expunged, and the following words substituted - "Provided also and be it enacted That "nothing herein contained shall in any manner affect the "provisions of the Act or Ordinance entituled "An Act to provide

"provide for the Registration of Deeds. Wills. Judgments and "Conveyances affecting real property." -

Carried -

Read the second time. -

"Denization of Aliens"

Moved by the Chief Justice - seconded by Mr Cox "That "the word "three" be substituted for the word "seven" in the two "instances where it occurs in the first section, and that from the "word "provided" - after the words "sign manual" - to the words "shall certify the same", in the same section shall be omitted, "and that the following words shall be substituted

"Provided that such Alien shall within three months next after the date of such Letters of Denization, take and subscribe the oath or oaths hereinafter mentioned, that is to say, if such alien shall profess the Roman Catholic Religion - the oath, in and by a certain Act of Parliament made and passed in the 10th year of the Reign of King George the 4th entituled "An Act for the relief of His Majesty's Roman Catholic subjects set forth and directed to be taken and subscribed in certain cases by persons professing the Roman Catholic Religion - instead of the oaths of Allegiance Supremacy, and Abjuration, with such substitution in the said oath from time to time, and for the time being as by the said Act is directed: and if such Alien shall not profess the Roman Catholic Religion, then, that provided that such Alien shall within such time as aforesaid, take and subscribe the Oaths of Allegiance, Supremacy and Abjuration, - which said Oath and oaths the Chief Justice or any Judge of the Supreme Court of Van Diemens Land is hereby required and empowered to administer: and the said Chief Justice or other Judge shall immediately after such Alien shall have taken and subscribed the said oaths or oaths as the case "may be and require, certify the same" upon the back of such Letters of Denization, and shall cause such Letters of Denization so endorsed, to be recorded in the said Supreme Court

Moved by the Chief Justice - seconded by Mr Cox - "That the second section be the following words" - - "And be it further enacted that, whenever in any of the said oaths of Allegiance Supremacy and Abjuration, the name of any former Sovereign is expressed or referred to, such substitution of the name of such other Sovereign with proper words of reference thereto, shall

"prove

from time to time be made in the said oaths respectively as in and by the said Act of the 10th year of the reign of King Geo the 4th is used and directed to be made in the oath therein set forth, and Remembrancer referred to wherever the name of His said Majesty King George the 4th is expressed or referred to in the said last mentioned Act"

Carried -

Moved by the Chief Justice - Seconded by Mr Cox -
That the 2nd Section be numbered the 3rd -

Carried. -

Moved by the Chief Justice - Seconded by Mr Cox -
That the 3rd Section be numbered the 4th and that after the words "subscribe such" the word "oath" be inserted - and the word "or" be substituted for "and declaration" - and after "as aforesaid" "as the case may require" be inserted: - and that the 4th Section in the Bill be expunged -

Carried

Read the second time. -

Forgeries Amendment Act.
Read the first time. -

Read a Petition signed by 8 Inhabitants and Traders of Van Diemans Land respecting the Taxes imposed upon the Colony

Placed upon the Table the Accounts of 1829 and 1830 and Blue Books for their perusal.

Broke up at ½ past 5 Oclock.

Wednesday August 28th 1833.

The Council met pursuant to summons at 1 O'Clock. P.M.

Present

His Excellency The Lieutenant Governor
His Honor The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Senior Chaplain
The Collector of Customs
John Kerr Esq.
Richard Willis Esq.
Charles Swanston Esq.
Charles Mc Laehlan Esq.

His Excellency the Lieutenant Governor having been pleased to appoint the following Gentlemen to be Members of the Legislative Council, they took the oaths and their seats accordingly

Edward Mc Nowell Esq. Attorney General
John Montagu Esq - Colonial Treasurer
William Proctor Esq - Collector of Customs
Charles Swanston Esq - vice W.H. Hamilton Esq
Charles Mc Laehlan Esq - vice Edw. Abbott Esq.

His Excellency the Lieutenant Governor opened the proceedings of the day by reading the following address = Vide Gazette of August 30th 1833.

Motion made and Question put that the address of His Excellency the Lieutenant Governor

Governor be entered on the Minutes and printed for the use of the Members.

Carried unanimously.

His Excellency the Lieutenant Governor then laid upon the Table. "A Bill "for the Regulation of the Customs of Van "Diemens Land and its Dependencies."

Bill read a 1st. time to be read a 2nd. time on Friday the 30th. August.

His Excellency the Lieutenant Governor laid upon the Table. "A Bill for the "better Preservation of the Ports, Harbours, "Rivers, Roadsteads, Channels, Navigable "Creeks and Rivers in Van Diemens Land, "and the better Regulation of Shipping in the "same."

Bill read a 1st. time, to be read a 2nd. time on Friday the 30th. August.

His Excellency laid upon the Table "A Bill for Establishing Standard Weights and "Measures and preventing the use of such as "are false and deficient."

Bill read a 1st. time to be read a 2nd. time on Saturday the 31st. August.

It was carried that the Council should meet daily at 2 o'Clock P.M. and adjourn at 5 O'Clock P.M.

Thursday August 29th.

His Excellency the Lieutenant Governor laid upon the Table "A Bill for "extending to Van Diemens Land certain "English Statutes for the amendment of "the Law."

Read a 1st. time to be read a 2nd. time on Monday the 2nd. September.

His Excellency the Lieutenant Governor laid upon the Table. "A Bill to "prevent frauds upon Creditors by secret "Warrants of Attorney." — Withdrawn.

His Excellency the Lieutenant Governor laid upon the Table. "A Bill to "provide for the payment of expences to "Prosecutors and Witnesses in Criminal "cases."

Read a 1st. time to be read a 2nd. time on Monday the 2nd. September.

His Excellency the Lieutenant Governor laid upon the Table. "A Bill to "provide for the more effectual "punishment and trial of male offenders liable "to sentence of Imprisonment."

Read a 1st. time to be read a 2nd. time on Monday the 2nd. September.

His Excellency the Lieutenant Governor laid upon the Table "A Bill to "enable His Excellency in certain cases to "grant Letters of Denization to Aliens."

Read a 1st. time to be read a 2nd. time on Monday the 2nd. September.

Friday August 30th.

Present. — Same Members as 1st. day.

"The Bill for Establishing Standard "Weights and Measures and for preventing the "use of such as are false and deficient" was read a 2nd. time, and the Council resolved itself into a Committee for its consideration.

Saturday August 31st

Weights and Measures Bill further considered in Committee.

Sub Committee appointed to take into consideration, and report upon the Customs and Port Regulation Bills.

Council adjourned to Septr. 9th 1833.

Monday September 9th 1833.

The Council met to receive the Report of the Sub Committee on the Bill for Regulating the Customs, and went into Committee for its consideration.

Tuesday Septr. 10th

Customs Bill further considered in Committee.

Wednesday Septr. 11th

Customs Bill considered in Committee.

Thursday Septr. 12th

Customs Bill further considered in Committee.

Friday Septr. 13th

Present Same Members as 1st day

His Excellency the Lieutenant Governor laid upon the Table, "A Bill to "extend the existing Licences to keep "Public Houses, and to sell therein, Ale, Beer, "and other Malt liquors, and Wine, Cider, "Ginger Beer, Brandy, Rum, Gin, Whiskey, "Cordials, and any other strong, fermented "or Spirituous Liquors, to the 29th day of "November next inclusive, and to extend "to such Licences, and the holders thereof "and the premises to which the same "attach, as also to all unlicensed persons, "and premises, for every purpose "connected therewith respectively, the laws "and regulations now in force relating "thereto."

Read 1st and 2nd time.

Customs Bill further considered in Committee.

Saturday Septr. 14th

Customs Bill further considered in Committee.

Monday Septr. 16th

Present Same Members as 1st day

Petition from Mr. R.L. Murray praying admittance to the sittings of the Council, presented by the Collector of Customs. Consideration thereof deferred till Thursday.

Customs Bill considered in Committee.

Port

Port Regulation Bill discussed in Committee.

Bill for extending Licences to 29th Novr next, read a 3rd time and passed.

Tuesday Septr 17th

Consideration of Port Regulation Bill continued in Committee.

Wednesday Septr 18th

Port Regulation Bill further considered in Committee.

Thursday Septr 19th

Present — Same Members as 1st day

On the Order of the day having been read the consideration of the Petition of Mr R. L. Murray presented on the 13th Inst was moved by the Collector of Customs, and seconded by the Colonial Secretary.

Amendment proposed by the Attorney General and seconded by the Chief Justice, that the Council do now proceed to the 2nd reading of the Bill for the Regulation of the Customs.

Amendment Carried

Bill for the Regulation of the Customs read a 2nd time to clause 21.

Friday Septr 20th

Present — Same as 1st day.

The Colonial Secretary presented two Petitions namely One by the Debtors confined in His Majesty's Gaol at Launceston, and One by John Brown a Debtor confined in the same Gaol praying the enactment of a law for the relief of Insolvent Debtors.

The Colonial Secretary gave notice that he would bring these Petitions, as well as two others of a similar purport under consideration on Tuesday.

Finished the 2nd reading of the Bill for the Regulation of the Customs; to be engrossed and read a 3rd time on Tuesday.

The Attorney General gave notice that he would present a Petition on Tuesday from two Debtors confined in Gaol at Launceston praying the enactment of some measure for their relief

Council adjourned to Tuesday 24th

Tuesday Septr 24th

Present — Same as 1st day.

The Attorney General presented a Petition from two Debtors in Launceston Gaol praying that an Act might be passed for the relief of Insolvent Debtors.

Read and ordered to be laid on the Table.

The Colonial Secretary moved the Order of the day for the consideration of the several Petitions from Debtors in Launceston Gaol of which he had given notice.

The Petitions were severally read. The subject to be referred for the Report of their Honors the Judges, and the Petitions to lie on the Table.

His Excellency read the following Minute: Vide Gazette Septr 27th 1833

The Lieutenant Governor laid

on the 6th Rules referred to in the above Minute.

Moved by the Attorney General, and seconded by the Colonial Secretary, that the Amendments Minute be entered on the Journals of the Council.

Sub-Committee appointed for the consideration of the Rules referred to consisting of His Honor the Chief Justice, the Attorney General, the Colonial Secretary, the Collector of Customs, and Mr. McLachlan, to meet at 12 O'Clock on Wednesday

His Excellency the Lieutenant Governor then laid upon the table, "A Bill to provide for the temporary conveyance and postage of letters"

Read a 1st time - to be printed.

Bill to provide for the more effectual punishment of male Offenders liable to imprisonment, read a 2nd time.

The Attorney General gave notice that he would to-morrow move, that a clause be added to the Weights and Measures Bill, to the effect that nothing therein contained should extend to His Majesty's Customs.

Wednesday Sept. 25th.

Present. Same Members as 1st day.

His Honor the Chief Justice presented a Petition from certain of the Merchants, Tradesmen and others of Hobart praying the introduction of an enactment for regulating and defining the rates of Cartage.

Moved by Mr McLachlan and seconded by the Senior Chaplain that the Petition be printed.

Amendment proposed by the Collector of Customs, and seconded by the Colonial Secretary, that the Council do now proceed to the Order of the day.

Amendment carried.

- Customs Bill read a 3rd time.

Thursday Sept. 26th

Present - Same as 1st day.

Sub Committee appointed for the consideration of the Rules reported progress

Third reading of the Weights and Measures Bill postponed to Friday

His Excellency the Lieutenant Governor laid upon the Table, "A Bill to simplify Proceedings at Law and Equity by or against the Directors and Company of the Commercial Bank"

Read a 1st time

Friday Sept. 27th

Present. Same as 1st day.

Weights and Measures Bill read a 3rd time, and passed

Council adjourned to Tuesday Oct 1st

Tuesday Oct 1st

Port Regulation Bill considered in Committee.

Mr Friend the Post Officer of Launceston called in and examined relative to the Salvage in the River Tamar

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Wednesday Oct 2nd

Mr McLachlan presented a Petition from certain Settlers confined in the Gaol

Hall at Hobart praying that some Legislative enactment might be passed for their relief.— Read and ordered to lie on the Table.

Port Regulation Bill further considered in Committee.

Thursday Octr. 3rd

Present.

Same Members as 1st day.

Port Regulation Bill considered in Committee.

Council resumed, and Bill read a 2nd time to Section 18th.

His Excellency The Lieutenant Governor laid upon the Table an Estimate of the Expenditure of the Government of Van Diemens Land for the year 1833.

His Excellency the Lieutenant Governor laid upon the Table an Estimate of the expenditure of the Government of Van Diemen's Land for the year 1834

His Excellency then read the following Minute— Vide Gazette Octr. 11. 1833.

Ordered to be entered on the Journals of the Council, and to be printed.

The following Extract from a Dispatch of the Right Hon'ble the Secretary of State for the Colonies to His Excellency Colonel Arthur dated Downing Street 4th March 1833 was then read.

Vide Gazette Octr. 11. 1833.

Ordered to be entered on the Journals of the Council, and to be printed.

Mr. Kerr begged to enquire of His Excellency whether it was his intention to appoint any gentleman in the room of Mr. Gordon who had upon more than one occasion stated to him that he never would attend a Meeting of this Council.

His Excellency enquired of Mr. Kerr whether he had heard Mr. Gordon distinctly state that he would not attend a Meeting of this Council.

Mr. Kerr then said that on one occasion he enquired of Mr. Gordon whether he would attend in Council, and he replied that he would not attend. On another occasion he (Mr. Gordon) observed that he would never resign. The Governor might turn him out if he pleased, but he would never resign, neither would he attend.

Mr. Willis informed the Council that Mr. Gordon had told him that he had intimated his resignation to the Secretary of State, and had also observed that he would never attend in Council so long as Colonel Arthur administered the Government.

The Clerk was requested by His Excellency the Lieutenant Governor to state whether a summons had been sent to Mr. Gordon, and whether he had ever in the present Session attended in his place in Council, pursuant to such summons, and he (the Clerk) informed the Council that Mr. Gordon had been regularly summoned, but had not on any occasion taken his seat pursuant to such summons.

Friday Oct 4th

Present

Same Members as 1st day.

Moved by Mr. Willis and seconded by Mr. Proctor, that His Excellency the Lieutenant Governor be requested to appoint a Member of this Council in the room of Mr. Gordon, in consequence of the communication made to the Council by two of its Members now present

present, and entered upon the Minutes of the Council.

Carried. The Chief Justice and Mr McLachlan dissenting.

Port Regulation Bill read a 2nd time, to be read a 3rd time on Monday the 7th.

Council went into Committee upon the Bill to provide for the temporary conveyance and Postage of letters

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Saturday Oct 5th.

Further consideration in Committee of the Bill to provide for the temporary conveyance and postage of letters.

Monday Octr 7th 1833.

Bill to provide for the temporary conveyance and postage of letters further considered in Committee.

Tuesday Octr 8th

Present

Same Members as 1st day

Port Regulation Bill read a 3rd time and passed.

Bill to provide for the temporary conveyance and postage of letters further considered in Committee.

Wednesday

Wednesday Oct 9th 1833

Present — Same as 1st day.

Further consideration in Committee of the Bill to provide for the temporary conveyance and postage of letters. Bill as amended to be reported on Friday.

Mr Willis gave notice that upon consideration of the Estimates for 1833 he should move that in order to meet the expense attendant upon the conveyance of Newspapers to the Interior, a stamp duty of one penny on each paper be paid to the Government in place of the postage at present proposed to be charged for their conveyance.

Read the Report of a Committee consisting of four Members of the Legislative Council namely Charles Swanston, John Montagu, Charles McLachlan and William Proctor Esquires who had been requested by His Excellency the Lieutenant Governor to consider and report upon the estimated appropriation of the Revenue for the current year, and for the year 1834.

Thursday Oct 10th

Present

Same Members as 1st day.

The Council resolved itself into a Committee for the consideration of the Estimates for the current year, and the appropriation of the Ways and Means.

The following Resolutions were moved by the Colonial Treasurer and carried

1st That for the service of the current year there shall and may be issued and applied to defray the charges of the Civil Establishment of Van Diemen's Land, any sum or sums of money not exceeding £45,706.4.2

2nd That for the service of the current year

year there shall and may be issued and applied to defray the charges of the Judicial Establishment any sum or sums of money not exceeding £12,100.16.6.

3rd That for the service of the current year there shall and may be issued and applied to defray the charges of the Ecclesiastical Establishment, and of the Schools any sum or sums of money not exceeding £8,632.3.4.

4th That for the service of the current year there shall and may be issued and applied to defray the charges of the Military Establishment any sum or sums of money not exceeding £620.11.8.

5th That for the service of the current year there shall and may be issued and applied to defray the Miscellaneous charges upon the Colony, any sum or sums of money not exceeding £26,555.19.11¾.

The Council then proceeded to consider the Estimates for 1834.

Friday Oct 11th

Present

Same Members as 1st day.

His Excellency the Lieutenant Governor laid upon the Table a Petition by Dr James Ross Printer and Proprietor of a Newspaper published in Hobart praying to be heard against a clause in the Bill to provide for the temporary conveyance and postage of letters. —— Read.

The Collector of Customs presented a Petition from Mr R. L. Murray Proprietor of a Newspaper published in Hobart praying to be heard against a Postage duty upon Newspapers. — Read.

The Council resumed in Committee the consideration of the Estimates for the year 1834, and resolved

1st That there shall and may be issued and applied to defray the charge of the Civil Establishment for the year 1834 any sum or sums of money not exceeding £42,352.18.8.

2nd That there shall and may be issued and applied to defray the charge of the Judicial Establishment for the year 1834, any sum or sums of money not exceeding £11,075.2.6.

3rd That there shall and may be issued and applied to defray the charges of the Ecclesiastical Establishment and of the Schools for the year 1834 any sum or sums of money not exceeding £10,003.18.10.

4th That there shall and may be issued and applied to defray the charges of the Military Establishment for the year 1834 any sum or sums of money not exceeding £310.5.

5th That there shall and may be issued and applied to defray the Pensions chargeable on the funds of the Colony for the year 1834 any sum or sums of money not exceeding £845.

6th That there shall and may be issued and applied to defray the Miscellaneous charges upon the Colony for the year 1834 any sum or sums of money not exceeding £14,398.

Pending the consideration of the Estimates the following Resolutions also passed the Committee.

1st That in consequence of the distance of many of the Inhabitants of the more remote districts from surgical aid, and the danger to life frequently consequent thereupon, this Council do respectfully recommend to the Executive Government to increase the number of District Assistant Surgeons supported by the Colony from two

to

to eight

2nd That in consequence of the inadequacy of the Salary of the Clerk of the Peace and Registrar of the Court of Requests of the Launceston division of the Island and the laborious and extensive duties of that officer this Council do recommend that his salary now £200 be increased to £300 per annum

3rd That in consequence of the increasing numbers, and the consequent dispersion of the population generally by which many persons are removed to so great a distance from the nearest Church as to be deprived of any opportunity of attending Divine Worship, this Council do respectfully recommend it to the Executive Government to appoint at least six additional Chaplains in the Interior at Salaries not less than £150 per annum together with a house, and upon the understanding that as vacancies in the better endowed Chaplaincies occurred they should succeed to them.

* 4th That in consequence of the inadequacy of his present income to support in this town the Presbyterian Minister for Hobart consistently with his office this Council do respectfully recommend that his stipend be raised to £200 per annum

* 5th That in consequence of the laborious duties performed by the Revd Mr Connolly the only Roman Catholic Minister in the Colony this Council do respectfully recommend that his salary now £100 be increased to £200 per annum

* 6th That in consequence of the number of Scotch Presbyterians in Launceston, and in reference to the Church lately built by them in that Place, this Council do respectfully recommend that a stipend of £100 per annum be given to their Minister.

7th

N B

* No 4 – Chief Justice – Attorney General, & Collector of Customs dissented.
* " 5 Colonial Treasurer & Collector of Customs dissented.
* " 6 Chief Justice, Attorney General & Senior Chaplain dissented

* 7th That in consequence of the rise in the value of Crown Lands attendant upon the removal of the Aborigines, and the substitution by the Crown of sales of Waste Land for free Grants, this Council is of opinion that the Aborigines Establishment ought to be supported entirely from the Land Revenue, and that one moiety of the expense of the Survey Department should also be defrayed from that fund

Broke up at 9 O'Clock P.M.

Saturday Octr 12th
at 1/2 past 10 O'Clock A.M.

Present

Same Members as 1st day.

Upon the motion of Mr Proctor, ordered that Dr James Ross, and Mr R.L. Murray be heard in pursuance of their Petitions, on Monday the 21st Inst.

Bill to provide for the payment of the Salaries of the Lieutenant Governor of Van Diemen's Land, and the Judges of the Supreme Court thereof, out of the Revenues of the Customs of the said Island.

Read 1st 2nd and 3rd times, and passed.

Bill for applying certain sums arising from the Revenue receivable in Van Diemen's Land to the service thereof for the year 1833, and for further appropriating the said Revenue

Read 1st 2nd & 3rd times, and passed.

Bill.

N B.

* No 7 – As respected the Aborigines Establishment – Chief Justice dissented, and also Mr Proctor who thought that one half only of the expense of this Establishment should be borne by the Land Revenue.

Bill for applying certain sums arising from the Revenue receivable in Van Diemen's Land, to the service thereof for the year 1834, and for further appropriating the said Revenue.

Read 1st 2nd & 3rd times — and passed.

Read a statement of the Ways and Means for 1833 and also for 1834.

Read a memorandum by the Collector of Internal Revenue, shewing the amount of the proceeds of the sale of Crown Lands up to August 1833.

Read a statement by the Auditor shewing the appropriation of the Extraordinary Revenue derived from the sale of Crown Lands, up to the 31st Decr. 1832.

Captain Swanston gave in the following protest signed by himself, and concurred in by the Members whose names are subscribed, which he desired might be entered on the Minutes.

I protest against any appropriation of the produce of the sales of the land of this Colony to any purpose whatever, whereby such produce may be expended otherwise than within the Colony, on the following grounds.

1st Because the Colony is in want of Public Buildings, Roads, Bridges, and other important improvements necessary to the well being of the community, which might be obtained by the proper application of the produce of the sales of the land, while the Colonists struggling against all the difficulties to which every new people are subject, cannot from their own resources effect those improvements — as much being required from them in aid of the Revenue as from the Colonists of New South Wales, although in the Latter Colony every Public improvement, of which there are many, has been made by Convict labour at the expense of Great Britain, and the Colonists themselves have now reached a point of strength and power by which they are enabled to make exertions of which this Colony is utterly incapable.

2nd I consider that the Colonists have the most just claims on the Revenue of this Colony derived from whatever source (if only as a compensation for the relief afforded by them to Great Britain in the support of 10,000 of her transported Convicts free of any expense) and that their claims should be attended to before that Revenue is appropriated for the benefit of the mother country, or in any way directed into foreign channels, and I consider that the produce of the sale of the Lands of this Colony forms a part of that Revenue — for no one will be found to assert that the Waste Lands have any value but from their proximity to the settled and flourishing Districts.

3rd Because the purpose to which the produce of the sale of the soil of the Colony is proposed to be applied — Viz. the support of British Pauperism is of no Colonial benefit, is an indirect impost upon the judicious application of the capital, and industry of the settler, and is of itself a measure of injustice. Its policy is more than doubtful — Pauper emigration being little calculated to improve the morals, or afford physical aid to the people here — "Poorhouse Prisoners," being as demoralised as "Gaol Prisoners," besides exhibiting from being under no control, the dangerous union of idleness and insolence and the Colony being thereby rendered the "Poorhouse", in addition to its being the Gaol of Britain.

4th

4th Because in order to accomplish this most injurious measure, that system under which this Colony has risen and prospered, the inducement held out to opulent Emigrants by the gratuitous bestowal of Land in proportion to wealth has been abolished, since which scarcely any Emigrants of property, or of that class, the most beneficial to an agricultural country - the yeomen of England have arrived to settle here - it therefore has become apparent, that the tide of respectable, and useful emigration has ceased to flow to our shores.

5th Because there is no probability of any resources arriving from without, and those from within by the sales thus made must soon become exhausted, and the Colony be drained of its little available wealth, in exchange for that which if introduced with accompanying capital would be a positive good, but which as capital disappears becomes as positive an evil.

6th Because the measure can be only of momentary, and very trifling benefit to Great Britain, while to this Colony it will be attended with permanent, and serious injury.

7th Because the proposed measure cannot but have a most injurious effect not only upon our Trade and Commerce, but also upon every species of property in the Colony, while it will at the same time diminish the means of the Local Government for as a great proportion of the metallic money now in the Colony will disappear, the result will be that the Banks must of necessity narrow their operations, so as almost to crush the only financial

materials

materials which the Colony possesses and thereby produce a convulsion - the calamitous effects of which it is fearful to anticipate.

I protest therefore upon these grounds against the proposed appropriation of the produce of the sale of the soil of this Colony: and I feel assured that it is only necessary to appeal to the justice and generosity of His Majesty's Ministers, to induce them to forego a measure of so ruinous a tendency.

(Signed) C. Swanston.

10th October 1833.

We concur with Captain Swanston in the foregoing reasons of protest.

(Signed) Charles McLachlan
" Richard Willis
" John Kerr.

The Council adjourned to Monday the 21st Inst.

Omitted in Minutes of the 11th Inst.

That in consequence of the long and faithful services of Mr Belbin, in the useful situation of Inspector of Stock, this Council do respectfully recommend that his salary be raised to £120 per annum.

The Lieutenant Governor further adjourned the Council by notice to Monday the 4th November 1833.

Monday Novr 4th 1833

The Council met pursuant to adjournment at 2 o'Clock. P.M.

Present

His Excellency The Lieutenant Governor
His Honor The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Senior Chaplain
The Collector of Customs
Thomas Archer Esq
Richard Willis Esq
Charles Swanston Esq
Charles McLachlan Esq

The Council went into Committee upon the Bill to provide for the temporary conveyance and Postage of letters.

Dr Ross, and Mr Murray were called in and heard in pursuance of their Petitions against any Postage charge upon Newspapers.

The Colonial Secretary moved seconded by Mr Willis. That in lieu of imposing any Postage charge upon Newspapers the duty on Rum should be increased by 1/- pr Gallon. Mover & Seconder in a minority.

Tuesday Novr 5th

Present.

The same Members as 4th inst. and Mr Kerr.

Read Extract from the Kings Instructions to the Governor of Van Diemen's Land dated 26th June 1832.

Council resolved itself into Committee for the further consideration of the Bill to provide for the temporary conveyance and postage of letters.

To be further considered on Friday.

Sub Committee brought up their Report upon the Rules for the Regulation of the Proceedings of the Council.

His Excellency the Lieutenant Governor laid upon the Table "A Bill to consolidate the laws relating to the sale by retail of Wine and Malt and spirituous liquors, and to regulate the issue of retail Licences, and promote the good order and management of licensed premises. Also to prevent the harbouring of persons, who are not free, on the premises of Licensed Victuallers, and the sale of Wine, and Malt and spirituous liquors by those who are not licensed."

Read 1st time to be read 2nd time on Thursday.

Wednesday Novr 6th 1833.

His Excellency the Lieutenant Governor laid upon the Table. Rules for the proceedings of the Legislative Council of Van Diemen's Land, together with the Report of the Sub Committee — read.

Ordered that the Rules now read be further considered on Friday.

The Council considered in Committee the "Bill to provide for the more effectual punishment of male offenders liable to sentence of imprisonment."

Thursday Novr 7th

Further consideration in Committee of the "Bill to provide for the more effectual punishment of Male offenders liable to sentence of transportation — Report brought up, — to be engrossed, and read a 3rd time on Monday.

Friday Nov.r 8th 1833.

Present — Same Members as on the 4th Inst.

Mr Emmett presented a Petition signed by certain licensed victuallers in Hobart, and its vicinity, against certain of the provisions of the Bill to consolidate and amend the laws relating to the sale by retail of Wine, and Malt and Spirituous Liquors &c. now under consideration in Council — Read.

The Council went into Committee for the consideration of the "Bill to consolidate and amend the laws relating to the sale by retail of Wine" &c.

The Chairman on the Sessions attended at the request of His Excellency, and explained to the Committee, how the existing Act had operated up to the present time. Also suggesting other amendments, and alterations in order to relieve the Licensed Victuallers, and give efficiency to proceedings for offences cognizable by the Magistrates in and out of Session.

Monday Nov.r 11th

Present, Same Members as on Friday

"Bill to consolidate and amend the Laws relating to the sale by retail of Wine" &c further considered in Committee — Council resumed — Bill read a 2nd time to be engrossed, and read a 3rd time on Tuesday

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Tuesday Nov.r 12th

Present — Same Members as on Friday.

"Bill to consolidate and amend the laws relating to the sale by retail of Wine" &c read a 3rd time and passed

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Thursday Nov.r 14th

Present, — Same Members as on Friday.

Consideration of the Rules and Orders for the Proceedings of the Legislative Council, and of the Report of the Sub Committee. Rules and Orders adopted — Ordered to be printed.

His Excellency the Lieutenant Governor laid upon the Table, "a Bill to regulate Proceedings respecting the boundary fences of adjoining lands."

"Bill to simplify proceedings at Law and Equity by or against the Directors and Company of the Commercial Bank," read a 2nd time. Bill for the more effectual punishment of Rioters &c read 3rd time, and passed.

Friday Nov.r 15th

Present Same Members as the 4th Inst.

The Attorney General presented a Petition signed by certain of the Inhabitants of Launceston praying that measures might be taken to ensure the better observance of the Sabbath.

His Excellency the Lieutenant Governor laid upon the Table the Report, dated January 1830, of a Committee appointed in the former Session, "as to what provision it will be desirable to introduce into an Act to regulate the Opening of Public Roads in this Colony."

Bill to regulate Proceedings respecting the boundary fences of adjoining Lands withdrawn.

Monday Nov.r 18th

Present, Same Members as on Friday

His Excellency the Lieutenant Governor laid upon the table a "Bill for regulating the Police of the Towns and Ports of

of Hobart Town and Launceston, and for removing and preventing nuisances and obstructions therein — Read 1st time.

Tuesday Novr. 19th

Further consideration of the Bill for regulating the Police &c.

Wednesday Novr. 20th

Bill for regulating the Police &c. further considered.

Thursday Novr. 21st

"Bill for regulating the Police in the towns and ports of Hobart Town and Launceston, and for removing and preventing nuisances and obstructions therein," further considered in Committee.

Friday Novr. 22nd

"Bill for regulating the Police &c." further considered in Committee.

Saturday Novr. 23rd

"Bill for regulating the Police &c." further considered in Committee.

Monday Novr. 25th

"Bill for regulating the Police &c." further considered in Committee — to be reported, and read a 2nd time on Tuesday.

Tuesday Novr. 26th

"Bill for regulating the Police &c." read a 2nd time to be read a 3rd time on Saturday the 30th inst.

His Excellency the Lieutenant Governor laid upon the table a "Bill for regulating Foreign attachment in Van Diemens Land" — read a 1st time — to be read a 2nd time on Saturday the 30th Inst.

Wednesday Novr. 27th

"Bill for confirming certain Rates and Duties heretofore levied in Van Diemens Land read 1st and 2nd time and committed.

Bill for extending to Van Diemens Land certain English Statutes for the amendment of the law: read a 2nd time — committed — reported, and ordered to be engrossed — To be read a 3rd time on Saturday

Bill to supply the want of Fines and Recoveries read a 1st time.

Council adjourned to Friday the 29th

Friday Novr. 29th

Council further considered in

in Committee, the Bill to provide for the transmission and postage of letters
Report of the Committee read.

Resolved – That the Report of the Committee upon the Post Office Bill, as now read, be printed before being brought up for the consideration of His Excellency the Lieutenant Governor.

Saturday Nov. 30th.

Bill for regulating the Police in the Towns and Ports of Hobart Town and Launceston &c. read 3rd time and passed.

Mr. Burnett presented a Memorial signed by certain Debtors confined in His Majesty's Gaol at Launceston praying for relief —— Read.

Bill for extending to Van Diemen's Land certain English Statutes for the amendment of the law, read a 3rd time and passed.

Council adjourned to Tuesday the 10th of December

The Council was further adjourned to Monday the 16th inst.

Monday 16th Dec. 1833.

Present

His Excellency the Lieutenant Governor.
His Honor the Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Senior Chaplain
The Collector of Customs.
Thomas Anstey Esq
Charles McLachlan Esq
Charles Swanston Esq

There not being ten Members present at 1/past 2 o'clock the Council was adjourned until to-morrow at 2 o'clock P.M.

Tuesday 17th Dec.
Present —— Same Members.

There not being ten Members present at 1/past 2 o'clock the Council was adjourned until to-morrow at 2 o'clock P.M.

Wednesday 18th Dec.
Present Same Members.

There not being ten Members present at 1/past 2 o'clock the Council was adjourned until to-morrow at 2 o'clock P.M.

Thursday 19th Dec.
Present Same Members and Joshua Horne Esq.

Mr. McLachlan presented a Petition signed by certain Merchants and Landowners of Hobart Town praying that some Legislative

Legislative enactment might be passed
condemning it unpunishable on all persons
intending to cause the Island duty to
advertise the same in one or more of the
Colonial Newspapers.' The said Petition
was read — Motion made, and Question
put. That it be a request to His
Excellency the Lieutenant Governor to
refer the said Petition to the Law officers
for their opinion, and report upon the
measure proposed by the Petitioners, or
to suggest such other measures on the
subject, if any, as may appear to them
to be expedient — Motion agreed to —
2. The Lieutenant Governor laid on the
Table a Minute suggesting for
consideration a revision of the Act "for
regulating the Police in the Town and
Parish of St. Saint Jean and Connaston"
which Ordinance the Judges had
represented the repugnant to the Laws of
England. The said Minute, the
representation of the Judges, and a letter
from the Chief Police Magistrate on the
subject, were read. The Lieutenant
Governor laid the Act upon the Table, and
proposed "that the same be adhered to."
The Council divided — Ayes 7 — Noes 3.

Motion made and Question
put. "That the reasons suggested by His
Excellency the Lieutenant Governor in his
Minute just read, and the facts stated by
the Chief Police Magistrate in his letter
referred to by that Minute, do in the opinion
of this Council form sufficient grounds
for their adherence to the Act, the 6th
Section of which has been represented
against, and that His Excellency be requested
to cause the said Minute, and letter together
with the representation of their Honors the
Judges to be published for general
information." The Council divided — Ayes 7
Noes 3. — Appendix to the Gazette 29th Dec 1832

3 Lines and Measures Bill — Read Lieutenant
Governors Minute on the said Bill — Minute
ordered to be printed / Appendix to the Gazette 29th Dec 1832 / Bill read 2d. Committed,
Committee, and reported. Bill to be read 3d
on Saturday next.

Adjourned at 5 o'Clock P.M. to Saturday
at 2 o'Clock P.M.

Saturday 21st December 1833.

Present — Same Members as former day

Lines and Measures Bill

Read 3d and passed.

Standard Weights and Measures Act

The Lieutenant Governor laid on the
Table a Bill to extend the commencement of this
Act until the 1st April 1834 — Question put. That
the standing Rule No 15 relative to the reading of
a Bill be suspended, that this Bill may be
carried through the several stages, at one sitting.
Agreed to. Bill read 1d 2d & 3d and passed

Rates and Duties confirmation Bill.

Read Lieutenant Governors Minute / Appx No 3
Gazette 29th Dec 1832 / Question put. "That the
Lieutenant Governors Minute be printed."
The Council divided — Ayes 6 Noes 3.
Considered in Committee. Proposed that the
words "the Concessions in Sark excepted." in
clause 2 Section 2, and the words "on all
Spirits the produce or manufacture of any of
the Possessions in India and" in Section 3 be
omitted. Severally put and agreed to.
Proposed that the word "five" be substituted
for the word "fifteen" in section 5. Put and
negatived — Reported — Bill to be read 3d on
Wednesday

Wednesday 1st January next.

Return Ordered "of duties collected on Spirits distilled in the Colony during the three years ending 30th November 1833 specifying the quantities on which such duties were paid, and distinguishing the places where distilled." (Mr. McLachlan).

Ordered. That this Council be adjourned until Wednesday the 1st of January next.

Adjourned at 1/4 past 6 o'Clock P.M.

Wednesday 1st Jany. 1834

Present

His Excellency The Lieutenant Governor
His Honor The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Senior Chaplain
The Collector of Customs
Thomas Anstey Esq
John Kerr Esq
Charles Swanston Esq
Charles McLachlan Esq.

Insolvent Debtors Bill

Read 1o. to be read 2o. tomorrow

Witnesses Expenses Bill

Read 2o. Bill committed

Adjourned at 5 o'Clock P.M.

Thursday 2nd January 1834

Present - Same as former day

Witnesses Expenses Bill

Resumed in Committee. Reported with amendments. to be read 3o. tomorrow.

Rates and Duties confirmation Bill.

Read 3o. and passed.

Insolvent Debtors Bill

Read 2o. Bill committed and reported with amendments. to be read 3o. tomorrow. Returns presented, and Read of Debtors confined in His Majesty's Gaols at Hobart Town, and Launceston on the 3rd Decr.

Post Office Bill

Recommitted.

Adjourned at 1/4 past 5 o'Clock P.M.

Friday 3rd January 1834

Present - Same as former day

Post office Bill

Resumed in Committee.

Motion made and Question proposed, that the words "Members of the Executive, and Legislative Councils" be inserted before the words "Such Public Officers," in Section 11. Council divided Ayes 7 Noes 3 Motion made and Question put that the following proviso be added to Sec 11. "and provided also that nothing in this Section contained shall extend to the letters and packets addressed to, or franked by the Members of the Executive or Legislative Councils either as relates to such letters or packets being written on the Public service, or being subscribed

"subscribed by the person sending the
"same. Provided always that the number
"of letters or packets addressed to, or
"franked by the members of the
"Executive or Legislative Councils, shall
"not exceed on any one post day the
"number five to be franked, and five to
"be received." Council divided Ayes 4
Noes 6

Adjourned at 6 o'Clock P.M.

Saturday 4th January 1834
Present — same as former day.

Post office Bill.
Resumed in Committee
Reported with amendments.
Read 3d and passed
Witnesses Expenses Bill
Read 3d and passed.
Insolvent Debtors Bill
Read 3d and passed

Broke up at 1/4 to 5 o'Clock P.M.

Friday August 22nd 1834.

The Council met pursuant to summons
at

Present
The Hallman
The [illegible]
The [illegible]
The [illegible]
The Treasurer
The [illegible]
The [illegible]
Mr Lewandon
The [illegible]
Mr Rathen
Mr Forster

His Excellency The Lieutenant Governor
opened the proceedings by reading the following Minute

I have to announce the following appoint-
ments of Members to serve in this Council since the last
Session.

Mr Montagu has been appointed Colonial
Secretary instead of Mr Burnett, who has retired from
the Office on twelve months' leave of absence, on the
ground that his present state of health temporarily
incapacitates him for the efficient discharge of his duties.
Mr Montagu will therefore take his seat as Colonial
Secretary for the time being

The Rural Dean will take his seat as Senior
Chaplain of the Colony. The Secretary of State having
intimated it to have been the intention of His Majesty's
Government in using this term to indicate the Head of
the Ecclesiastical Establishment.

Mr Bethune has succeeded to the vacancy
occasioned by the removal of Mr Gordon, which has
taken place under the sanction of His Majesty's
Government.

Mr Forster has been appointed in the
room of Mr Cox who has retired the distance of his
estate from town and the extensive farming concerns
requiring his attention having rendered his
attendance on the business of the Council extremely

inconvenient"

Mr Montagu, the Revd Philip Palmer, M Bethune and Mr Forster then took the oaths and their seats.

His Excellency then read the following address: Vide Gazette of the 28th August 1834.

Motion made and question put that the Address of His Excellency the Lieutenant Governor be entered on the Minutes, and printed for the use of the Members.

Passed without a division.

Mr Swanston presented a petition from R. L. Murray Co-proprietor of the Tasmanian Newspaper, praying to be permitted to be present at such of the Proceedings of the Council, as to the council should seem meet.

Received and Read

The Attorney General gave notice that he would on Saturday the 23rd instant move the introduction of three additional Rules for regulating the proceedings of the Council.

His Excellency the Lieutenant Governor laid upon the table the following Bills viz:—

1. "A Bill to Regulate the Sale of Bread"

Bill read a first time — to be read a second time on the 23rd of August

2. "A Bill to amend the Act lately proposed" "for regulating the sale of certain Liquors by" "Retail"

Bill read a first time — to be read a second time on the 23rd of August

3 "A Bill to provide for, and regulate, process" "in Actions at Law against persons absent from" "the Colony"

Bill read a first time — to be read a second time on the 21th of August

4 "A Bill for introducing into this Island parts" "of certain Statutes passed in England, relative to" "the examination of Witnesses, to giving summary" "relief in cases of conflicting claims, and to the" "improvement of proceedings in prohibition and on" "writs of mandamus."

Bill read a first time — to be read a second time on the 21th of August

5 "A Bill to extend to Van Diemen's Land certain" "Statutes passed in England for amending the laws" "relating to forgeries, to embezzlement by Public Officers" "and to offences against the Coin and for abolishing" "Capital Punishments in certain cases"

Bill read a first time — to be read a second time on the 27th of August

6 "A Bill for enabling the Lieutenant Governor" "to grant Letters of Denization in certain cases."

Bill read a first time — to be read a second time on the 27th of August

7 "A Bill to restrain the encrease of Dogs"

Bill read a first time — to be read a second time on the 28th of August

8 "A Bill for the Regulation of Markets"

Bill read a first time — to be read a second time on the 28th of August

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Saturday 23rd August 1834

Mr Swanston presented a petition from Dr Ross, Proprietor of the Courier Newspaper, praying to be admitted to report the proceedings of the Council, or to appoint a person for that purpose to be approved of by The Lieutenant Governor.

The Petition was read and received.

Mr Swanston gave notice of his intention to move on Tuesday next, certain resolutions having for their object the more extensive promulgation of the proceedings of the Council.

The Attorney General moved the adoption of two rules to compel written notice to be given of any proposed motion, or of any amendment in a Bill, and to enable Members to give such notices immediately after the first reading of a Bill.

Motion negatived

The Attorney General then moved That any Member may move that the Council resolve itself into a Committee upon any Act without also moving an amendment

Council divided

Ayes 6 Noes 5 — Carried

"The Act to regulate the sale of Bread" was read a second time and it was moved and seconded that the Council do resolve itself into a Committee thereon

Carried without a division

The Committee then proceeded to discuss the provisions of the Bill and the 1st 2nd 3rd & 4th sections were considered and approved of.

Moved and seconded that a clause to the following effect be added to the 5th Section that persons selling Bread be empowered to make up the weight of loaves, by portions cut from other loaves, in cases where such additions may from accident become necessary

Council divided

Ayes 2 Noes 9 Rejected

Moved, seconded, and carried unanimously that the following words in the 9th 10th & 11th lines in page 3 Section 5 be omitted "or less than that of which according to the established imperial standard its denomination shall purport to be"

Moved and seconded that the word "one" be substituted for the word "ten" in the 17th line page 3. Council divided

Ayes 9 Noes 2 Carried

Moved and seconded that the provisions of the 5th Section be referred to a sub-committee to examine witnesses thereon, and to report the evidence, and their observations to the Council, and that until the coming in of such report, the further discussion of this section be adjourned.

Carried Unanimously

The Chief Justice, Mr Bethune and Mr Forster were appointed such sub-Committee

The Report to be presented on Thursday the 28th instant.

The Committee adjourned to Thursday the 28th instant and the Council resumed

The Licensing Amendment Bill was then read a second time and the Council resolved itself into a Committee thereon

The Committee having proceeded to discuss the provisions of the said Bill the 1st 2nd 3rd & 4th sections were approved of

Moved seconded and carried that the words "in the notification thereof" in the 5th Section, and in the 19th line of page 3 be struck out, and that the words "be notified by "the Chairman" be substituted, and that the words "be stated" in the 20th line be omitted

With these alterations the fifth section was adopted

The 6th Section was considered and adopted

Moved and seconded that the following provision be introduced as the 7th Section

And be enacted that so much of the provisions in the 25th Section of the said Act as requires any New Manager or Superintendent of a Tap or Tap room to be approved of at a special meeting of Justices convened by advertisement be repealed and that any such Manager or Superintendent may be

approved of, at any time, by the Police Magistrate of the District. Provided always, that within one week after such approval, the licensed person obtaining the same, do transmit to the Clerk of the Peace, acting for that District, written notice thereof and of the name of the person thereby so approved of.

Carried Unanimously

Moved and Seconded that the following be added as the 8th Section

And be it enacted that no licensed person shall be liable to any penalty for receiving on payment for liquors or entertainments any check or order upon a known Bank or Banker any thing in the 20th or 30th Section of the said recited Act notwithstanding

Council divided

Ayes 7 Noes 4 Carried

An Amendment was moved and seconded for altering the 31st Section of the Licensing Act by enabling Publicans to supply Malt Liquor on Sunday to other than regular customers, and to allow it to be consumed on the premises between the hours of 1 and three, but after some discussion this amendment was, by leave withdrawn

The remaining Section of the Bill was then discussed and approved of — It was moved and seconded that the Committee do now adjourn and that the amendments be finally settled on Tuesday next

Adjourned accordingly

The Council then resumed

Adjourned at ¼ before 6 P.M. —

Tuesday 26th August 1834

Mr Swanston presented a Petition from certain Merchants Bankers and others engaged in business praying that an Act might be introduced at the next sitting of the Council to render Calcutta Sicca Rupees, South American Dollars and Dollars of the United States and the Piece of Five Francs of France legal tenders in payment of money at their respective value — and Petition

It was moved that the Petition be read. Question put that it be received

Carried Unanimously — Petition read

It was moved, seconded and carried unanimously that the Bill to provide for, and regulate proceedings in Actions at Law, against persons absent from the Colony be read a second time

Read accordingly

Mr McSachlan gave notice of his intention to move in Committee a clause to extend the provisions of the Bill to cases in which the cause of action might not arise within the Colony or its Dependencies

It was moved seconded and carried unanimously that the Council do resolve itself into a Committee upon the Bill

Resolved 1. That after the word Summons in the 2nd line of the 2nd Page the words "or of capias," be introduced

2. That the further consideration of the first Section be deferred

The 2nd 3rd 4th 5th 6th 7th 8th and 9th Sections were successively put and carried

The consideration of the 10th Section was deferred

The 11th Section was put and carried

Resolved that after the words "Hedges Rivers or" in the 12th line of the 10th page the words "before some officer of the Court or person authorized to take affidavits to be used in the said Courts or" be introduced.

Moved seconded and carried "That the 17th Section as amended be adopted"

The Committee adjourned the consideration of the remaining clauses to Friday the 29th instant.

The Attorney General gave notice that he would on Friday propose two additional Sections to be the 16th and 17th

Moved seconded and carried that the Bill for introducing into this Islands parts of certain Statutes passed in England relative to the examination of Witnesses — to giving summary relief &c be read a second time

Read Accordingly -

The Council resolved itself into a Committee on the Bill

Further consideration was adjourned to Friday

Mr Swanston withdrew the notice of resolutions relative to the promulgation of the proceedings of the Council.

The amendments in the licensing Act amendment Bill were finally settled and reported to His Lieutenant Governor the words "Clerk of the Peace of his Debts" having been substituted for the word "Chairman" in the 19th line of page 3

The Council resumed and His Excellency laid the Bill as amended on the table

Resolved, that it be read a third time tomorrow. Wednesday.

Wednesday 27th August 1834

His Excellency The Lieutenant Governor laid upon the table a Bill for the support and relief of persons under imprisonment for debt &c for Jamaica who shall appear to be insolvent

Resolved that the Criminal Acts extension Bill be read a second time

Read

Resolved that the Council resolve itself into a Committee for the consideration of the said Bill.

The Council considered the several paragraphs of the first section

Resolved that in the 7th line of the 2nd Page the words "Cattle Stealing" be struck out and that the words "the stealing of Horses Sheep and Cattle be substituted

Resolved that the Blank in the 29nd line of the 2nd Page be filled up by the words "October"

Moved and seconded that a proviso be inserted at the end of the first section that the Statute for abolishing the punishment of death as far as affects the stealing of Sheep or Cattle shall not apply to this Island.

Moved and seconded, that the Council do adjourn the consideration of the above amendment until a return be obtained of the number of charges laid before the Magistrates throughout the Colony for Sheep and Cattle Stealing since the Year 1825

The Council divided on the original amendment

Ayes 6 Noes 5 -

The Attorney General gave notice that it was his intention to enter his protest against the above amendment on Tuesday next

Moved and seconded, That the provision of the second section shall not extend to the abolishing of the punishment of death in case of Sheep or Cattle Stealing

Ayes 6. Noes 4. Carried

The third section was adopted after a verbal alteration in the 20th line

The Attorney General gave notice that on Thursday next he should move the following to be the 11th Section.

And in order to prevent acquittals in future on account of variances not material to the substance of the charge) be it enacted that after the said first day of October in every prosecution for either of the said Offences of Horse Stealing, or Sheep or cattle stealing referred to respectively in the said Statute intituled "An Act for abolishing the punishment of death in certain cases and substituting a lesser punishment in lieu thereof" the charge of Stealing a horse, or killing any horse with intent to steal the carcass, or part of the carcass thereof, shall be deemed and taken to be supported equally by proof of having so stolen or killed a gelding, or colt, or mare, or filly, and the charge of stealing an Ox, or killing any Ox with intent to steal the carcass, or part of the carcass thereof, shall be deemed and taken to be supported equally by proof of having so stolen or killed a Steer, or Calf or Bullock and the charge of stealing a Cow or killing any Cow with intent to steal the Carcass or part of the Carcass thereof shall be deemed and taken to be supported equally by proof of having so stolen or killed any heifer, and the charge of stealing a Sheep or killing any Sheep with intent to steal the carcass or part of the Carcass thereof shall be deemed and taken to be supported equally by proof of having so stolen, or killed one heifer and the charge of stealing a Sheep or killing any sheep with intent to steal the carcass or part of the Carcass thereof, shall be deemed and taken to be supported equally by proof of having so stolen or killed any Ewe, or Ram, or Lamb, or wether

Further consideration in Committee adjourned to Tuesday. -

The Council resumed

Resolved, That the Denomination Act be read a second time
Read

Resolved That the Council do now go into Committee upon the Bill

The first section was adopted after the words "Foreign Officer or other" had been struck out of the 2nd 5th and 6th lines

The second section was also adopted with the exception of the proviso the further consideration of which was adjourned to Tuesday

The 3rd section was adopted after the words "and declaration been subscribed" had been struck out in the 3rd line of the 3rd Page

The Attorney General gave notice of his intention to move an additional section providing that the term Lieutenant Governor as mentioned in the Bill should be taken to extend the Officer for the time being lawfully administering the Government

The Committee adjourned to Tuesday

Resolved Unanimously that the Licensing Act amendment Bill be read a third time
Question put that this Bill do pass
Carried Unanimously. -

Thursday 28th August 1834

The Chief Justice brought up the report of the Sub-Committee upon the provision of the 5th Section of the Bread Bill had been received

The Report was read

Resolved, That the report be received, That the Substance of it be entered on the minutes, and that it be taken into consideration on Wednesday next.

Resolved 1. That the Dog Bill be read a 2nd time

Read

2. That the Council do go into a Committee on the Bill

3. That in the 8th line of the 1st page the word November be substituted for "October"

4 That the blank in the 1st line of the 2nd page be supplied by the word "one"

5 That the blanks in the 4th & 5th lines be supplied by the words "than five shillings" "nor more than five pounds"

6 That in the 12th line of the 2nd page the word "October" be substituted for "September"

7. That the blank in the 5th line of the 3rd page be supplied by the words "two pounds" and in the 6th line by the words ten pounds

8 That the words "six pence" be substituted for the words One Shilling in the 3rd line of the 4th page

9. As an amendment upon the 6th Section lines 2nd & 3rd of the 4th page that the certified copy shall be given Gratis if applied for at the time of registration, and shall be delivered upon payment of a fee of six pence if applied for at any time afterwards

10 That in the 5th line of the 4th page the word "Constable" be struck out and the words "Gaoler" substituted

11 That after the words "and of such keeper" in the 8th line of the 4th page the words "or some one on his behalf" be inserted

12. That in the 3rd line from the bottom of the 6th page, the words "four times" be struck out and the word twice be inserted

13 That after the words "within twenty four hours" in the 9th line of the 4th page the words "or within such further time as such Magistrate may deem reasonable" be inserted

14 That the blank in the 10th line of the 11th page be supplied by the words "ten shillings"

Resolved, That Schedule A after the substitution of the word "October" for "September" and the striking out of the words "house dogs" do stand part of the Bill

Moved and seconded in respect of Schedule B That the sum payable in respect of male watch dogs kept on the chain be 1/ and not 2/6

Rejected

Resolved, That the sum payable for such dogs be 2/6 instead of 5/ as proposed

Moved and seconded that the sum payable for all other male dogs be 5/ instead of 10/ as proposed

Rejected

Moved that the sum payable on all other male dogs be 20/ instead of 10/ as proposed

Rejected

The Attorney General gave notice of his intention to move a clause to authorise the registration of dogs in certain cases in every other month as well as October.

Further consideration adjourned to

to Wednesday next

The Council resumed.—
Moved, seconded, and carried
That the Bill for the regulation of Markets be
read a second time
Read

Resolved That the Council do resolve itself
into a Committee upon the Bill

Committee adjourned to Thursday
next

Friday August 29. 1834

The Council resumed in Committee the consideration of the Foreign Attachment Bill deferred from Tuesday the 26th instant

Resolved That the words "to the best of
"deponents belief" be inserted between "and is"
and "possessed" in the 8th line of the 2nd page

Resolved That the first section the
consideration of which had been postponed do
stand part of the Bill

Resolved That the words "and such
bond be not entered into as aforesaid the
attachment shall be ipso facto dissolved" be added
to the 9th Section

The tenth section was adopted

Resolved That Section 11 do stand as
follows.
"Provided always and be it enacted
That in all cases wherein two or more Defendants
shall be sued as co-partners and as to either of
such defendants there shall be a return of
non est inventus, and as to any other of such
Defendants there shall be a return of personal
service, or of cepsi corpus, then, if at any time after such
return, an affidavit shall be filed that to the best of
deponents knowledge and belief the defendant served
or arrested did, in fact, when the cause of action
accrued, carry on business in this Island or its
Dependencies as co-partner jointly with the
Defendant, as to whom there shall have been such
return of non est inventus, and that such last
mentioned defendant is absent from the Colony,
it shall be lawful for the Plaintiff, at his option,
to proceed against such defendant (in case
no appearance be entered for him) in the manner
next hereinafter mentioned

Five new sections to wit the 16th 17th
18th 19th and 20th and 21st were then moved
in pursuance of notice given by the Attorney
General and carried

The Attorney General then notified that
he should move to morrow a section, to be the
21st to the following effect. "That the Court
have power to order the attachment to be
dissolved in cases in which it may appear
that the cause of action did not arise in the
Colony and that before final judgment the
Plaintiff shall make an entry on the record
as to the fact of where the cause of action arose
in such form as the Court shall order

The final section the 22nd was
adopted

The Schedules A.B.C.&D. were
adopted

The Committee adjourned to tomorrow
Saturday

The Council resumed

Resolved That the Council do consider
in Committee the examination of Witnesses
the
Bill.—

The 1st 2nd 3 & 4th Sections were adopted

Moved and seconded that the 8th Section be amended as follows "No examination or deposition to be taken by virtue of this Act shall be read in evidence at any trial without the consent of the party against whom the same may be offered, unless it shall appear to the satisfaction of the Judge that the examinant or deponent is beyond the jurisdiction of the Court, or dead, or unable from permanent sickness, or other permanent infirmity to attend the trial

Ayes 4 Noes 6. Rejected

Moved and seconded that after the word "signature" in the 3rd line of page 5 the remaining words of the eighth section be struck out, and the following clause be substituted "unless it shall be shewn by the party against whom the examination is offered, that the examinant is then within the jurisdiction of the Court and is able to attend the trial

Ayes 6 Noes 4. Carried

Further consideration adjourned to tomorrow ...

Saturday August 30. 1834

The Council resumed in Committee the consideration of the Foreign attachment Bill. — The amendments and new sections were finally settled

The report was brought up

The Council resumed, and His Excellency The Lieutenant Governor laid the Bill as amended upon the table.

Ordered to be read a third time upon Thursday September 4th

The Council considered in Committee the provisions of the Examination of witnesses Bill.

The report was brought up. —

The Council resumed and His Excellency laid the Bill as amended upon the table.

Ordered to be read a 3rd time on tuesday

Adjourned to Thursday 2nd September 1834

Tuesday 2nd September 1834

The Attorney General brought forward the protest of which he had given notice on the 27th Ultimo. — After some discussion it was withdrawn. —

The Council went into Committee upon the Criminal Acts extension Bill. —

A section was carried to be the 5th defining what should not be considered variances.

It was moved and seconded that every part of the Bill referring to the Act of 2 & 3 No 4 c 62 (being the Statute in question) be wholly omitted.

Withdrawn —

The further consideration of the amendments was deferred until tomorrow Wednesday the 3rd September to which time the Committee adjourned

The Council resumed, and resolved itself into a Committee for the purpose of considering the proviso in the 2nd section of the Denization Bill

Resolved that the proviso stand as follows

Provided always that such

person shall within one Calendar Month next after the date of such letters of Denization take, and subscribe the oaths of allegiance, supremacy and abjuration or (if a Roman catholic) the oath prescribed by the Act intituled "An Act for the relief of His Majesty's Roman Catholic Subjects"

Resolved that Report be brought up

Report brought up accordingly

The Council resumed, and His Excellency laid the Bill as amended upon the table.

Ordered to be read a third time on Thursday the 5th September

Motion made and question put that the examination of Witnesses Bill be read a third time

The Council divided

Ayes 8 Noes 4 Carried

Wednesday 3rd September 1834

Mr McLachlan presented a Petition from the Bakers of Hobart Town praying that they might not be compelled to send out weights and Scales with the Bread delivered at the houses of their customers

Moved that the Petition be received and read

Received and read accordingly

Mr McLachlan presented a Petition from certain of the inhabitant householders of Van Diemen's Land against the provisions of the Dog Bill

Petition received and read

Resolved that the order of the day be suspended

The Council resumed in Committee the consideration of the amendments in the Criminal Acts extension Bill deferred from yesterday.

The Report was brought up and the Council resumed

The Council resolved itself into a Committee for the consideration of the Bread Bill

Further consideration adjourned till to-morrow.

Thursday the 4th September 1834

His Excellency The Lieutenant Governor laid upon the table the Criminal Acts extension Bill as amended in Committee

To be read a third time on Wednesday the 10th September

The Foreign Attachment Bill was read a third time and passed

The Denization Bill was read a third time and passed.

The Council went into Committee for the consideration of the Bread Bill, and of the Report of the sub-Committee

Resolved 1. That a Section be inserted describing the substances of which Bread may be made

2. That the use of any other ingredients be prohibited under a penalty of not less than £1 or more than £50.

3. That the Bakers be compelled to stamp with the letter M. all Bread sold or exposed for sale and made wholly or partially

of the meal or flour of any other sort of Corn or Grain than wheat, or of the meal or flour of any peas or beans

4. That all bread shall be weighed before it is delivered to the Buyer whether sold in the shop or abroad; and that such Bread as is delivered to the buyer in the shop, or on the Bakers premises, shall be previously weighed in the buyers presence; whether this be required by the buyer or not, under a penalty for non-performance of not less than 5/ nor more than £5.-

Moved that no complaint in respect of shortness of weight be entertained unless made within 24 hours after the Bread is drawn

Adjourned to to-morrow - Friday

Friday 5th September 1834

The Council resumed in Committee the consideration of the Bread Bill, and the Report of the Sub-committee deferred from yesterday

Resolved

1. That the following be inserted in the Bill as an amendment on the provision moved yesterday that no complaint in respect of shortness of weight be entertained unless made within 24 hours after the Bread is sold and delivered

2. That all offences under this Act be determined by at least two Justices

Further consideration in Committee adjourned to Wednesday the 10th of September

The Debtors Groats Bill was read a first time

A Member gave notice of his intention to move that the Creditor may cause his Debtor to be examined as to the amount of his property at any time after one months incarceration

A Member gave notice that he would oppose the 14th Section so far as it empowered the Quarter Sessions to liberate persons incarcerated for the non payment of Fines

Bill to be read a second time on Wednesday the 10th instant.

The Council resumed in Committee the consideration of the Dog Bill, and various verbal alterations were made in the 7th 8th and 9th Sections.-

Resolved that a provision be inserted in the Bill to authorise the transfer of monies for the purposes of this Act from one Police Magistrate to another.-

Further consideration adjourned to tomorrow

Tuesday 9th September 1834

The Council settled in Committee the several amendments in the Bread Bill.

Report brought up

Council resumed, and His Excellency laid the Bill as amended upon the table

Ordered to be read a third time tomorrow.

The Council went into Committee on the Dog Bill

Resolved 1 That the words "two months" be substituted for the words "one month" in the first Section.-

2. That Police Magistrates be required to prepare schedules to be hung up in the Police Offices of all Dogs licensed in their respective Districts, and copies to be delivered to applicants on payment of a Fee of 5/.

3 That the continuance of this Act be limited to the 31st of October 1836

Final settlement of amendments adjourned to thursday the 11th September

The Council then proceeded to Committee to the consideration of the Market Bill

Resolved 1 That the words "Coals "Firewood" be expunged from the 7th and 8th lines of the 2nd page

2. That the word "one" be inserted in the blank in the 4th line of the 3rd page

3 That the word "known" in the 2nd line from the bottom of the 3rd page be expunged and the word house substituted

Further consideration adjourned to tomorrow

Wednesday 10th September 1834

Moved and seconded that the Criminal Acts' extension Bill be read a third time

Council divided
Ayes 8 Noes 4

Three Members gave in reasons of dissent from the Bill

Motion made and question put that the Bill do pass

Carried without a division

The Bredd Bill was read a third time and passed

The Council resumed in Committee the consideration of the Market Bill, deferred from yesterday

Resolved 1. That after the word "Market" in the 5th line of the 3rd page the following words be introduced "or (after "the establishment of any such market in and "for the Town of Hobart Town or Launceston) "within the limits of the same town".

2 That the word "house" be inserted in the 2nd and 3rd lines of the 4th page between the words "such" and "shop"

3 That the following words be added to the 4th Section "nor shall any thing in the said sections extend to or affect any purchase of goods (not from any hawker or itinerant vender of goods) to the amount of £5 or more at one time

Further consideration adjourned to tomorrow

Thursday 11th September 1834

The Council resumed in Committee the consideration of the market Bill deferred from yesterday

Resolved 1 That the word "day" be inserted between the words "the" and "week" in the last line of the 4th page

2 That the words "five "shillings" be substituted for the words "ten shillings" in the 20th line of the 5th page

3. That the words between the words "kept" and "painted" in the 3rd 4th and 5th lines of the 6th page be erased

4 That after the word "Market" in the 10th line of the 6th page, the

remaining part of that line and the whole of the 11th be expunged, that the words "under a" be introduced before the word "Penalty" in the 12th line, that the words "or sum" be struck out, and the words "two pounds" substituted for "five pounds"

5 That the words "two pounds" be expunged and the words "five shillings" substituted in the 5th line of the 8th page and the words or by any "Constable" be struck out in the 8th line of the 8th page

6 That the words "be paid into the "Colonial Treasury" in the 20th and 21st lines of the 8th page, be expunged

The Schedule of Tolls and standings was then moved, but was afterwards withdrawn, and referred for the consideration of a Sub-Committee consisting of His Honor The Chief Justice, the Attorney General, Mr Kerr and Mr Forster – to report tomorrow

Further consideration in Committee adjourned to tomorrow

Moved seconded and carried unanimously, that the Debtors Groats Bill be read a second time

Read accordingly

The Council went into Committee upon the Bill –

The 1st 2nd and 3rd Sections were considered and adopted

Adjourned to tomorrow

Friday 12th September 1834

The bringing up of the Report of the sub-Committee on the Schedule of Tolls and standings to be attached to the Market Bill was deferred till tuesday

The Council resumed in committee the consideration of the Debtors Groats Bill

Resolved 1 That between the words "summon" and "any" in the 9th line of the 5th page the following words be introduced "the petitioners wife or"

2 That between the words "Prison" and "the" in the 8th line of the 6th page the following words be introduced "and also that "he hath not during his imprisonment fraudulently "made away with, or disposed of any of his property"

3 That between the words "ordered" and "if" in the 21st line of the 6th page the following words be introduced "(or shall be or have been "made in the due payment of any sum ordered "under the provisions of the said Act hereby repealed)

4 That two sections be inserted to be the 10th and 11th providing for the examination of Debtors lying in prison, and for the examination of Witnesses.

5 That between the words "to" and "make" in the 15th line of the 9th page the following words be introduced "transmit a "Certificate thereof with such Petition to the "Governor or Lieutenant Governor for the time "being who shall have power, in his discretion "at any time afterwards to"

6 That between the words "effect" and "as" in the 2nd line of the 10th page the following words be introduced "and also for "establishing a reasonable scale of Fees to be paid "in proceedings under this Act"

7 That the following words be added to the 10th Section "and the said Court and each of the Judges thereof in every matter or proceeding under this Act shall have power to award Costs to be paid as and when and by and to whom the said Court or Judge shall in any case think fit to order

The Council resumed and the Report was brought up

His Excellency then laid the Bill

as amended upon the table

To be read a 3rd time on Tuesday the 16th instant

Adjourned to Tuesday the 16th instant

Wednesday 17th September 1834.

Moved and seconded that the Debtors Groats Bill be read a third time

Move by way of amendment that the Bill be re-committed
carried

A Member moved that a section be inserted in the above Bill, empowering the Court, or either of the Judges thereof in their discretion to remand upon terms, or discharge persons who have been convicted in pecuniary penalties in the said Court — that is to say — such portions of the said penalties as may be due to informers, the said Court or either of the Judges thereof being first satisfied upon oath that such persons are wholly unable to pay such penalties

Moved by way of amendment that the Committee do adjourn to tomorrow
carried

The Council settled in Committee the several amendments in the Dog Bill.

Report brought up

The Council resumed — and His Excellency laid the Bill as amended upon the table.

To be read a third time tomorrow Wednesday

The Sub-Committee to whom the schedule of Tolls and standings to be attached to the Market Bill had been referred, brought up their Report

The Council went into Committee upon the Market Bill

Resolved That the following words be interposed between the words "more" and "And" in the 23rd line of the 7th page "except in respect "of any article or articles exceeding one hundred "pounds in weight for which he shall be "entitled to demand and receive the sum of six "pence"

Moved that the following Schedule as prepared by the Sub-Committee be adopted

Schedule.

1. For any casual stand or standing (except as hereinafter mentioned every superficial foot thereof per diem ..... one penny

2. ditto per week ..... four pence

N B fixed stalls to be let on hire as parties may agree upon

3 For every cart brought into the market with goods standing therein to be sold ..... two shillings

4 For every dray or waggon on ditto ..... three shillings

N B no charge to be made for goods brought for sale by any one person, and carried by the hand or in any tray or basket.

Moved by way of amendment that the word "one" be substituted for the word "two" in

N° 3 of the foregoing Schedule, and that the word "two" be substituted for the words "three" in N° 4.

Carried

The Schedules as amended was then adopted

The Report was brought up and the Council resumed

His Excellency then laid the Bill upon the table

To be read a third time on Thursday the 18th instant.—

The Council proceeded to consider the section which was moved yesterday to be inserted in the Debtors Goals Bill

Council divided

Ayes 6 Noes 5 - rejected

The Council resumed and the Bill was read a third time and passed

The Dog Bill was read a third time and passed

The Council then adjourned

Wednesday 24th September 1834

The Council met pursuant to adjournment and the Market Bill was read a third time and passed

His Excellency The Lieutenant Governor then read the following minute:—

vide Gazette of the 2nd October 1834

Resolved that the minute of His Excellency the Lieutenant Governor be inserted on the Minutes and recorded for the use of the Members

His Excellency then laid upon the table

1 An Estimate of the Expenditure of the Colonial Government for the year 1835 including a Supplementary Abstract of sums required to cover the expences of the year 1833 over and above the sums voted by the Legislative Council for that year

2 An Estimate of the ways and Means for the Civil Service of the year 1834

3 An Estimate of the ways and Means for the Civil Service of the year 1835

The Council then resolved itself into a Committee for the consideration of the Supplementary Abstract for 1833 and of the proposed appropriation of the ways and Means for the year 1835

Resolved

1 That there shall, and may be issued and applied to defray the sums required to cover the expenses of the year 1833 over and above the sums voted by the Legislative Council for that year any sum or sums of money not exceeding £4,672.14.2

2 That there shall, and may be issued and applied to defray the charge of the Civil Establishment for the year 1835 any sum or sums of money not exceeding £49,580.17.1

3 That there shall and may be issued and applied to defray the charge of the Judicial Establishment for the year 1835 any sum or sums of money not exceeding £12069.17.6

The Committee then adjourned to Thursday the 25th Instant at 10 O'Clock

Thursday the 25 September 1834

The Council resumed in Committee the consideration of the Estimate depended from

yesterday, and
Resolved

1. That there shall, and may be, issued and applied to defray the charge of the Ecclesiastical Establishment, and of the Schools, any sum or sums of money not exceeding £14,552.1.6.

2. That there shall, and may be issued and applied to defray the charge of the Military Establishment for the year 1835 any sum or sums of money not exceeding £384.16.8

3 That there shall, and may be issued and applied to defray the Pensions chargeable upon the Funds of the Colony for the year 1835 any sum or sums of money not exceeding £845.2

4 That there shall, and may be issued and applied to defray the Miscellaneous charges upon the Colony any sum or sums of money not exceeding £12586.14.6

The following Resolutions also passed the Committee

1 That it is the opinion of this Council that the Salary of the Auditor should not be less than £500 per annum and that the Council regrets the inability of the Lieutenant Governor to assent to any such increase without the previous sanction of the Secretary of State

2. That it is the opinion of this Council that the Salary of the Town Surveyor at Hobart Town should not be less than £300 per annum, and that of the Town Surveyor at Launceston not less than £200 per annum exclusive of the allowance for forage and the Council regret the inability of the Lieutenant Governor to assent to such increase without the previous sanction of the Secretary of State

3 That it is the opinion of this Council that the Salary of the Clerk of the Attorney General should be £150 per annum

4 That in the opinion of the Council the Clerks of the Peace are not sufficiently paid and that His Excellency be requested, if it be possible to do so, to allow to each of them £100 per annum additional; particularly as they are now employed in the performance of additional duties, on the conducting of prosecutions for felony and misdemeanor

5 That it is the opinion of this Council that the Under Sheriffs are by no means adequately paid

6 That it is the opinion of this Council that the sum of £700 voted for the increase of the School Establishment should be reduced to £500. and that the sum of £300 voted for the Head Master should be increased to £500, and that the Government be empowered to transfer from the fund for unforseen expenses the sum of £200 in aid of the Vote for Parochial Schools.

7 That it is the opinion of this Council that the Salary of the Presbyterian Clergyman at Hobart Town should be increased To £200 per annum and the Council regrets the inability of the Lieutenant Governor to assent to any such increase without the previous sanction of the Secretary of State

8 That it is the opinion of this Council that the Salary of the Roman Catholic Chaplain should not be less than £150 per annum, and the Council regrets the inability of the Lieutenant Governor to assent to such increase without the previous sanction of the Secretary of State.

Tuesday

Tuesday 14th October 1834

The Council met pursuant to adjournment, and His Excellency the Lieutenant Governor laid upon the table a Bill for the extension of Trial by Jury, and to regulate the constitution of Juries

Read a first time — to be read a second time on Tuesday the 21st instant

Monday 27th October 1834

The Council met pursuant to adjournment

His Excellency the Lieutenant Governor laid upon the table "A Bill for the regulation "and protection of the Whale Fisheries and for "extending to this Island the Statute for "facilitating the recovery of Seamens wages"

The following documents in reference to the Jury Bill were laid upon the table

1 A list of all persons competent to serve on Juries

2 A Despatch dated 25th January 1831 from Lord Goderich to Lieutenant Governor Arthur, transmitting the copy of an order issued by His Majesty in Council on the 8th June 1830

Read

3 The copy of a Despatch dated 7th of April 1830 an enclosure in the above from Sir George Murray to Lieutenant General Darling

Read

4 A Document dated August 26 1834 containing the sentiments of several of the inhabitants of Hobart Town upon the proposed Jury Law

Read

The Jury Bill was then read a second time and the Council resolved itself into a Committee for its consideration

Resolved 1. That in the 25th line of the 3rd page the words "all issues" be erased and that between the words "in" and "actions" in the same line the word "all" be introduced

2. That after the word "land" in the 1st line of the 4th page the following words be introduced "except in such cases as are in that "behalf hereinafter mentioned" "all issues" and that the words on any matter or matters of" in the same line be struck out

The first three Sections were then severally considered and passed

Tuesday 28th October 1834

The Council continued in Committee the consideration of the Jury Bill

Resolved 1 That the 4th Section as printed be inserted as the 2nd and that it do stand as follows And be it enacted that after the publication of this Act in any Action at Law either of the parties Plaintiff or Defendant at any time after the Declaration in any such Action shall have been duly delivered and filed in the said Court or one of the Judges thereof for that purpose the trial shall be had by a Jury consisting of twelve persons who shall be returned under the provisions of this Act either from or out of the Lists of Special Jurors or of common Jurors at the election of the party upon whom such application shall be made if he shall make any such election and if not then at the discretion of the Court or Judge making the order for the trial by such Jury

2 That the 2nd & 3rd Sections as

printed do stand as the 3rd & 4th

3 That the 11th Section of the 3rd as printed do stand as follows — Provided always and be it enacted that with respect to every Jury in any Civil case if after having remained six hours or upwards in deliberation all of them shall not agree as to the verdict to be given or amount of damages to be assessed the decision of three-fourths in number of them shall be taken and entered as the verdict or assessment of the whole Jury and if after having remained on the whole twelve hours or upwards in deliberation three fourths of the number of Jurors shall not concur in any such verdict or assessment then such Jury shall be discharged and the cause shall or may without any new process for that purpose be again set down for Trial or Assessment as the case may be either at the same or any subsequent sittings as the Court or presiding Judge may think fit to order

4 That between the words "laid" and "if" in the 17th line of the 8th page the following words be introduced "and in every "case in which for any other reason it shall "appear to be conducive to the ends of Justice"

5 That in the 5th line of the 11th page the words "four miles" be substituted for the words "three miles" and that the words "the sum of "five shillings" be introduced after the word expressed in the 7th line in the same page and that the following words be erased "at the rate of one shilling for every mile of "such Distance coming" and the like sum for "returning" and the sum of five shillings"

6 That the following words be added to the 15th Section "and if his place of residence be above ten miles distance then an additional sum of six pence for every mile of such distance coming and the like sum for returning"

Wednesday 29th October 1834

The Council continued in Committee the consideration of the Jury Bill

Resolved 1. That the 16th Clause do stand as follows — And in order to form a fund for such payments to Jurors be it enacted that in every action at Law where shall be paid into the hands of the Sheriff by the prevailing party in every case of assessment of damages such sum not exceeding ten shillings and in every case of Trial by a Jury of four persons such sum not exceeding twenty shillings and in every case of Trial by Jury of twelve persons such sum not exceeding three pounds as the Supreme Court shall from time to time think fit to order which said amounts shall be allowed to such prevailing party as costs in the cause and the same sums together with the amount of all fines on Jurors levied under this Act shall form a fund in the hands of the Sheriff for paying the expenses of Jurors as aforesaid and be applied to that purpose accordingly

Council adjourned to Friday the 31st October

Friday the 31st October 1834

The Whaling Bill was read a first time to be read a second time on Tuesday the 4th of November

The Council resumed in Committee the consideration of the Jury Bill

Resolved 1. That between the words "Any" and "no" in the 16th line of the 13th page the words "other than an officer in the Department of the "Commissariat" be introduced and that the words "sixty "five" be substituted for the words "sixty" in the same line

2 That in the 17th line of the 13th page the word "no" between the words "Magistrate" and "Sheriff" be struck out and the words "officer or person employed in the Customs" be introduced

Tuesday 4th November 1834

The Council continued in Committee the consideration of the Jury Bill

Resolved 1. That the words "either have obtained a pardon for the same or shall" in the 9th line of the 14th page be struck out, and that the word "free" be introduced between the words "a" and "pardon" in the 11th line of the same page

2 That the words "or have actually obtained a Free Pardon for the same" be inserted between the words same and any in the 12th line of the 14th page

The Council resumed

The Whaling Bill was read a second time and the Council went into Committee for its consideration

The first four sections were severally considered and passed.

Tuesday the 24th March 1835

Present
His Excellency the Lieutenant Governor
His Honor the Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Revenue Dean
The Collector of Customs
Charles Swanston Esq
Charles McLachlan Esq
Matthew Forster Esq
Richard Willis Esq
John Kerr Esq

The Legislative Council met this day by adjournment, and His Excellency having taken the Chair, read the following minute

vide Gazette March 24. 1835

Carried unanimously that the Minute of His Excellency the Lieutenant Governor be entered on the minutes of this Council and be printed

The Lieutenant Governor then laid upon the table the following Bills

1st An Act for extending the Act lately passed for the relief of insolvent Debtors, to all Debtors now in custody

2nd An Act for enabling the Government to secure a supply of pure water for the Town and Port of Hobart Town

3rd An Act to authorise the appointment of Commissioners of the Supreme Court and to define the powers of such Commissioners

4th An Act to promote the circulation of certain foreign Coins

5th An Act to simplify the proceedings in Law, or in Equity by or against the Directors and Company of the Tamar Bank

6th An Act to provide for the distribution of insolvent Estates and for the amendment in other respects of the Law of Debtor and Creditor

The

The Debtors' Extension Act was read first time, to be read a second time tomorrow

The Whaling Act (introduced last Session) was read a first time, to be read a second time tomorrow

The Water-course Act was read a first time, to be read a second time tomorrow

The Commissioners Act was read a first time, to be read a second time on Friday

The Foreign Coin Act was read a first time

On its being moved that this Bill be read a second time on Friday, it was proposed by way of amendment that a Committee be appointed to inquire and report whether for the reasons stated in the preamble, or any other reasons it be expedient to introduce into circulation in this Colony the Calcutta Sicca Rupee and the United States Dollar, and that the Committee do examine witnesses in reference to these points and report their evidence

Carried

The following Members were nominated as the Committee

Captain Swanston
Mr McLachlan
The Chief Justice
The Treasurer
The Collector of Customs
and
Mr Kerr

His Excellency laid upon the table a Petition signed by certain Merchants

and others against the object of the Bill.—
Read.

Moved and seconded, That this Petition, together with the one presented during last Session, in favor of the measure be referred to the Committee
Carried

The Tamar Bank Bill was read a first time, to be read a second time on Friday.

His Excellency laid upon the table the Report to the Attorney General in reference to the proposed Insolvent Act and the measures recommended by the Committee to whom the consideration of the subject had been referred
Read

Resolved. That the substance of the report be printed.

Insolvent Act read a first time, to be read a second time on Tuesday next.—

Wednesday 25th March 1835

The Chief Justice presented a Petition from Wm Proctor Esquire, against certain Provisions of the Water-Course Act
Read

Resolved.—That Mr Proctor be heard, if he desire it, in support of his Petition.

The Debtors' Act Extension Bill read a second time, committed, reported without alteration, laid upon the table, and ordered to be read a third time Tomorrow

Water-course Act read a second time and committed.

Thursday the 26th March 1835

The Bill for the extension of the Debtors' Act, was read a third time and passed.

The Whaling Bill was read a third time and passed.

The Council resumed in Committee, the consideration of the Water course Act.

The Chief Justice presented a supplementary Petition to Wm Proctor Esqre against certain of the Clauses of this Act.
Received and Read.

Mr Proctor was heard, in pursuance of the Resolution of yesterday, in support of his Petition.

Resolved Unanimously That the Act be so altered as to protect all existing rights of every kind, and to provide for compensation for any injury done, under this Act to them.

The Town Surveyor attended the Council, and gave evidence chiefly in reference to the provisions contained in the 7th Section of the Bill.

Resolved Unanimously That the 7th Section be cancelled.

Friday the 27th March 1835

The Council resumed the consideration of the Water-course Act, which was altered

in conformity with the Resolutions. - Several other Amendments in different clauses of the Act, were also discussed, and disposed of

Monday the 30th March 1835

Captain Swanston presented a Petition from the Co-proprietors of the Tasmanian and Review newspapers, praying to be permitted to be present at the sittings of the Council

The Attorney General presented a Petition by John Walker, E. Lovell and John Barrett, praying that certain alterations might be made in the water-course Act.

Read.

The Council resumed the Consideration of the Water-course Act. & several additional Amendments were considered

The Supreme Court Commissioners Act. was read a second time and committed

The Council adjourned to Wednesday.

Wednesday the 1st April 1835

The Water-Course Act. was further considered in Committee - brought up, laid upon the table, and ordered to be read a third time to-morrow

The Tamar Banking Company's Act. was read a second time -

Report of the Committee brought up, laid upon the table, and the Bill ordered to be read a third time, to-morrow.

The Insolvent Act. was read a second time and committed

Committee adjourned to the 13th May

The Attorney General gave notice of his intention, to move the insertion of a clause in the Insolvent Act.

1st To prevent any Debtor's actual implements of trade or articles of Bedding & wearing apparel, from being taken in execution in any case

2nd To prevent land or real estate from being taken in execution, except in the last resort, unless at the request of the debtor himself.

Thursday 2nd April 1835

The Water Course Act. was read a third time and passed

The Tamar Banking Company's Act. was read a third time & passed

The Council considered in Committee the Supreme Court Commissioners Act. which was afterwards brought up

Friday 3rd April 1835

The Tamar Banking Company's Act. passed

His Excellency laid upon the table, the Supreme Court Commissioners Act. as amended in Committee

Read a third time and passed

Adjourned to the 13th of May.

Committee adjourned to the 15th inst.

Thursday 18th June 1835

Present
His Excellency
The Lieut. Governor
His Honor
The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Rural Dean
The Collector of Customs
Thos Archer Esq
John Kerr Esq
Richd Willis Esq
Chas Swanston Esq
Chas McLachlan Esq
Matthew Forster Esq

This list compared with original draft this day & found correct - 4/11/36

The Council met pursuant to adjournment and His Excellency The Lieutenant Governor read the following Minute

vide Gazette of the 25th June 1835

Moved by Mr Swanston, and carried unanimously, that the address of His Excellency The Lieutenant Governor be entered on the Minutes and printed for the use of the Members

His Honor the Chief Justice brought up the Report of the Committee on the foreign Coin Bill

Read and ordered to be printed

vide Gazette 25th June

Moved and carried, That the foreign Coin Bill, read a first time on the 24th of March last, be read a second time on Monday the 29th Instant

The Lieutenant Governor laid upon the table

1st A Bill to consolidate and amend certain of the Laws relating to the Courts of General Quarter Sessions, and to the more effectual punishment and control of transported and other offenders

2nd A Bill to provide for the erection of Boundary Fences

3rd A Bill to regulate sales by Auction

4th A Bill to simplify proceedings at Law or in Equity, by or against the Tasmanian Fire and Life Insurance Company

The Attorney General gave notice of his intention to move the first reading of these Bills tomorrow

Friday 19th June 1835

Bill to provide for the erection of boundary fences read 1°

Mr Forster — A Member gave notice that he would oppose the 10th Section

Criminal Acts Consolidation Bill read 1°

Mr Forster — A Member gave notice that he should oppose the 26th Section

Bill to regulate sales by Auction read 1°

Mr McLachlan — A Member gave notice of his intention to move as an amendment that no sale should take place at night, and that no sale by Auction should be exempted from this Act merely because the ~~individual except an Auctioneer should be~~ Goods might belong to the Auctioneer ~~allowed to sell his own goods~~

Tasmanian Fire and Life Insurance Company's Bill read 1°

Ordered 1st That the Bill to provide for the Erection of Boundary Fences be read 2° on Tuesday the 23rd Instant

Moved and carried that Saturday be an open day, and that on every other day the Council sit from One O'clock to 5 O'clock P.M.

The Lieutenant Governor laid upon the table, four letters from The Attorney General relative to the Criminal Laws Consolidation Bill

These letters were severally read

Saturday 20th June 1835

The Bill to provide for the erection of boundary fences was read 2°

The

The Council went into Committee for the consideration of the Bill — and the sections from No 1 to 7 were then severally considered.

The Colonial Secretary. A Member gave notice that he would move that a clause be inserted to the following effect. And be it enacted that the term "Fence" and the term "Fencing" used in this Act, shall be understood to mean or apply to any sufficient kind of enclosure whatsoever, whether by Fence, Wall, Hedge or otherwise. — Provided that the Arbitrators shall not in any case have power to award the erection of any wall or of any Fence of the description usually called a "Brush" Fence except by the express consent of both the parties to such award.

Monday 22nd June 1835

Present 11 Members — Same as first day, excepting Hon. Al Dean & Mr Kerr.

The Council resumed in Committee the consideration of the Fencing Bill.

Carried that in the 7th Section at the 20th line of page 5 the words "not exceeding 10 per Cent per annum" be introduced. — Ayes 8 Noes 3.

Carried that it is the opinion of the Committee that the Act should be framed upon the principle that in all cases the owner shall be liable to pay the cost of erecting the fence, but that with the view of compensating him the rent payable by the Lessee may be proportionably encreased at the discretion of the Arbitrators with reference to the encreased benefit derived by such Lessee. — Ayes 6 Noes 4

The Sections from No 8 to 11 were considered. —

Tuesday 23rd June 1835

The Fencing Bill was further considered in Committee.

Wednesday 24th June 1835

The Fencing Bill was further considered in Committee. —

The Committee adjourned to monday next the 27th Instant.

The Council resumed and the Criminal Laws Consolidation Bill was read 2d

The Council then went into Committee upon the Bill.

Thursday 25th June 1835

The Council continued in Committee the consideration of the Criminal Laws consolidation Bill.

Friday 26th June 1835

The Council continued in Committee the consideration of the Criminal Laws Consolidation Bill.

Tuesday 30th June 1835

The Council continued in Committee the consideration of the Criminal Laws consolidation Bill.

Adjourned to tomorrow.

The Fencing Bill was further considered in Committee.

The

The Council resumed and the Bill as amended was brought up, reported and laid upon the table and ordered to be read a third time on Monday the 6th of July

His Excellency The Lieutenant Governor laid upon the table "a Bill for the "settlement of claims to Grants of Land and "for other purposes relating thereto"
To be read a first time on Thursday the 2nd July

— For the proceedings of the 1st, 2nd, 3rd and 6th July Vide next page — but one

Tuesday 21st July 1835

The Criminal Laws Consolidation Bill was further considered in Committee

Monday 27th July 1835

The Criminal Laws consolidation Bill was further considered in Committee

Wednesday 29th July 1835

The Council continued in Committee the consideration of the Criminal Laws Consolidation Bill

The Council adjourned to tuesday the 4th of August.

Tuesday 4th August 1835

Present 10 members — Town members & Mr Foster

Mr Foster

A Member presented a petition from certain of the inhabitants of Hobart Town and its vicinity praying that the jurisdiction of the Court of Requests might be extended to £40. —
The Petition was then read and ordered to be laid upon the table

The Council went into Committee for the consideration of the Insolvent Debtors Bill

Mr Foster

A Member gave notice of his intention to move that a section be introduced to the following effect "To extend the powers of the Court of Requests as at present constituted to decide all Plaints to the amount of £30. — Provided that in cases above £10. The Commissioner be assisted by two Assessors, the decision of any two out of the three to be final — The said Assessors to be chosen from special jurymen to be summoned (and attendance compelled) according to the provisions of the Act commonly called the Jury Act. — These increased powers however not to extend to any question relating to Landed property, neither to levy thereupon

Further consideration of the Bill was then adjourned

The Report of the Committee on the Criminal Laws Consolidation Bill was brought up and The Lieutenant Governor laid the Bill as amended upon the table

Moved that the Bill be read a third time
Carried

The Bill was then read a third time and passed. —

Wednesday 1st. July 1835.

The Colonial Secretary presented a petition from Mr. Peter Roberts praying certain modifications in the Fencing Bill

The Criminal Acts consolidation Bill was further considered in Committee

* The Attorney General moved, carried, with one dissentient voice,* that the 26th section be expunged

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Thursday 2nd. July 1835.

The Council continued in Committee the consideration of the Criminal Laws Consolidation Bill

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Friday 3rd July 1835

The Council continued in Committee the consideration of the Criminal Laws consolidation Bill

Moved that the 45th Section (the 44th as printed) be expunged - Ayes 3 Noes 6

Monday 6th July 1835

Present - All the Members as on first day.

Moved and seconded that the Fencing Bill be read a third time - Ayes 8 Noes 4

Question put that the Bill do pass Ayes 8 Noes 4

In proceedings of 4th August vide proceedings page -

Thursday August 6th 1835

The Council proceeded in Committee to the consideration of the Bill for the relief of Insolvent Debtors.

The Lieutenant Governor laid upon the Table a petition from Thomas Bannister Esq. the Sheriff of Van Diemens Land, in reference to certain provisions of the Insolvent Bill.

Petition on their ends.

Monday 10th August 1835

The Council continued in Committee the consideration of the Insolvent Debtors Bill.

Tuesday 11th August 1835

The Insolvent Debtors Bill was further considered in Committee

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Wednesday 12th August 1835

The Council continued in Committee the consideration of the Insolvent Debtors Bill.

Thursday 13th August 1835.

Mr Bannister, the Sheriff was heard in support of his petition laid upon the table on the 6th instant.

The Council continued in Committee the consideration of the Insolvent Debtors Bill

Monday 17th August 1835

The Council continued in Committee the consideration of the Insolvent Debtors Bill

Mr Forster gave notice of his intention to move that a Section be introduced abolishing imprisonment for debt in all cases excepting those involving fraud, or an intention to abscond from the Colony.

Certain petitions relative to the Merchant Seamen of this Colony, forwarded to the Government last year, were laid upon the Table.

Tuesday 18th August 1835

The Council continued in Committee the consideration of the Insolvent Debtors Bill

Further consideration of the Bill was adjourned to Wednesday the 2nd September.

Wednesday 19th August 1835

Present 10 Members — Jno Bicheno & Wm Kerr.

The Lieutenant Governor laid upon the table a Bill "to rectify a clerical error in the Act lately passed relating to the punishment and control of "Transported and other Offenders."

The Bill was read a 1st & 2d time & passed.

The Council sent into Committee upon the Foreign Coin Bill. The Report as amended was brought up.

The Lieutenant Governor laid upon the table a Bill "to provide for the Licensing of Hawkers, Pedlars "and Carriers"

The Tasmanian Fire and Life Insurance Company's Bill was read a 2d time and the Council went into Committee upon the Bill.

The Council resumed the Fire Insurance Bill was read a second time, and the Council went into Committee upon the Bill.

Adjourned to Monday the 24th Instant.

Monday 24th August 1835

10 Members present — Jno Bicheno & Wm Kerr

A return was laid upon the Table of persons licensed as Auctioneers during the years 1832. 1833, 1834, & 1835.

The Council sent into Committee upon the Auctioneers Bill.

The Council resumed and went into Committee upon the Tasmanian Insurance Company's Bill.

The Report was brought up and His Excellency laid the Bill upon the Table. To be read a 3d time on Wednesday the 2nd September.

The Hawkers & Pedlars Bill was read a first time

His Excellency laid upon the Table the Foreign Coin Bill as amended in Committee. To be read a third time on Wednesday the 2nd Sept.

Tuesday 25th August 1835.

Present. Same Members as on Monday.

Hawkers and Pedlars Bill was read a second time and committed.

Wednesday 26th August

The Lieutenant Governor laid upon the Table a Minute of his intention to lay upon the Table a Bill to alter certain sections in the Quarter Sessions Consolidation Bill.

The Auctioneers Bill was further considered in Committee. The Council resumed and the Bill as amended was brought up.

The Hawkers & Pedlars Bill was further considered in Committee.

Adjourned to Wednesday 2d Sept.

Wednesday 2nd September 1835
Present 12 Members — Town Members & Messrs Austey Kerr and Bethune.

His Excellency laid upon the Table 1st Bill for amending the 33rd & 34 Sections of the Quarter Sessions Consolidation Bill —

2nd A letter addressed to the Lieutenant Governor respecting the Foreign Coin Bill signed by Messrs Kemp Dunn, Hewitt & Furtado —— Read

The Tasmanian Fire and Life Insurance Company's Bill was read a third time & passed.

The Foreign Coin Bill was read a third time and passed.

The Council went into Committee upon the Hawkers and Pedlars Bill

The Quarter Sessions Act Amendment Bill was read a first time.

Thursday 3rd Septr.
Sufficient number of members not having assembled Council adjourned at ½ past 2 O'clock P.M.

Friday 4th Septr.
Present 10 Members — Messrs Kerr Austey & Bethune present.
~~Chief Justice and Mr Forster being absent~~

Mr Kerr presented a petition from the licensed Victuallers of the District of New Norfolk

The Lieutenant Governor laid upon the Table the Auctioneers Bill as amended in Committee — Read a third time and passed.

The Quarter Sessions Amendment Bill was read a 2nd time, to be read a third time on Monday

The Hawkers & Pedlars Bill was further considered in Committee

The Council resumed. The Bill was brought up and laid upon the Table. To be read a third time on Monday

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Monday 7th Septr. 1835.
Present
His Excellency The Lieutenant Governor and all the Members — The Hawkers & Pedlars Bill was read a 3rd time & passed

The Council proceeded to consider in Committee the Insolvent Debtors Bill

Mr Forster brought forward the motion, of which he gave notice on the 4th of August, in reference to the proposed extended jurisdiction of the Court of Requests seconded by Mr McLachlan —
Ayes 10 Noes 4 — Chief Justice, Attorney General, Colonial Secretary, Colonial Treasurer

Moved by the Chief Justice, and seconded by Mr Forster that the operation of the 6th Section shall extend only to Merchants, Bankers, Brokers, Shopkeepers &c.
Ayes 5 Noes 8 —

Moved by Mr Forster, and seconded by the Colonial Secretary that the operation of the 6th Section shall not extend to Officers of His Majesty's Sea or Land Forces on full pay.
Carried — Ayes 7. Noes 6.

Moved by the Chief Justice, and seconded by Mr Forster that the acts referred to in the 11th Section shall be, not presumptive merely, but conclusive proofs of insolvency
Ayes 3 Noes 10 —

Tuesday 8th September 1835

Present 11 Members — The Chief Justice, The Rural Dean and the Colonial Secretary absent.

The Council continued in Committee the consideration of the Insolvent Debtors Bill —

Question put that the 6th Section do stand as read

Ayes 9. Noes 2

The Rural Dean and the Colonial Secretary came in

13 Members present

Moved by the Attorney General that the 38th Section do stand as amended (verbally)

Ayes 12 Noes 1 — Mr Swanston

Moved by the Attorney General that Section 44 do stand as amended (verbally)

Moved by Mr Forster and seconded by The Colonial Secretary by way of amendment that the said Section be expunged

Ayes 4 - Noes 9

Original motion carried.

Moved that the 68th Section (67 as printed) do stand with additional clauses —

Wednesday 9th September 1835.

Present 11 Members — The Chief Justice, The Rural Dean & Mr Swanston absent

The Quarter Sessions Act amendment Bill was read a third time and passed.

The Council proceeded in Committee to the consideration of the Insolvent Debtors Bill

The Rural Dean and Mr Swanston came in

13 Members present

Mr Forster seconded by the Rural Dean brought forward the motion, of which he gave notice on the 17th August,

Ayes 4 Noes 8 — The Colonial Secretary having retired

Moved by Mr Maclachlan, and seconded by Mr Forster that

that the 86th Section do stand part of the Bill — A portion of a letter, dated 16th February 1835, from the Attorney General in reference to this section was read —

Motion carried unanimously.

The Attorney General, seconded by Mr Maclachlan, moved that a clause be introduced to prevent the Sheriffs taking in execution any debtors actual implements of Trade

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Thursday 10th September 1835

11 Members present — The Chief Justice Mr Swanston and the Rural Dean absent —

The Council continued in Committee the consideration of the Insolvent Debtors Bill.

The Lieutenant Governor laid upon the Table a Minute in reference to the resolution of the Council relative to the extension of the Jurisdiction of the Court of Requests — read

The Council resumed, and the Lieutenant Governor read the Minute relative to the Estimates —

Moved by Mr Archer seconded by Mr Willis that the Minute of His Excellency be printed — Carried

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Friday 11th September 1835 —

12 Members present — The Chief Justice and Mr Kerr absent.

The Insolvent Debtors Bill was further considered in Committee and reported. The Council resumed, and the Lieutenant Governor laid the Bill as amended upon the Table — To be read a third time on Tuesday the 15th Septr.

The Council went into Committee upon the Estimates

Estimates

Moved by the Colonial Secretary seconded by Mr Austey. That His Excellency The Lieutenant Governor be requested to nominate a Sub Committee of the Council for the purpose of enquiring into and reporting upon the efficiency and nature of the Survey Department, of the complaints generally which are reported to exist against it, in furtherance of the intention expressed in His Excellency's Minute read to this Council yesterday, and also in compliance with a request made by the Surveyor General through one of the Members* to that effect — Carried —

*The Attorney General —

His Excellency then nominated the following Members to be such Sub Committee

His Honor The Chief Justice — The Colonial Secretary The Colonial Treasurer — Mr Swanston — Mr McLachlan and Mr Bethune —

Adjourned to Monday at 2 O'Clock

Monday 14th September 1835

Present 10 Members — The Chief Justice, the Attorney General, Mr McLachlan and Mr Kerr absent —

The Council continued in Committee the consideration of the Estimates

Moved by Mr Forster and seconded by Mr Willis — Resolution respecting necessity for increase of Schools, and Committee to report upon the same

Moved by Mr Forster and seconded by Mr Willis that an addition of £50 per annum be made to the salaries of the Presbyterian Ministers Mr McArthur and Mr Anderson —

Moved by Mr Forster and seconded by Mr Willis that the number of Inspectors of Stock in the Colony be increased —

For these Resolutions Vide Gazette of 17th Septr 1835

Tuesday 15th Septr 1835 —

A sufficient number of members not having assembled the Council adjourned at ½ past 2 O'Clock P.M.

Wednesday 16th Septr 1835

Present 12 Members — The Chief Justice and Mr Kerr absent.

Moved by Mr Archer — seconded by Mr Swanston that an increase of £200 per annum be made to the salary of the Port Officer

Moved by Mr Willis seconded by Mr Archer that an increase in the number of Hospitals in the Interior was absolutely necessary

The several Resolutions moved on the 14th were brought forward, and severally agreed to —

Moved by Mr Swanston seconded by Mr Austey that additional accommodation for the assembling of the Council was absolutely necessary —

Moved by Mr McLachlan and seconded by the Colonial Secretary that a Return be furnished of all Spirits distilled in the Colony during the three preceding years —

Vide Gazette 17th Septr 1835 —

The Appropriation Bill was read a 1st & 2nd time to be read a third time tomorrow —

Thursday

Present 11 Members — Mr Austey Mr Kerr & Mr Bethune Absent —

The Appropriation Bill was read a third time & passed —

Resolved — For Resolution respecting the payment of the Police out of the Funds of the Colony Vide Gazette Octr 1st 1835 —

9 for 2 against

The Caveat Commissioners Bill was read 1st time To be read a 2nd time on Tuesday the 22nd instant —

Tuesday 6th October 1835

Present His Excellency the Lieutenant Governor and 10 Members
Mr Anstey, Mr Archer, Mr Willis and Mr Bethune absent

The Bill for the distribution of Insolvent Estates
was read a third time.

Wednesday 7th October 1835

Present His Excellency the Lieutenant Governor and 10 Members
Mr Anstey, Mr Archer, Mr Willis and Mr Bethune Absent.

Question put that the Bill, for the distribution
of Insolvent Estates do pass. Ayes 4, Noes 3

Thursday 8th October

Present His Excellency the Lieutenant Governor and 10 Members
Mr Anstey, Mr Archer, Mr Willis, and Mr Bethune Absent

The Caveat Commissioners Bill was read
a 2d time

The Council went into Committee upon
the Caveat Commissioners Bill

Friday 9th October

The Council Continued to Consider in Committee
the Caveat Commissioners Bill

Saturday 10th October

The Council continued in Committee the Consideration
of the Caveat Commissioners Bill

Friday 16th October

Present His Excellency the Lieutenant Governor and 10 Members
Mr Anstey, Mr Archer, Mr Willis and Mr Bethune absent

The Caveat Commissioners Bill was Read a 3rd
time and passed.

Wednesday 27th April 1836.

The Legislative Council met this day by adjournment
and His Excellency having taken the Chair, addressed the Council
to the following effect

Bida Gazette 27th April 1836

Present
His Excellency, The Lieutenant Governor
His Honor, The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Rural Dean
The Collector of Customs
Thomas Archer Esq
John Kerr Esq
Richard Willis Esq
Charles Swanston Esq
Charles McLachlan Esq
P. A. Bethune Esq
Matthew Forster Esq

Moved by Mr McLachlan and seconded by Mr Willis, that
the address of His Excellency the Lieutenant Governor, be entered
on the Minutes of this Council, and be printed

Carried unanimously

The Lieutenant Governor then laid upon the table
the following Bills

1st An act for the Regulation of Distilleries, and for
imposing Duties on Spirits distilled therein

2nd An act to provide for the simplifying of proceedings
and otherwise for the better advancement of Justice in the
Supreme Court of Van Diemens Land

3rd An act to provide further for the institution of
Courts of Requests, and to extend the Jurisdiction of such
Courts.

4th An act for extending to this Colony, the provisions of certain Acts of Parliament, passed for shortening the time of Prescription in certain cases, for the Limitation of Actions, and the improvement of the Law in certain other respects, relating to real property and for amending the Law of Evidence, and the law of Inheritance and of Dower

5th An act for the better prevention of Sheep and Cattle stealing

6th An act for the Regulation of Stage Coaches

7th An act to amend the act for the Registration of Deeds

8th An act to amend the act passed for the preservation of the Ports, and the regulation of Shipping within the same — in certain particulars relating to Pilotage — to the Tonnage Duty — and to the Dues of Wharfage upon Oil —

The Distillation Act was read a first time — To be read a second time tomorrow.

His Excellency laid upon the Table the Report of the Colonial Treasurer and the Collector of Customs, upon the proposed Distillation Act.

The Port Act Amendment Bill was read a first time — To be read a second time on Monday

Mr. Forster A Member gave notice of his intention to move a section in substance as follows "That in reference to the 24th Section of the Act 4. W. 4 No 4 a Section be introduced in the Port Act Amended Bill now before the Council, enabling Police Magistrates to use their discretion in granting Clearances from Police offices — And providing that the sum of two and Sixpence be paid for every Clearance they may see fit to issue

The Bill for the Regulation of Stage Coaches was read a first time — To be read a second time on Monday.

The Court of Requests Bill was read a first time — To be read a second time on Monday the 9th May — taking precedence (Ayes Noes) of the second reading of the Supreme Court Bill

The Supreme Court Bill was read a first time — To be read a second time on Monday the 9th May after the Second Reading of the Requests Bill

Thursday 28th April 1836. Present

His Excellency The Govr. & 11. Members. Mr. Anstey, The Rural Dean and Mr. Swanston absent

The Distillation Bill was read a second time and committed

A Member gave notice of a motion to the following effect

"That there be inserted a Section, defining "the least quantity of Spirits to be made from a given "quantity of Malt, Grain, or Sugar, and declaring that "the duty shall become chargeable accordingly"

Friday 29th April 1836. Present

His Excellency The Govr. & 12 Members. The Rural Dean, and Mr Anstey absent

Mr. Hackett was heard before the Council against various provisions of the Distillation Bill

A Member moved

1st That Strangers do withdraw

Mr. Hackett withdrew

2d That His Excellency be solicited to request of Mr. Hackett that he will confine his observations before the Council as much as possible, to the particular points or objects in which he is himself personally interested

3rd That Mr Hackett be again requested to give his attendance

Mr Hackett was heard in continuation, against various provisions of the Distillation Bill.

Mr Watson, Inspector of Distilleries was called in and examined.

The further Consideration of the Distillation Bill was Continued in Committee

Monday 2nd May 1836

Present

His Excellency the Lieutenant Governor & 10 Members Mr Anstey, the Chief Justice, Mr Bethune and Mr Kerr absent

A Member presented "The Memorial of Joseph Dice Gellibrand" praying to be heard against the proposed Requests Bill - read - Prayer of Memorial to be considered at next Meeting

The Council further Considered in Committee, various provisions of the Distillation Act.

A Member moved the following resolutions

1st That the Duty on Spirits be chargeable, according to the quantity of wash made, at the rate of one Gallon proof Spirit for every five degrees of attenuation from every 100 Gallons of wash, or according to the strength of low Wines produced therefrom, as Compared with proof Spirits, as directed by Section 67 of the English act

2nd That no Spirits be removed from a Distillery, excepting only to some Warehouse or place appointed by the Lieutenant Governor

3rd That every Distiller be allowed credit in Account for the duties on all Spirits in such Warehouse; he paying duty thereon as removed -

4th That (except as last aforesaid) the duties chargeable be paid at the end of every Month -

5th No person to Compound for Sale (unless he be a Rectifier also, and no Rectifier or other person to mix Colonial and Imported Spirits together

6th No Distiller to have in his premises more than 200 ℔ weight of Sugar, or other Imported Articles or Molasses at any one time, under penalty during Distillation therefrom, and after notice, penalty £10 to £100 -

7 Every Distiller to send to the Colonial Auditor, a Monthly Return of all Spirits Distilled by him during the Month, and all Matt and Materials used therein

8 Inspector may take 10 Gallons Wash for 20/ and may charge duty pro rata according to the quantity of Spirits Distilled therefrom, giving notice to the Distiller or some person appointed to attend

Wednesday 4th May 1836

Present

His Excellency the Lieutenant Governor & 10 Members. The Chief Justice, Mr Kerr, Mr Anstey & Mr Bethune absent.

The Council Considered the prayer of the Memorial of Joseph Dice Gellibrand.

On the question being put that Memorialist be heard against the Requests Bill - the Council divided equally

Ayes 5
Noes 5

His Excellency, adhering to former precedent, voted against the Motion, as it had not been shown that Mr Gellibrand had any Special personal interest in the question, involved in the Memorial

The Port Act Amendment Bill was read a second time, and further Considered in Committee

Resolved

That with reference to the 24th Section of the old Port act, the time required before clearing at the Custom House, to give notice of the list of Crew and Passengers, be reduced to 24 hours -

That in reference to the 24th Section of the Act 4. W. 4 No 4

No 4 a Section be introduced in the Amended Port Act, enabling Police Magistrates to use their discretion in granting Clearances from Police offices, and that the Sum of Five Shillings be paid for every Clearance they may see fit to issue -

The Stage Coach Bill read a second time and Committed - to be read a third time on Friday.

Sheep and Cattle Bill, extending Sunday Statutes Bill, and Registration Amendment Bill, to be read first time to-morrow

Thursday 5th May 1836
Present
His Excellency, The Lieutenant Governor & 11 Members
Mr. Kerr, Mr. Anstey and Mr Bethune absent

Resolved —
That His Excellency be solicited to request the further attendance of Mr. Arnett, in reference to the Distillation Bill.

The Council in Committee resumed the consideration of the Port Act Amendment Bill.

Read a letter dated this day from the Port Officer, in reference to the first two Sections of this Bill.

The Port Officer called in and examined

The Council resumed
The Port Act Amendment Bill brought up, laid upon the Table — To be read a third time on Monday next.

His Excellency laid upon the Table an Act for conferring on the Commandant of Flinders Island for the time being, the powers of a Justice of the Peace of this Colony — read a first time — To be read a second time tomorrow

Sheep and Cattle Bill read a first time — To be read a second time on Tuesday -

Registration Act Amendment Bill read a first time - To be read a second time on Tuesday next.

Civil Acts extension Bill read a first time

Friday 6th May
Present
His Excellency the Lieutenant Governor & 10 Members.
The Chief Justice, Mr. Bethune, Mr Anstey and Mr Kerr absent

The Lieutenant Governor laid upon the table a Minute in reference to an instruction contained in a Dispatch, received from the Right Honorable the Secretary of State, and bearing date the 25th July 1835, on the subject of the Imprisonment, under a Sentence of the Supreme Court, of Mr. Lewis of Launceston

Resolved
1st That the Lieutenant Governor be requested to assemble the Council tomorrow morning at 11 O'Clock, for the purpose of hearing His Excellency's Minute read, and that he be further requested to appoint Tuesday next, at the usual hour of meeting, for the purpose of taking the said Minute into consideration.

2d That His Excellency be solicited to direct, that there be laid on the Table tomorrow, the Dispatch or Dispatches from the Secretary of State, with the enclosures, if any, and any other correspondence which may appear to the Lieutenant Governor to afford explanation on this subject, and also the Report, if any, of the Judges, on Mr Lewis's case.

3rd That His Excellency be pleased to direct the Clerk of the Council to intimate to Mr Lewis by this afternoons post, that his claim for Compensation will

will be taken into consideration by the Council on Tuesday next, when he is requested to give his attendance, in order to afford such information or explanation as may be required of him

The Stage Coach Bill was read a third time and passed

The Attorney General gave notice of a Section to be added to the Flinders Island Bill, to the effect that unauthorised persons remaining, after having been required to depart, on any of the Islands in Bass's Straits, may be removed.

Resolved
1st That His Excellency be requested to direct that there be laid upon the Council table a Return of the total number of Cases for pecuniary demands on the Civil Side of the Supreme Court heard and determined in each of the years 1833, 34, and 35, distinguishing the number of cases under £20. £30. £50 £100 and £500 respectively

2nd That His Excellency be requested to direct that there be laid upon the Council table a Return of the total number of cases heard and determined by the several Courts of Requests in each of the said years

In pursuance of the request of the Council, Conveyed to His Excellency, at the sitting of the 5th Instant Mr. Hackett was called in, and heard farther in reference to the Distillation Bill.

His Excellency then adjourned the Council, to meet tomorrow at 11 o'Clock

Saturday 7th May 1836

Present
His Excellency the Lieutenant Governor and 8 members. The Chief Justice, The Rural Dean, Mr Anstey, Mr Bethune Mr Swanston and Mr McLachlan absent

Read the following Minute laid upon the Table at the sitting of yesterday, by His Excellency The Lieutenant Governor
vide Gazette 13th May 1836

Resolved - that His Excellency's minute be printed for the use of the members -

With reference to the Resolution (yesterday) that His Excellency be solicited to lay upon the table, certain documents in Mr Lewis case.

The following papers were laid upon the table, and severally read:-

1st Letter addressed to The Right Honorable Charles Grant, under date, Inner Temple, 5th May 1835, signed by Sir John Campbell, and Sir R. M. Rolfe

2nd Dispatch addressed to the Lieutenant Governor, under date Downing Street, 10th July 1835, signed by Lord Glenelg

3. Dispatch from Lord Glenelg to The Lieutenant Governor, under date 25th July 1835

4. Document under date 29th April 1836. signed by W. Champ, C. Darling, F. Smith, Thomas Hewitt and John Dunn Esquires.

There were also laid upon the Table

1st Sundry Letters, with their enclosures addressed by Mr Lewis to The Colonial Secretary, and by the latter, and the Private Secretary to Mr Lewis, at various dates, in 1834

2nd Several letters constituting a correspondence between the Colonial Secretary and Mr Lewis, in the

the present year

3rd Certain letters addressed by the Lieutenant Governor to Mr. Justice Montagu, and to the Attorney and Solicitor General, and by them respectively to His Excellency in reply, at the end of the last, and beginning of the present year

4th Copies of letters addressed by Mr. Lewis, to the Secretary of State, and of a Petition addressed by him to the King; the latter being under date 30th January 1835

His Excellency then adjourned the Council to meet on Monday at the usual hour

Monday 9th May 1836

Present

His Excellency the Lieutenant Governor and 11 Members

Mr. Bethune, Mr. Kerr and Mr. Anstey absent

Moved

That the Court of Requests Bill be now read a second time.

Moved by way of Amendment—

That the said Bill be read this day Six Months

The Council divided

Ayes 5

Noes 5

His Excellency voted against the Amendment, and the original motion was carried—

Bill read a second time and Committed

The consideration of the title and preamble was adjourned. The first three Sections were successively read and passed

Moved

That the fourth Section be postponed

Ayes 4

Noes 6

Moved—

That the words in the 4th Section "And all actions for the recovery of any Debt or ascertained money demand, or of Damages, for the breach of any Contract respecting the performance of work or the Sale of Goods, to an Amount not exceeding thirty pounds" be struck out.

The Committee divided

Ayes 5

Noes 5

His Excellency voted against the motion

Moved

That the Clause forming the subject of the previous motion be altered thus "And all actions for the recovery of any debt or demand for work or labour done, or Goods sold and delivered, or upon any bill of Exchange, or Promissory note, to an Amount in any such case not exceeding Thirty pounds"

Agreed to without a division

Moved

That the word "twenty" be substituted for the word "thirty" in the Clause included in the preceding resolution

The Committee divided

Ayes 5

Noes 5

His Excellency voted against the Motion

The Section was then with a further (verbal) alteration, passed as amended

Tuesday 10th May 1836
Present
His Excellency the Lieutenant Governor & 12 Members
absent Mr. Bethune & Mr. Anstey -

Read a letter dated 9th May, addressed by Mr. Lewis, to the Clerk of the Council, (in reference to the 3rd Resolution of the sitting of the 6th Inst.)

Read 1st paragraph of Mr. McDowell's letter to the Colonial Secretary, of the 29th Ultimo, also the Attorney General's letter of the 13th October 1834, and the Colonial Secretary's letter of the 28th April last to the Solicitor General.

Resolved
1st That His Excellency be requested to lay upon the Table the Minutes of the Executive Council, on the subject of Mr. Lewis's trial.

2nd That (in reference to his letter of yesterday's date) the attendance of Mr. Lewis be requested on Friday next — and that the Council then proceed in Committee, to the examination of Witnesses and documents, to inquire fully into the facts which occurred at Mr. Lewis's trial

Wednesday 11th May 1836
Present
His Excellency the Lieutenant Governor & 11 Members
Mr Anstey, Mr. Swanston & Mr. Bethune absent.

A Member presented to His Excellency the petition of certain Merchants, Traders, and other Inhabitants of Hobart Town in favor of the Court of Requests Bill.
Question put that the Petition be received
Ayes 7
Noes 4
Moved, that the report contained in the petition of what is supposed to have been said in this Council by the Attorney General, is inaccurate -
The previous question was moved as an Amendment
Ayes 2
Noes 9
Original motion Carried

His Excellency, in accordance with the request contained in a resolution of the Council, passed on the 6th Instant, laid upon the table certain Returns from the Registrar of the Supreme Court, and from the Registrars of the Courts of Requests.

Read a letter dated May 9th addressed to the Colonial Secretary, by the Post officer, in reference to the Post Act Amendment Bill

Moved - That the Post Act Amendment Bill be read a third time
Ayes 8
Noes 3
Question put that this Bill do pass
Ayes 8
Noes 3
The following reasons of dissent were entered (with the consent of the Council, Ayes 9. Noes 2) upon the Minutes :-

"We dissent from this Bill, because no "reason has been brought forward to show that "the reduction of Pilotage effected by it, will be "attended with any benefit commensurate with "the disadvantages which appear to us unavoidable, "more particularly as regards an increase of expense "to the Colony - Post Act, 11th May, 1836
Signed M. Forster
R. Willis

The Council resumed in Committee the consideration of the Courts of Requests Bill.

Thursday 12th May 1836

Present

His Excellency the Lieutenant Governor & 11 Members

Mr. Swanston, Mr. Bentley and Mr Bethune absent.

The Council resolved itself into Committee for the further consideration of the Courts of Requests Bill.

Resolved (without a division)

1st That a proviso be added to the fifth section, in the following words "in all cases of such difference of opinion, it shall be lawful for the unsuccessful party to apply to the Commissioner for a new trial who shall grant or refuse the same, and upon such terms as to payment of costs or otherwise as to him shall seem meet"

2nd That it shall be lawful for the Lieutenant Governor to exempt from service as an Assessor under this Act (either generally or for a limited period) any Public officer or officers, whose attendance may appear to be incompatible with the performance of his other duties.

The Amendments on the Bill having been drafted, read seriatim and severally adopted— The Council resumed — The Report was brought and presented to His Excellency

The Flinders Island Bill was read a second time and Committed

The new section of which Notice was given at the sitting of the 6th Instant, having been unanimously adopted as drafted and the title also having been Amended — The Council resumed— The Report was brought up and presented, and His Excellency laid the Bill upon the Table as Amended

Ordered to be read a third time on Monday.

The Council resolved itself into a Committee for the further consideration of the Distillation Bill.

The Resolutions moved at the sitting of the 2nd May, were read seriatim as drafted and severally adopted

Moved

1st That the words "or any other material being "respectively the produce of this Colony" be omitted after the words "on Spirits made or distilled from Malt, Corn" in the 15th line of the 2nd page, Sec. 2. and that the words "or any other material not being the produce of this Colony" be omitted after the words "on Spirits made or distilled from Sugar" in the 20th line of the second page Section 2.

Ayes 3

Noes 8

2nd That in the Opinion of this Council the duty on Spirits distilled from Malt, Corn or Grain— the produce of this Colony should not exceed at the present price of Grain 2/ per Gallon— and that the duty should be increased in proportion to any diminution in the price of that Article

The previous question was moved by way of Amendment

Ayes 9

Noes 2

original Motion lost

The Council resumed.— the Report was brought up and presented.— And His Excellency laid the Bill upon the Table as amended.

ordered to be read a third time on Monday.

Saturday 14th May 1836

Present

His Excellency The Lieutenant Governor & 11 Members

Mr. Anstey, Mr. Kerr and Mr Bethune absent

His Excellency laid upon the Table, in reference to a Resolution passed at the Sitting of the 10th Instant, extracts from the Minutes of the Executive Council in the case of Mr. Lewis –

Read a letter addressed by Mr. Lewis to the Clerk of the Councils, dated 13th May

Moved

That Mr. Lewis be informed that the Council is proceeding in the investigation of his claim and that his attendance may be given before the Council at any time before five o'Clock in the afternoon of this day or between six and nine o'Clock in the Evening of Monday, when the investigation will be resumed.

Ayes 7
Noes 4

Ordered that Mr. Rocher, the Solicitor General, Mr. Champ, Mr. Smith, Mr. Darling, and Mr. Hewitt, be requested to give their attendance before the Council at its next Sitting

Monday 16th May 1836

Present

His Excellency the Lieutenant Governor & 10 Members

Mr. Pedder, Mr Anstey, Mr. Kerr & Mr Bethune absent

Read three letters of this days date, addressed respectively to the Clerk of the Council, by Mr. J. Lewis, Mr. Smith, and Mr. Hewitt.

The Distillation Bill read a third time –

–Question put— that this Bill do pass

Ayes 8
Noes 2 –

Flinders Island Bill read a third time and passed, without a Division.

The Council then heard evidence in the case of Mr. Lewis

Mr. Forster, Mr. Mc. Lachlan, and the Attorney General, Members of the Council, were severally examined in their places.

Mr. Champ and Mr. Darling were also successively introduced and examined

Tuesday 17th May 1836

Present

His Excellency the Lieutenant Governor & 11 Members

Mr. Bethune, Mr. Anstey and the Attorney General absent

The Solicitor General, Mr. Rocher, and Mr. Dunn (attending by Request) were successively introduced & examined by the Council in the case of Mr. J. Lewis

Wednesday 18th May 1836

Present

His Excellency the Lieutenant Governor & 10 Members

The Chief Justice, the Attorney General, Mr. Bethune and Mr Anstey Absent

Mr. Lewis was introduced, and informed that his attendance had been requested, because the Council wished to give him an opportunity (if he desired to do so) of explaining some points in his case which would be more particularly stated to him by The Attorney General.

Mr. Lewis, upon a question being accordingly proposed to him by The Attorney General, declined offering any explanation, and withdrew.

Moved

Moved.—

That, as appears from a passage in Lord Glenelg's Dispatch of the 10th July last, His Majesty's Government labored under the impression that Mr. Lewis was fined for "persevering in a line of "defence in which he was entitled to persist"; whereas, as appears, from Mr. Lewis's own statement, in his Petition to the King, from a Printed report of the trial, circulated by his sanction, and from the Records of the Supreme Court now before this Council.— Mr. Lewis was not fined for any such cause, but for injurious and insulting observations referring to supposed circumstances utterly unconnected with the case, the object of which was to reflect upon the character of persons not before the Court:— Mr. Lewis before entering on his defence, having been cautioned by the Judge as to introducing improper observations either irrelevant to the merits or not capable of proof

Moved by way of Amendment

That it is not expedient, for the Council to pronounce any opinion on the accuracy or otherwise of the statements upon which the opinion of the Secretary of State, and of His Majesty's Law Officers was formed

Ayes 4
Noes 4

The original motion was carried without a division

Moved

That, as appears also by passages in the opinion of The Attorney and Solicitor General, accompanying the said Dispatch, the cause of such Fine was equally mistaken by them. For those Officers in reporting it as an unwarrantable proceeding on the part of a Judge "summarily to impose a Fine "for the purpose of stopping an accused party from "saying anything which such party may think "essential for his defence" add expressly the qualification, that the thing to be said shall be consistent with public decorum. Whereas, as appears to this Council the observations made by Mr. Lewis and for which he was fined, were obviously not within that qualification

Ayes 4
Noes 4

That in Mr. Lewis's Petition to His Majesty— he alleged, that in his defence he "endeavoured to "shew by a variety of reasoning upon the conduct "of the Attorney General, that Messages such as "he had taken, are for the purpose of affording "explanation, and that a Duel is only the dernier "resort, for which expression the Judge immediately "fined the Petitioner.— Whereas it appears by the said Printed Report, and this Council has the fact otherwise before it, that the following were the expressions for which the Fine was imposed

"I am placed before you by Mr. Alfred Stephen "the Kings Attorney General, under all the "crushing influence of an ex officio Information. "The case has been got up (words of deep "signification in this Colony) with all the tact "and talent, which has characterized cases got up "by Mr. Stephen. He has publicly boasted of his "Crushing Qualifications; and the Public have "responded to the boast, in Crouching Acquiescence. "This boastful declaration was made before he "was vested with the terrific power of Attorney "General, and the still more terrific power of "Grand Jury. His Career has Commenced with "me. Where it will end, I leave the Colonists "to conjecture. Gentlemen, I plead, Not Guilty.

"The Attorney General can only have arrived at "the conclusion of my guilt, by a reference to his "own. "We judge of others by ourselves" is an "axiom of Adam Smith, and the Attorney General "verified it. I am prosecuted, I might say, "persecuted, for inciting to a breach of the Kings "peace; an act of which His Majesty's Attorney "General was guilty, but the other day, by sending "a message to Mr Roderic O'Connor a Magistrate."

Passed without a Division.

Moved

Moved
That it is the opinion of this Council that the sum of £1,700 proposed by His Excellency the Lieutenant Governor, for the indemnification of Mr. Lewis is moderate, and is a proper sum to be paid to him for the injuries The Right Honorable The Secretary of State Conceives he has suffered; but as there are grounds for supposing, that Lord Glenelg and The Attorney and Solicitor General of England formed their opinions on the case without a perfect knowledge of all the facts, this Council advises His Excellency The Lieutenant Governor to transmit for the further consideration of the Secretary of State, the Resolutions which have been passed on the subject; and should Lord Glenelg thereafter retain the opinion already communicated, that he be respectfully recommended to cause the sum of £1700. to be paid to Mr. Lewis by the Colonial Agent in England, from the Revenue obtained by the Sale of Crown lands in Van Diemens Land.

Moved as an Amendment
That the sum of £1700 be appropriated from the Colonial Revenue to the payment of the sum agreed upon by the Arbitrators. — But that the Lieutenant Governor be solicited to make known to the Secretary of State, that as the indemnification is for Injuries alleged to have arisen out of the proceedings of one of His Majesty's Judges, it is the opinion of this Council that the Land Revenue is a more appropriate fund out of which it should be paid

Ayes 2
Noes 9

Question put that the original Motion do pass
Ayes 9
Noes 4

Mr. Gregory's reasons, for dissenting, from the Course of proceeding, followed by the Legislative Council of Van Diemens Land, in the Case of Mr. Lewis's Indemnification

Indemnification

10th. May 1836

I objected in the first instance, to the ~~Colonial Secretary~~ motion for an inquiry into the facts connected with Mr. Lewis's trial, for the three following reasons

1st. Because I am of opinion, that the Government having once submitted to Arbitration the question, as to the Amount, which is to be considered as a moderate indemnification to Mr. Lewis for the injuries he has sustained, it is now too late for the Government at least, if not for the Legislative Council, to go into the question, whether the judicial proceedings were illegal or not, or in other words, whether Mr. Lewis has sustained any injuries at all.

2nd. Because tho' I am well aware that The Lieutenant Governor in Submitting this question to Arbitration never intended the award to be binding upon the Council, or even upon the Government itself, except in so far as that His Excellency bound himself to propose to the Legislative Council a vote for whatever sum the Arbitrators might decide upon, still I am of opinion, that whatever the Lieutenant Governor's object may have been, the effect has inevitably been to impose upon the Government a moral obligation to abide by the Award, and consequently to insure to Mr. Lewis the Amount agreed upon by the Arbitrators, either from the public fund over which this Council has a Control, or else the award of the Council refusing to appropriate any part of it to such a purpose, then from the Land Revenue over which the Crown exercises an unlimited Control

3 Because such being my view of the case, I could not reconcile it with the Oath I have taken as a Member of the Legislative Council, "faithfully to advise & assist the Lieutenant Governor" were I

now

now to hesitate in advising His Excellency at once to order the money to be paid either from the Colonial or the Land Revenue

18th May 1836

I objected to the ~~Colonial Secretary's~~ proposed resolution for referring the question for the final decision of the Secretary of State, for the three following reasons viz 4. 5 and 6.

4 Because it declared the opinion of this Council to be, that the sum of £1709 is a moderate compensation, whereas I consider it to be far too large

5 Because the Council having decided to go into the merits of the case ab initio, I consider, that it ought to pronounce its own opinion definitively one way or other, either that Mr. Lewis is entitled to indemnification or that he is not

6 Because the Attorney and Solicitor General of England have already pronounced their opinion, that there was a valid objection in point of law to the Judicial proceedings in this case, so far as they related to the stopping of the crop examination and the imposing a Fine of £10, and because it does not appear to me, that the Evidence of the persons examined before this Council has in any material degree disproved the facts, upon which Her Majesty's Law advisers grounded their opinion

Signed John Gregory
Colonial Treasurer

I concur in all the foregoing reasons of dissent, except the fourth

Signed Charles McLachlan

I record my dissent from the course of proceeding which has been adopted by this Council in the case of Mr. Lewis's indemnification.

I concur in the reasons 1. 5 and 6. recorded in the foregoing minute by Mr. Gregory.

Signed C. Swanston

Wednesday 22d. June 1836

Present

His Excellency The Lieutenant Governor and ten Members
Mr. Archer. Mr. Willis, Mr. Bentley and Mr Bethune absent.

The Supreme Court Bill was read a second time and committed pro forma.

The Registration Act Amendment Bill was read a second time.

The Council considered the Bill in Committee, and then resumed.

The Report was brought up and presented. His Excellency laid the Bill as reported upon the table. — ordered to be read a third time on Friday.

The Civil Acts extension Bill was read a second time. The Council went into Committee upon the Bill

The Sheep and Cattle Bill was read a second time and committed

Resolved

1st. That His Excellency The Lieutenant Governor be requested to appoint a Committee of this Council for the purpose of enquiring into the present state of the currency of the Colony, and of reporting their opinion whether any derangement of the circulating medium has taken place of such a nature as to call for the interference of the Legislature.

2nd. That His Excellency be further requested to lay on the Table of this Council a copy of the Charter incorporating the Bank of Australasia, together with the latest returns that may have been forwarded to the Government by the several Banks in the Colony.

His Excellency accordingly appointed a Committee (to be open to all the members) Consisting of

The Colonial Secretary.
John Kerr Esq.
Charles Swanston Esq.
Charles Macalister Esq.

Thursday 23d. June 1836.

Present

His Excellency The Lieutenant Governor and Nine Members
The Chief Justice, Mr. Archer, Mr. Willis, Mr. Bentley and
Mr. Bethune absent.

The Council resumed in Committee the Consideration of "The Civil Acts extension Bill" Report to be brought up tomorrow.

The Council resumed in Committee the consideration of "The Sheep and Cattle Bill" — Report to be brought up tomorrow.

The Council resumed in Committee the consideration of "The Supreme Court Bill"

— A Member gave notice of his intention to move a Section to the following effect

"That after the passing of this Act there shall be holden by the said Court at Hobart Town, Terms in every year consisting of 24 days each, and Commencing respectively on the first Monday in March, May, July, September and November, during which Terms the Judges shall sit, as in banco, on every Tuesday and Friday in each week, or oftener, if need be, And there shall invariably be sittings for Judgement Cases and trials before one of the Judges of the said Court as follows. — that is to say at Hobart Town in the second week next after each of the said Terms, and at Launceston twice in every year, i.e. in the third week of the months of April and October, or oftener, if need be — on such day or days respectively in those and the following weeks, as the said Court shall by any general rule, or otherwise, from time to time, appoint. Provided that the Court shall sit also as in banco on the first Tuesday and the following Thursday and Friday in January in each year, for hearing and determining

determining all motions in arrest of Judgment, or for a New trial or otherwise, in Causes then remaining in the said Court undisposed of."

With reference to the Resolution of the 22nd Instant, His Excellency The Lieutenant Governor laid upon the Table a Copy of the "Charter of the Bank of Australasia". ordered to be printed and published

Friday 24th June 1836.

Present
His Excellency The Lieutenant Governor and 10 Members
Mr. Archer, Mr. Austey, Mr. Bethune and Mr. Willis absent.

The Report upon the "Civil acts extension Bill" was brought up and presented, and His Excellency laid the Bill as amended upon the table.

The Bill was read a third time and passed.

The Report upon the Sheep and Cattle Bill was also brought up and presented, and His Excellency laid the Bill as amended upon the table.

The Bill was read a third time and passed.

The Registration Act Amendment Bill was read a third time and passed.

The Council resumed in Committee the Consideration of the Supreme Court Bill. — In pursuance of the notice given yesterday, a Member moved a Section proposed to be the 10th

The further debate on the proposed Section was adjourned to Monday

Monday 27th June 1836

Present
His Excellency The Lieutenant Governor and eight Members
absent — Mr. Kerr, Mr. Archer, Mr. Austey, Mr. Willis
Mr. Bethune and The Revd. Dean.

The Council in Committee upon the Supreme Court Bill, resumed the adjourned debate upon the Motion brought under consideration on Friday the 24th Instant.

The motion (pro tempore) was withdrawn.

Resolved —

That it is expedient that the periods for the holding of Terms and Sittings of the Supreme Court for Civil and Criminal business, should be regulated by Law, and that Sections be introduced into the present Act for those purposes

Resolved —

That His Excellency The Lieutenant Governor be requested to appoint a Committee of this Council to enquire into and report upon the most Convenient periods for the Terms and Criminal Sessions of the Supreme Court during the year and to report their opinion upon the expediency of hearing in the Supreme Court Surry Causes hitherto tried in the Quarter Sessions at Hobart Town.

His Excellency accordingly nominated
The Colonial Secretary
The Attorney General
Mr. Forster and
The Collector of Customs to be such Committee

Tuesday 28th June 1836.

Present

His Excellency The Lieutenant Governor and seven Members.

Absent - The Chief Justice, Rural Dean, Mr. Anstey, Mr. Archer, Mr. Kerr, Mr. Bethune and Dr. Willis. -

The Council continued in Committee the consideration of The Supreme Court Bill

adjourned to Tuesday 5th. July. -

Tuesday 5th. July 1836

Present

His Excellency The Lieutenant Governor and ten Members

Absent - Mr. Archer, Mr. Willis, Mr. Bethune and Mr. Anstey.

The Supreme Court Bill, further Considered in Committee.

Wednesday 6th. July 1836

Present

His Excellency The Lieutenant Governor and eight Members & Justices

Absent - Mr. Archer, Dr. Willis, Mr. Anstey, Mr. Bethune, Mr. Swanston & The Collector.

A Member presented the Report of the Committee of this Council, appointed (agreeably to a Resolution of the 24th Instant) to inquire into and report upon the most convenient periods, for the Terms and Criminal Sessions of the Supreme Court, during the year, and to report its opinion upon the expediency of hearing in the Supreme Court Jury Cases, hitherto tried in the Quarter Sessions at Sorel and Trois Rivieres — Read -

A Member presented the Report of the Sub Committee of this Council, appointed to inquire into and report its opinion as to the expediency of bringing into the Council during the present Session, "two Acts &c. - one "to compel Husbands to maintain their Wives and Children" and the other "to regulate Pawnbrokers" - Read — and ordered to be published — in the Gazette -

The Supreme Court Bill, further considered in Committee.

His Excellency laid upon the table. The Court of Requests Bill as amended — ordered to be read a third time on Saturday -

Friday 8th. July 1836

Present

His Excellency The Lieutenant Governor and 10 Members

Absent - Mr. Archer, Mr. Willis, Mr. Bethune & Mr. Anstey.

The Report of the Committee upon the Supreme Court Bill was brought up.

His Excellency laid the Bill as amended upon the table - To be read a third time tomorrow.

The Report of the Sub Committee appointed (agreeably to a Resolution of the 23rd Instant) "to Enquire into the present State of the Currency of the Colony, and to report their opinion whether any Derangement of the Circulating Medium has taken place of such a nature as to call for the interference of the Legislature." was presented and laid by His Excellency upon the table — Read - ordered to be printed -

Saturday 9th. July 1836.

Present

His Excellency The Lieutenant Governor & 10 Members

Absent — Mr. Archer, Mr. Anstey, Mr. Willis and Mr. Bethune.

Upon the motion being made that The Court of Requests Bill be read a third time

The Council divided ayes 6

Noes 4 — The Motion

Passed without a division.

- For the reasons of dissent from the above vote see Journals of Council The Attorney General & Solicitor General vide Page 11 & 22 July

The Supreme Court Bill was read a third time and passed without a division.

Adjourned to Thursday the 28th Instant at 2 O'Clock.

sent by Position of Government

4 Pl. Engl.

4th August 1836

Present — His Excellency The Lieutenant Governor
and all the Members

The Legislative Council met by adjournment this day at 2 o'clock and His Excellency The Lieutenant Governor, having taken the Chair, read the following Minute — vide Gazette of 12 Augt 1836 —

— Various documents were then before The Council in reference to The Church and School Establishment — for an enumeration of these — vide Gazette of 12 Augt

His Excellency The Lieut: Governor laid the following Bills upon the table

1 — one to enable Government, for a limited period, to remedy deficiencies in The Revenue, by making Treasury Bills a Legal Tender.

2 — one to restrain unqualified persons from practising as Attorneys and Conveyancers and to make further provision for the admission of Practitioners in The Supreme Court —

with reference to the latter of these Bills the following documents were laid upon the table.

1st — Letter addressed by the Members of the Legal Profession to His Excellency dated 29th Augt 1835

2d — Letter from Their Honors The Judges, of 5th 5th September 1835

3d — The Memorial of M Kennedy dated Launceston 25 July 1836

4th The Attorney Generals Min. of the 3d Augt 1836

— to be read to-morrow —

A Member presented the Petition of Wm Sorell McCarthy in reference to the Attorneys & Conveyancers Bill — ordered to be read to-morrow

5th August 1836

Present His Excellency and all the Members

— His Excellency The Lieut: Governor read the following Minute & Memorandum of the Estimates for 1837. vide Gazette of 12th Augt 1836

Carried unanimously that the Minute of His Excellency The Lieut: Governor be inserted in the Minutes and printed for the use of the Members

The Council went into Committee pro forma upon the Estimates

The Treasury Bill Legal tender Bill was read a first time

Attorneys Bill read a first time — to be read a second time on Monday

Read in reference to the Letter of these Bills the documents that were laid upon the table yesterday —

August 6th 1836

The Council continued in Committee the consideration of the Estimates for the ensuing year — 26 Resolutions passed — vide Gaz: 12th Augt

Present His Excellency and all the Members — Augt 8th 1836 — vide Gazette of 12th Augt

— Mr Gregory absent — August 9th 1836 vide Gazette of 12th Augt

August 10th 1836

His Excellency & all the Members present — For resolutions in reference to the Estimates vide Gazette of 12th Augt

For proceedings in reference to His Honor The Chief Justices representation regarding the Court of Requests Act vide Gazette of 12th Augt

August 11th 1836

Present the Lieutenant & 12 members
The Chief Justice &
Mr Bethune absent

- For resolutions in reference to Court of Requests Act vide Gazettes of 12 & 19th Augt 1836

- Division upon the first explanatory resolution

Ayes 10 — Noes 2

Division upon the motion that This Council does adhere to the Court of Requests Act now on the table notwithstanding the representation agt the same —

Ayes 9 — Noes 4

The Colonial Treasurers reasons of dissent from the Bill — vide Gazette of 19th Augt — p 809

- resolution respecting the salary of the Agent for Emigration
- Gazette - 19th Augt p 810 —

The Treasury Bill Legal tender Bill was read a second time and committed — The Council resumed - the report was brought up and presented & the Lieutenant laid the Bill upon the table - to be read a third time to-morrow
The Supreme Court Practitioners Bill was read a second time and committed

The Lieut: Governor having left the Chair, which was taken by The Chief Justice, it was moved that a Subcommittee be appointed for the purpose of drawing up an address to be presented to His Excellency on the occasion of his approaching departure from This Colony — carried unanimously

~~Resolved that His Honor~~
His Honor The President then nominated the following Subcommittee

The Attorney General
The Colonial Treasurer
Mr Ansley
Mr Archer
Mr Swanston

Resolved that His Honor The President be requested to permit his name to be added to The Subcommittee

Legislative Council Chamber
13 Aug. 1836

Having been unavoidably absent from the deliberations of the Legislative Council on the 9th August when the question of voting £21571 .. 18 .. 9 for the Expence of the Police Department was fully discussed, I am desirous of recording my Entire dissent from the reasons assigned by other Members of the Council for objecting to that vote.

I am of opinion that Every Colony ought to bear the Expence of it's own Police, but in Van Diemen's Land where the Police Establishment for the purpose of protecting the lives & property of the Colonists is necessarily much larger than the Colony would require if it's penal character did not Exist, I have little doubt but that if His Majesty's Government would consent to defray the surplus of Expence beyond the amount which the Colony would have to bear, were there no Convicts at all in the Island, the Inhabitants would cheerfully defray the remainder

John Gregory
Col. Treasurer

12th August 1836

His Honor The Chief Justice President

A Member forwarded a letter from Charles Rocher with reference to the Supreme Court Practitioners Bill — read —

The Subcommittee brought up the Draft of the proposed address to His Excellency The Acting Governor prepared by them in pursuance of the resolution of the House — read

Carried unanimously that the draft address read be adopted and engrossed

The Appropriation Bill for the year 1837 was read, a first, second, and third, time

The Treasury Bill Legal tender Bill was read a third time

The Supreme Court Practitioners Bill was further considered in Committee — withdrawn

13th August 1836

The Appropriation Bill passed without a division — but a protest was given in — signed by six Members — vide Gazette of 19th Augt 1836 p 812 — also assailed by Mr Archer & Col with reference to the 6th & Col Young — vide Gazette — Mr Fergusson observed

explanatory resolution respecting Kings College Schools — vide Gazette 19th Augt - p 812

Motion made and question put that the Treasury Bill Legal tender Bill do pass

Ayes 11 Noes 1

- Salaries respecting of Chief Police Magistrate & Director General of Roads - vide Gazette 19th Aug - 812

Committee of Council in reference to public education &c appointed — vide Gazette 19th Augt 1836 — p 813

His Excellency then adjourned the Council & the Members assembled in Government House according to appointment when they presented the following Address —

Vide Gazette 19th Augt 1836 p 813

His Excellency's reply — same Gazette — p 814

Thursday July 5th 1838

Present

His Excellency and ten members the same as yesterday

Monday the 10th July 1837

The Legislative Council met this day at 1 o'clock, and his Excellency the Lieutenant Governor having taken the chair read the following Address.

Address 10th July 1837

Present

All the Members except Mr Archer who is absent from indisposition.

The several Despatches referred to in the address having been read the Lieutenant-Governor retired from the Council Chamber when it was moved by Mr Anstey and seconded by Mr Swanston, and carried unanimously, that the following Reply be presented to his Excellency

To His Excellency Sir John Franklin K.C.H. Lieut-Governor of Van Diemens Land &c. &c.

May it please Your Excellency

We the Members of the Legislative Council of Van Diemens Land in expressing our thanks for the Address which we have just heard from Your Excellency are anxious to avail ourselves of this the first opportunity we have collectively had of congratulating Your Excellency upon assuming the Government of this Colony, and to assure you of the satisfaction we feel in reflecting that His Majesty's choice has fallen upon one who has afforded to the world at large, such ample proofs of the vigour of his mind, and who has so deservedly obtained the approbation of his Sovereign.

We beg to assure you of our desire to uphold the character of Your Excellency's Government by every means within our reach, to give our best consideration to the various measures alluded to in Your Address, and to co-operate with Your Excellency in all others which may be calculated to promote the interests of the Colony.

It was then moved and seconded and carried unanimously, that His Honor the Chief Justice, with the

the mover and seconder of the Address be a Deputation to wait upon the Lieut Governor to ascertain at what time and in what place His Excellency would be pleased to receive the Address.

The Deputation waited upon The Lieut Governor, and upon their return informed the other Members that His Excellency would receive them immediately in his own private room.

The Members waited upon the Lieut Governor accordingly, and subsequently His Excellency resumed the Chair, and laid upon the Table certain Bills intituled as follows.

1. "An Act for extending to this Colony sundry Statutes passed for the amendment of the Criminal Law."

2 "An Act for the better prevention of Cruelty to Animals"

3 "An Act to provide for the attendance of Medical Witnesses at Inquests."

X 4 "An Act for extending to Van Diemens Land the provisions of a Statute passed in England for the Abolition of Extra Judicial and Unnecessary Oaths."

5 "An Act to extend to this Colony a Statute passed for regulating the Admeasurement of Vessels."

6 "An Act for extending to this Colony two Statutes passed in England in the year 1834.— the one respecting the Apportionment of Rents, and the other relative to the Forfeiture of Property holden in Trust."

7 "An Act to simplify proceedings at Law or in Equity by or against 'The Hobart Town and Launceston Marine Insurance Company.'"

9. An Act for preventing Fraud in the taking of Goods

Goods in pawn."

These Bills were then severally read a first time and the following Orders of the day fixed.

Tuesday 11 July
Criminal Acts Amendment Bill 2d Reading

Cruelty to Animals Bill — 2d Reading

Tuesday 11th July 1837

Present

His Excellency and all the Members except The Archdeacon and Mr Archer.

Some observations having been made upon the mode of conducting the business of the Council in certain cases, His Excellency appointed the Chief Justice, the Colonial Secretary, the Attorney General, the Colonial Treasurer, Mr Anstey, Mr Kerr and Mr McLachlan to be a committee to revise the "Rules".

The Criminal Acts Amendment Bill was read a second time and committed.

Wednesday the 12th July 1837

Present

His Excellency and all the Members except the Chief Justice the Archdeacon and Mr Archer.

The Committee upon the rules brought up and presented their Report to His Excellency The Lieut Governor who

who laid the same upon the table.

Voluntary Oaths Bill read a Second time and committed — Report brought up and presented to His Excellency who, the Council having resumed, laid the Bill upon the table as amended — to be read a third time on Monday the 17.

The vessels adm. easurement Bill read a 2d time & committed to be read 3d time on Wednesday the 19 Inst.

The Civil Acts extension Bill was read a second time and committed — the Report is brought up and presented — the Council resumes and His Excellency lays the Bill upon the table to be read a third time on Wednesday the 19 Inst.

Marine Insurance Bill read a 2d time.

Moved and Seconded that it be an instruction to the Committee to insert in this Act a Clause to the effect that in discounting any Bill of exchange or Promissory Note a greater charge for discount shall not be made than at the rate of twelve pounds per cent per annum, or forfeit a penalty of one hundred pounds for each offence.

Ayes 3
Noes 8

The deed of Settlement of the Company to be laid upon the Table

The Watercourse Protection Act was read a Second time and committed.

The Report was brought up and presented, and His Excellency laid the Bill upon the table — to be read a third time on Wednesday the 19 Inst.

His Excellency laid upon the table a Bill intituled "An Act to provide for the maintenance of deserted Wives and Children" — to be read a first time tomorrow.

Thursday 13. July 1837.

Present

His Excellency and all the Members except the Archdeacon and Mr Archer

Ordered that the motion for the Report of the Committee upon the Rules be confirmed do stand for Monday the 17.

The Pawnbrokers Act was read a Second time and committed — the Report was brought up and presented, and His Excellency laid the bill as amended upon the table — to be read a third time on the 19 Inst.

The Wives and Children's Act was read a first time — to be read a Second time tomorrow.

His Excellency laid upon the Table two Bills intituled

1. An Act for extending to Van Diemens Land the provisions of a Statute for consolidating and amending the Laws relating to Merchant Seamen.

2. An Act for the better support of the Christian Religion, by providing for the maintenance of ministers and places of public Worship.

The Cruelty to Animals Bill was read a second time and committed — the Report was brought up and presented, and His Excellency laid the Bill upon the table — to be read a third time on Wednesday the 19. Inst.

The Coroner's Inquest Bill was read a second time and committed.

Friday 14 July 1837

Present

His Excellency and ten members.

His Excellency laid upon the Table "an act to enable two Justices to take Bail in certain cases of Felony"

His Excellency laid upon the table the report of the Committee of Inquiry upon the state of the Kings Orphan Schools together with the evidence taken by them and the report of the Committee of Management.

Moved by Mr Gregory and seconded by Mr Swanston that the report be printed.

Mr Swanston presents a Petition from the Committee of Management of St Andrew's Church praying that effect be given to the resolution of this Council of the 8th August last respecting the salaries of the Presbyterian Ministers then in the Colony - read and received without a division. Ordered that the Petition together with the one of August last to which it refers be printed

Ordered that the Extracts from the Dispatches relating to the church and School Establishments, which have been laid upon the table and read, be printed.

The Coroner's Inquests Bill was further considered in Committee. The Committee reported progress and asked leave to sit again on such day as may hereafter be fixed by His Excellency the Lieutenant Governor.

Bail Bill read the first time to be read a second time on Wednesday the 19 Inst.

Church extension Bill read first time to be read the second time on Monday the 17 Inst.

Merchant

Merchant Seamen Bill read first time to be read a second time on Monday the 24 Instant

The Wives and Childrens' Act read a second time

Read the Report of the Sub-Committee in reference to the same - The Bill committed - Report brought up and presented. His Excellency laid the Bill upon the table to be read a third time on Friday.

Monday the 17 July 1837

Present

His Excellency and all the Members except The Chief Justice, the Archdeacon, and Mr Archer.

Mr McLachlan presented but subsequently withdrew the petition of Charles Grace.

Resolved that the Report of the Committee upon the Rules be confirmed.

Ayes 10

Noes 1

Criminal Acts Amendment Bill read a third time and passed unanimously

Voluntary Oaths' Bill read a third time and passed unanimously

His Excellency the Lieutenant Governor then read the following minute upon the Estimates for 1838

vide Gazette July 21 1837.

Moved by Mr Kerr and seconded by Mr Ansley that the minute now read by His Excellency be printed.

His

His Excellency laid upon the table the Estimates for 1838 — The Despatches respecting the Church Establishment alluded to in the Minute as having been just received from England also Lord Glenelg's Despatch of 30 November 1836 respecting alienations of the Clergy. Read and ordered to be severally printed

The Colonial Secretary gave notice of his intention to move the consideration of the Estimates on Thursday next.

The Merchant Seamen's Act was considered in Committee — to sit again to-morrow

His Excellency the Lieutenant governor laid upon the table a Bill "intituled an act to assimilate the Laws of the Colony to that of Great Britain, with respect to the security to be given by Printers and Publishers of Newspapers." Read first time to be read a second time on Thursday the 27th Inst

The Church Extension Bill deferred.

Tuesday the 18th July 1837.

Present

His Excellency and all the Members except the Chief Justice, the Archdeacon, and Mr Archer.

The Council considered in committee the Merchant Seamens Act.

Wednesday the 19th July 1837

Present

His Excellency and all the Members except the Chief Justice, the Archdeacon and Mr Thomas Archer.

The Civil Act Extension Bill read a third time and passed

The Water Course Bill read a third time and passed

The Pawnbrokers Bill read a third time and passed

The Cruelty to Animals Bill read a third time and passed.

The Council continue in committee the consideration of the Merchant Seamans Bill

The Report is brought up and presented to the Lieutenant Governor. The Council resumes and His Excellency lays the Bill upon the Table as amended — ordered to be read a third time on Thursday the 27th Instant

The Bail Bill is read a second time and committed

The Report is brought up and presented, the Council resumes, and His Excellency lays the Bill upon the Table — ordered to be read a third time to-morrow. —

Thursday the 20th July 1837

Present

The Lieutenant Governor and all the Members except the Archdeacon Mr Archer and the Attorney General

The Bail Bill is read a third time and passed

The Council go into Committee upon the Estimates upon

upon the motion of the Colonial Secretary and Treasurer

The following amendments are moved and seconded.

1 That the Salary of the Third Landing Waiter be deducted from the charge of the Customs Department on Robert Town. ——— Mr McLachlan and Mr Bastey

Ayes 3. Noes 8

2 That the Salary for the Collector of Internal Revenue be struck out and the Estimates reduced accordingly, it being the opinion of the Council that the Collection should be undertaken by the Treasurer with the assistance of such of the Clerks now estimated for in the Revenue Department as may be necessary. ——— Mr McLachlan and Mr Allen

Ayes 4. Noes 8

3 That one third only of the expense of the police Department be defrayed by the Colony, it being the opinion of this Council that the remaining two thirds should be provided by His Majesty's Government. ——— Mr Swanston and Mr Amos

Ayes 6. Noes 6

His Excellency voted against the Amendment

The Vote upon the Commission for Sittes is deferred — also for the Salary of the Catechist at Flinders Island. The Council request His Excellency to lay before this House the Attorney General any recent reports from Flinders Island in the Table — also a Return of the number of Grants reported upon by the Commissioners for Sittes

Upon the Vote being taken for the Salary of the Government Printer.

Noes 1. Ayes 9

Friday the 21st July 1837

Present.

His Excellency and all the Members except the Archdeacon Mr Parker and Mr McLachlan.

The Council resumed and the Wives and Children Bill was read a third time and passed.

The Council resumed in Committee the consideration of the Estimates.

His Excellency lays upon the table two Reports recently received from the Commandant at Flinders Island — also a return shewing the number of grants which have been reported upon by the Commissioners for Sittes.

Moved that His Excellency be requested to nominate a Sub Committee to enquire into the State of efficiency of the Commissioners for investigating Sittes, to ascertain whether any defects exist in the System, or in the mode of working it, and if there be any defects to recommend such measures for their removal as may appear to be most expedient. Attorney General

Colonial Treasurer

Carried unanimously.

His Excellency appoints
The Chief Justice
The Attorney General
The Treasurer
The Collector of Customs
Mr Burn, and
Mr Swanston
to be Members of such Sub Committee — to meet to-morrow at 1 O'Clock.

Moved

1 That it is the opinion of this Council that the Solicitor General be allowed Office Rent or be provided with an Office Mr Bastey and the Chief Justice carried unanimously.

2d That it is the opinion of this Council that the expense of lighting the Lamps of this Town, and of keeping them in repair, and also of paving and watering the Town of Hobart Town should be borne by the inhabitants of the Town, and that it be the request of this Council that His Excellency will be pleased to direct that an Act of Council may be prepared to carry this object into effect. Mr. Swanston and Mr Hanley — Carried.

3d That it is the belief of this Council that the late Town Surveyor of Hobart Town has conducted the duties of his office to the entire satisfaction of the Public, and that as it appears from the Statement of the Colonial Secretary that the Government will not be enabled to offer him employment in the Public service for some months, this Council will be prepared to make good any such reasonable provision as His Excellency the Lieutenant Governor may think proper to grant him in the shape of gratuity for his past services. Mr Willis and the Colonial Treasurer.

Ayes 6 Noes 5

4 That His Excellency be requested to lay upon the table any correspondence that may have recently taken place between the Government and the Bank of Australasia which has not like the other Banks been admitted to the advantage of sharing in the Public deposits the interest of which forms part of the Ways and Means for 1838

Ayes 9. No 1

It is ordered that all of the Estimates as relates to the Ecclesiastical Establishments deferred until after the 2d reading of the Church Extension Bill.

Monday the 24th July 1837

Present

His Excellency and all the Members except the Archdeacon and Mr Thomas Archer.

Mr Hanley presents to the Lieutenant Governor a petition from the Managers of St Andrews Church in reference to the Church Extension Bill, and His Excellency lays the same upon the Table and directs that it be read.

Received unanimously

Mr M'Lachlan presents a petition from the Presbyterian inhabitants of Hobart Town in reference to the Church Extension Bill — laid on the Table and received in like manner with the former.

The Church Extension Bill was read a second time and committed.

Tuesday the 25 July 1837

Present

The Council continued in Committee to consider the Church Extension Bill

His Excellency laid upon the Table the Attorney Generals Report upon the Old grants.

Wednesday the 26 July 1837

Present

Leave a couple of Lines

Laid upon the table the correspondence respecting the public Monies in the Banks

The Council resume in Committee the consideration of the Church Extension Bill

Moved by the Chief Justice that the Bill do continue in force for years only.

Thursday the 27 July 1837

Present

His Excellency and eleven Members — absent the Chief Justice, the Archdeacon and Mr Archer

Deed of Settlement of the Marine Insurance Company laid upon the Table.

The Council resume in Committee the consideration of the Church Extension Bill

The Committee report progress, and ask leave to set again on a day to be hereafter appointed.

Ordered that the Bill be recast in conformity with the amendments, and be printed, and circulated during the recess after which the Committee will resume its consideration.

The Council resumes

His Excellency lays upon the Table an appendix to the Attorney General's report upon the old Grants. Read the Report and appendix — ordered to be printed

His Excellency lays upon the Table a petition signed by certain inhabitants of Van Diemens Land respecting the old Grants

Moved that it be an Instruction from His Excellency and this Council to the Committee upon the Estimates to carry into full effect the resolution of the Council of the 8 August last that the Ministers of the Church of Scotland be placed on the same footing as to Salary and Allowances as the Chaplains of the Church of England Establishment — Mr Swanston and Mr McLachlan Withdrawn

The Council then proceed in Committee to consider the Estimates for the Ecclesiastical Department omitted on the 21 July

Moved. That it is the opinion of this Council that the Vicar General should be placed on the same footing in regard to Salary as the Presbyterian Clergyman of St Andrews Church Hobart Town. carried without a division

Moved That it is the opinion of this Council that an allowance for forage be made to the Wesleyan Missionaries in this Colony. Mr Kerr and Mr Forster.

Ayes 2 Noes 8.

The Committee bring up their report. The Council resumes His Excellency will lay the Bill for appropriating the Revenue upon the Table on Saturday.

The Colonial Secretary gives notice that he will then move the suspension of the standing orders, and that the Bill be read a first, second, and third time.

Moved

Moved - That it appears to this Council that the Salaries of the Superintendent of Convicts, and of the Male House of Correction are too low, and that they should be increased £100 per annum each, to be paid from the Colonial Revenue as remuneration for Colonial Services

Mr Swanston and Mr Anstey carried without a division

Moved - That it is the opinion of this Council that the Clergyman who may be appointed under the provisions of the Church Bill, at a salary of £200 per annum, should have small glebes which would be very conducive to the comfort of their families - That the Members regret that His Excellency has not the authority from His Majesty's Government to make this arrangement and that they do therefore respectfully make it matter of earnest request to His Excellency that he will be pleased to submit for the favorable consideration of the Right Honorable The Secretary of State that every such Minister shall during his incumbency have a glebe of forty acres of Land or thereabouts. -

Carried unanimously -

Ordered that the Merchant Seamans Bill and the Marine Insurance Company's Bill be read a third time on Saturday

Moved that the Newspaper Bill be read a second time

Friday the 28 July 1837
Present

His Excellency and eleven Members - absent the Archdeacon Mr Archer and Mr McLachlan.

The Council divided upon the motion that the Newspaper Bill be read a second time

Ayes 4 Noes 2

The Bill was then read a second time and Committed.

Moved and seconded that the Committee do bring up their report.

Moved by way of amendment that the Committee do report progress on the day after the expected adjournment day, and then ask leave to sit again.

Division upon the amendment
Noes 6. Ayes 4
Original motion carried.

The Committee bring up their report, the Council resumes, and His Excellency lays the Bill as amended upon the Table.

Moved that the Bill be read a third time to morrow.

Moved by way of amendment that the word after "third time" in the original motion be struck out, and that the following words be substituted for it - "upon the day after the reassembling of the Council. - lost
original motion carried

Saturday the 29 July 1837
Present

His Excellency and ten Members - absent the Chief Justice, the Archdeacon, Mr Archer and Mr Kerr.

Read the Revd Mr Mackersey's letter of the 28 July with its enclosures.

The Merchant Seamans Bill read a third time and passed

The Standing orders having been suspended, the Appropriation Bill for 1838 was read three times successively and passed.

The Clerk of the Councils submitted to His Excellency in Council a letter just received by him from Mr Melville a Newspaper proprietor in this Town.

Upon the motion being put that it be read - the Council divided

Ayes 8. Noes 2.

Upon the motion being put that it be received

Noes 9 Ayes 1

The Newspaper Bill was then read a third time and passed without a division

The Marine Insurance Company's Bill was read a third time at full length and passed.

His Excellency adjourns the Council to the 18 September 1837, and he requests that the Committee upon the Land Commission may continue its sittings during the adjournment.

Monday the 30th November 1837

Present

His Excellency The Lieutenant Governor and twelve Members -
absent - The Archdeacon and Mr Anstey.

The Attorney General took the oath of office as a Member of the Legislative Council. The Members who did not take the oath of Allegiance on the day of the Proclamation have it now tendered to them.

The Chief Justice presented a petition signed by the Archdeacon and certain Ministers of the Church of England, praying that the Church Extension Bill may not pass. Read.

His Excellency lays upon the Table two letters of the 18th and 20th November 1837 from Mr Thomson, enclosing two petitions relative to the Church Extension Bill. - Read.

His Excellency laid upon the Table the following Bills, entitled as follows.

1. An Act to remove doubts as to the validity of certain Acts passed in the First year of the Reign of her present Majesty, but recorded and recorded as having been passed in the 8th year of His late Majesty.

2. An Act to consolidate the laws relating to Apprentices and Servants

3 An Act to regulate the Shepherds of Sheep and Cattle

4 An Act to regulate the practice of Medicine in this Colony.

5 An Act to consolidate and amend the laws for the preservation of the Ports and the Regulation of Shipping within the same.

6 An Act to consolidate and amend the laws passed for the prevention of smuggling.

1 Acts of Council confirmation Bill – read 1mo – to be read 2do tomorrow.

2 Apprentices and Servants Bill read 1mo – to be read 2do Wednesday

3 Shipment of Sheep and Cattle Bill read 1mo – to be read 2do – tomorrow

4 Medical Practitioners Bill – read 1mo – to be read 2do tomorrow –

5 Port Regulation Laws consolidation and amendment Bill read 1mo – to be read 2do tomorrow –

6. Smuggling Laws consolidation and amendment Bill – read 1mo – to be read 2do tomorrow.

The Colonial Secretary explained what alterations were intended by Government to be introduced into the Church Extension Bill –

The Colonial Secretary asked leave for the committee on the Church Extension Bill to sit again on Wednesday granted.

The Attorney General, on the part of the committee on the Coroners Inquests Bill, asks leave to sit again now – granted

The Bill as amended read at full length, and further amended, and,

The Council resumes.

The Report of the committee on the Coroners Inquests Bill is then brought up, and His Excellency says the Bill on the Table – to be read 3d on Thursday. –

Tuesday the 21st November 1837

Present

His Excellency and Eleven Members. Absent – the Chief Justice, the Archdeacon and Mr Anstey

Acts of Council confirmation Bill – postponed.

Shipment of Sheep and Cattle Bill read 2do

Medical Practitioners Bills read 2do

Smuggling Laws consolidation and Amendment Bill read 2do

The Medical Practitioners Bill committed and amended. The Report is then brought up, and His Excellency says the Bill on the Table – to be read a third time on Friday. –

The Shipment of Sheep and Cattle Bill committed, and withdrawn after the reading of the first section

The Smuggling Laws consolidation and Amendment Bill committed – and the first three sections considered.

Wednesday the 22d November 1837

Present

His Excellency and eleven members. Absent Mr Anstey and the Archdeacon.

The Council resumed in Committee the consideration of the Church Extension Bill.

Read a Letter from Mr Thomson dated 21 November 1837 covering five representations respecting the Church Extension Bill

Thursday the 23d. November 1837

Present

His Excellency and eleven Members — absent

The Chief Justice, the Archdeacon and Mr Hastey

Mr Swanston presented a petition for a pension from Mrs Amy Young, (see Memorial) read ~~and laid on the table.~~

Widow of the late H.T. Young Lieut H.M. 21 N.B. Fusiliers assis. Pbn. Magistrate at Pretties Point

Moved by Mr Swanston seconded by Mr. Foster — That this Council respectfully request His Excellency to recommend to the Right Honorable The Secretary of State that a pension not exceeding Fifty Pounds be granted yearly to Mrs Amy Young from the Colonial Funds during her widowhood — she being the Widow of the late Lieutenant Wharton Thomas Young of Her Majesty's 21st Fusiliers who lost his life whilst in the performance of a Colonial duty in the month of July last.

Carried unanimously.

Despatch from the Right Honorable The Secretary of State of the 26 January 1837 with its enclosure, relative to the Blue Book ——— laid upon the Table and read

The Blue Book for 1836 is laid upon the Table.

The Committee on the Church Extension Bill resumed — to continue tomorrow

of the Free Inhabitants of the Land — distinguishing their different modes of worship

Read the Answers and the correspondence relative to it — including two letters — one from the Revd J. Lillie — the other from W.F. Dowling.

Jury Act Amendment Bill laid upon the Table read 1mo

The Smuggling Laws consolidation and Amendment Bill further considered in Committee from the 3d to the 16th Section.

His Excellency laid upon the table certain papers relative to losses from fire sustained by Mr David Connor of St Peters Bay — The Colonial Treasurer, the Chief Police Magistrate, Mr Swanston and Lt Col Maclean, to be a Committee to investigate the case — two to be a quorum.

Friday the 24th November 1837

Present

His Excellency and Ten Members — Absent The Chief Justice, the Archdeacon Mr McLachlan and Mr Hastey.

The Report upon the Church Extension Bill brought up and presented — The Council resumes. His Excellency lays the Bill as amended upon the Table — to be read a third time on Monday.

The Smuggling Laws Consolidation and Amendment Bill considered in Committee from the 15th Section to the end. The Report is brought up and presented. The Council resumes and His Excellency lays the Bill upon the Table as amended — to be read a third time on Thursday.

Mr Foster gave notice of his intention to move a Section in addition to the Jury Act Amendment Bill — the effect of the Section to be the Regulation of the mode of taking objections at the Sessions against the Jury List

The Medical Practitioners Bill recommitted — further Report brought up and presented — the Council resumes, and His Excellency lays the Bill upon the Table as amended — to be read a third time on Monday

Apprentices and Servants Bill read 2do and committed.

Saturday
24th Novemb: 1837

Present His Excellency and Eleven Members. — Absent. The Chief Justice The Archdeacon, and Mr Anstey. —

Apprentices and Servants Bill considered in Committee. The Report brought up — The Council resumes. — His Excellency lays the Bill as amended upon the Table — to be read 3d on Monday.

Coroners Inquests Bill read a third time and passed without a division

The Port Regulation Laws Amendment Bill read 2do and Committed.

Monday the 27 November 1837.

Present

His Excellency and Eleven Members. Absent The Chief Justice, The Archdeacon, and Mr. Anstey.

The Apprentices and Servants Bill recommitted with respect to the 2d Section. The Report brought up. The Bill is laid upon the Table — read a Third time and passed without a division.

Mr. Willis moves and Mr. McLachlan seconds the Third reading of the Church Extension Bill.

Mr. Swanston moved as an Amendment that the Bill be read this day Six Months — ——— withdrawn.

The Question is then put that the Bill do pass
Ayes 10. — Not. —

Read a Representation from Mr. Crowther Surgeon in Hobart Town relative to the Medical Practitioners Bill.

The Medical Practitioners Bill read a Third time and passed without a division. —

The Jury Act Amendment Bill is read a Second time and committed. The Committee to sit again on Wednesday

— to consider whether the limited [illegible] Jurors [illegible] disagreement [illegible]

The following resolutions were then proposed and passed the Council

Ayes 9. Noes 2.

Resolved. that it is the opinion of this Council that it is intended by the following words in the 15 Section of the Act intituled "An Act to make provision for the support of certain "Ministers of the Christian Religion and to promote the "erection of places of Divine Worship," viz: "And be it enacted "that no Salary shall in any case be issued under the authority "of this Act to any Minister whose Appointment shall not "have been made in accordance with the Laws and Principles "of the Religious Denomination to which such Minister belongs" that appointments made to Churches or Chapels belonging to the Church of England shall be made as follows that is to say

1. Whenever a church shall have been hereafter built and shall subsequently be endowed by any Person or Persons, The presentation to such Church shall be vested entirely in such person or persons.

2 Whenever a Church shall be so built as aforesaid only, the Builder or Builders shall present to one vacancy and the Bishop and the Government present to every second vacancy alternately.

3 Wherever a Church already built by the Government

Government shall be endowed by any Person or Persons, such Person or Persons shall present to one Vacancy and the Bishop and the Government to every second vacancy alternately.

4. Whenever a Church has been built or shall hereafter be built by the Government and the Salary of the Minister be defrayed by the Government, the Bishop and the Government shall present to the vacancies alternately.

5 Whenever a Church has been built or shall hereafter be built at the joint expense of any person or persons and the Government such person or persons shall present to one Vacancy and the Bishop and the Government to every second vacancy alternately.—

Wednesday the 29 November 1837

Present

His Excellency and ten Members. Absent. The Archdeacon Mr Anstey, Mr Willis and Mr Bethune.

His Excellency lays upon the Table a Bill entitled "An Act to provide for the Enrollment of Powers of Attorney of the Van Diemens Land Company and for the due enforcement of certain contracts of Service entered into with the Company."

Read Mr Stone's letter of the 28th November and its enclosure - a letter from certain Magistrates relative to uncertificated Insolvents being returned as Jurors.

Mr Swanston gave notice of a Motion to be made on this subject, when the Jury Bill is brought forward.

Moved by the Chief Justice seconded by the Attorney General— That the Resolution of the day before yesterday respecting the Rule of presentation to Churches belonging to the Church of England be expunged from the Records.

Ayes 2. Noes 8.

The Colonial Treasurer and The Attorney General then severally give in reasons of dissent, from the Resolutions.

His Excellency reads the following Minute (vide Gazette 1 Dec.) ordered to be printed.

Resolved,— that it is the opinion of this Council in reference to The Lieutenant Governor's Minute which has just been read, that it is desirable to retain in the service of the Colonial Government 268 convicts at a charge of ten pence per diem during the year 1838 and that this Council will be prepared to make good the charge from the funds of the colonial Revenue for the service of the year 1838 — The Colonial Secretary and The Colonial Treasurer.

Ayes 9. — No 1.—

The Lieutenant Governor informs the Council that a Bill has been prepared entitled "An Act for enabling the Government to make Roads and to protect the same from injury." His Excellency, however, before laying it upon the Table, is desirous of being advised generally upon the subject, and upon the practicability and advantage of its various details, by a Committee of the Council, and appoints

The Colonial Secretary
The Attorney General
The Colonial Treasurer
Mr Anstey
Mr Archer
Mr Kerr
Mr McLachlan
Mr Bethune

to be Members of such Committee — three to be a quorum.

The Committee in the case of Mr Daniel O'Connor submit

submit the Reports

Moved that it is the opinion of this Council that the Report of the Majority of the Committee on the claim of Mr Daniel Connor be confirmed. — M^r McLachlan & Mr Swanston.

Ayes 7. Noes 3.

The Smuggling Acts consolidation and amendment Bill read 3^d time and passed without a division

His Excellency lays upon the Table a Bill entitled An Act to consolidate and amend the laws for the regulation and protection of the Whale Fisheries.

Read 1mo

~~His Excellency directs the Clerk of the Council to write to Mr Austin requesting his attendance~~

The Van Diemens Land company's Bill read 1mo

Rule No 11 being suspended The Whale fishery Bill is read a 2^d time and Committed — The preamble read — The Committee to set again on Saturday.

The Acts title Bill to be read a second time on Saturday

The Port Regulation Laws consolidation and amendment Bill be continued in Committee to-morrow.

The Jury Act Amendment Bill to be resumed in Committee on Saturday.

Thursday 30th November 1837

Present

His Excellency and seven Members — viz The Colonial Secretary, the Attorney General, The Colonial Treasurer, the Collector of Customs, Mr Archer, M^r McLachlan, and Mr Swanston.

The Committee resume the consideration of the Port Laws consolidation Bill from Section VIII to Section ~~XXXIV~~

Saturday the 2^d December 1837

Present

His Excellency The Chief Justice the Colonial Secretary, The Attorny General, The Collector of Customs, M^r McLachlan, Mr Swanston Mr Forster.

The Port Laws Consolidation and Amendment Bill is considered in Committee from the 32 Section to the end. — Port Regulations to be added as a Schedule to the Bill.

The Committee adjourn

The Committee resume the consideration of the Jury Act Amendment Bill — notice of new amendments to be given in Gazette. — to sit again

The Whale fishery Bill is brought under consideration in Committee — The committee consider the Bill to the end including the Schedule. — to sit again

The Council is then adjourned to the 18th Instant

4th March 1838 — 3. P.M.

The Colonial Secretary and Attorney General were present (pursuant to notice given by request of the Senior Member of the Committee) as Members of the Committee upon roads appointed by His Excellency on the 29th Novr last — There not being a quorum (viz 3 Members) it was agreed to adjourn to Thursday 7th March at 3 o'clock — intimations to be made to absent Members + Mr Bethune absent from indisposition (vide his note)

7th March 1838 — ~~[illegible]~~

— — no Members — The requisite intimations were made in due time —

Wd. 8th March 1838

28th March 1838

The Committee (a quorum of 3 members the Col. Secretary The Treasurer & Mr MacLachlan) upon roads met at 3 o'clock P.M. — The Senior Member was requested to prepare the project of an Act for circulation amongst the Members —

Saturday 30th June 1838

Present,

His Excellency The Lieutenant Governor —

His Honor The Chief Justice — The Colonial Secretary — The Attorney General — The Colonial Treasurer — The Collector of Customs — Mr Antey. Mr Kerr — Mr Swanston — Mr McLachlan — Mr Forster Mr Lawrence —

Absent, —

The Venerable The Archdeacon — Mr Archer — Mr Willis.

Mr Lawrence took the Oaths and his Seat.

His Excellency the Lieutenant Governor opened the Session with the following Address.

(Here insert the Address)

Moved

Moved by Mr McLachlan — and seconded by Mr Swanston and carried unanimously, that the Address of His Excellency The Lieutenant Governor be printed for the information of the Members.

His Excellency The Lieutenant Governor then laid upon the Table the Bills entitled:

renewed from last Session —

1. An Act to consolidate and amend the Laws for the regulation and protection of the Whale Fisheries.
2. An Act to provide for the enrolment of Powers of Attorney of the Van Diemens Land Company, and for the due enforcement of certain Contracts of Service entered into with the Company.
3. An Act to consolidate and amend the Laws for the preservation of Ports and the regulation of Shipping within the same.
4. An Act for subjecting Vessels arriving at Van Diemen's Land from certain places to the performance of Quarantine.
5. An Act to extend to Van Diemen's Land certain Statutes passed in England for abolishing the punishment of death in Forgery — for amending the Laws relating to offences against the Person — to Burglary — and Stealing in a Dwelling House — to Robbery and Stealing from the Person — to the Crime of Piracy — to Offences punishable by Transportation for life — and for abolishing the Punishment of Death in certain cases.
6. An Act to prevent the purchasing Soldiers Necessaries and Stores.
7. An Act to amend an Act passed in the ninth year of the reign of His Majesty King George the Fourth intituled "An Act to prevent the removal of Wine and "Spirituous Liquors without a Permit; and to make "further Provisions to restrain the illicit dealing in "and clandestine Importation of such Liquors" —
8. An Act for Marriages in Van Diemens Land and its Depencies.
9. An Act for Registering Births Deaths and Marriages in the Island of Van Diemen's Land and its Dependencies.

10 —

10. An Act to amend an Act passed in the fourth year of the reign of His late Majesty intitled an Act for the regulating the Police in the Towns and Ports of Hobart Town and Launceston, and for removing and preventing nuisances and obstructions therein"

11. An Act to amend an Act passed in the fourth year of His late Majesty entitled "an Act for the regulation of the Customs of Van Diemens Land and its Dependencies" ✕ see margin

These Bills, with the exception of the ~~Land~~ Customs Act, were read severally a first time.

His Excellency the Lieutenant Governor laid upon the table.

The Right Honorable The Lord Glenelg's dispatch of the 26th July 1837 addressed to Lieutenant Governor Sir John Franklin — read — relative to claim for compensation of Mr. Thomas Lewis. vide Minutes

Notice of Motions by The Attorney General —

1st That this Council do now go into committee for the consideration of the Dispatch of the Right Honorable the Secretary of State in the case of Mr. Thomas Lewis.

2nd That the claim of Mr Thomas Lewis to compensation from the Colonial Revenue is admissable.

3rd That the sum of £1700 is a fair and reasonable compensation to Mr Lewis for the injuries he has sustained.

Orders of the day.
Monday 2nd. July.
2nd reading of the Weighing Act.
Ordinance Bill
Bankers Acceptance Bill.
Tuesday 3rd July.
2nd reading Quarantine Act.
Wednesday 4th July
Open day —
Thursday 5th July
2nd reading of the Marriage Act.
of the Registration Act
Friday

X — 12. An Act for vesting all Estates and Effects in the Queens Dominions Land and its Dependencies in Her Majesty for the purposes therein mentioned.

13. An Act for granting to His Majesty certain duties of Customs and for repealing certain duties now payable thereon and for granting other duties in lieu thereof.

An Act to amend an Act passed in the fourth year of the reign of His late Majesty intitled an Act for the regulation of the Customs of Van Diemens Land and its Dependencies.

Friday 6th July.
2nd reading of the Police Act.
Saturday 7th July.
Open day.
Monday 9th July.
Post Act Amendment Bill.
Tuesday 10th July
2nd reading of Bankers Act.
Wednesday 11th July.
2nd reading of Criminal Acts Extension Bill

His Excellency laid upon the table Lord Glenelgs dispatch No. 257 dated 31st January 1838 relative to the admission of Solicitors to practice in the Supreme Court.

Monday 2nd July 1838
The Council met at one o'clock

Present,
His Excellency The Lieutenant Governor
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Collector of Customs
Mr. Gunn
Mr. Kerr
Mr. McLachlan
Mr. Swanston
Mr. Foster and
Mr. Lawrence

Absent / His Honor The Chief Justice
The Venerable The Archdeacon
Mr. Archer and
Mr. Willis

Read the Minutes of last meeting

Mr Kerr presented the Respectful Petition and Memorial of Thomas Lewis of Launceston in Van Diemens Land Surveyor dated 2nd July 1838 — Moved that it be read — || Question put that Petition be received carried unanimously — || moved and seconded that Petition be printed — ~~not six to four~~ ayes 4 noes 6 — || Moved and seconded That His Excellency be requested to lay on the table of this Council Copy of the Opinion of the Attorney and Solicitor General of England in the case of Mr Thomas Lewis, referred to in the dispatch of the Right Honorable Lord Glenelg of date the 26th July 1837. || Moved and seconded by way of Amendment That the Council do now proceed to the Order of the Day — ~~Carried six to four~~ ayes 5 noes 4 — || Moved and seconded that this Council do now go into Committee for the consideration of the Dispatch of the Right Honorable The Secretary of State in the case of Mr Thomas Lewis — Carried unanimously — || Moved and seconded that the Claim of Mr Thomas Lewis for compensation from the Colonial Revenue is admissable — ~~Carried 8 to 2~~ ayes 8 noes 2 || Moved and seconded that the sum of £1700 is a fair and reasonable compensation for the injuries he has sustained — || Moved and seconded by way of amendment That this Council do now proceed to inquire into the amount of compensation which may appear to be fair and reasonable to be awarded to Mr Thomas Lewis for the injuries and losses which are stated to have been received amendment ~~carried~~ ayes 6 ~~to~~ noes 4 — || Moved and seconded That the attendance before this Council of Mr Thomas Lewis be requested. Carried ayes 9 ~~to~~ no 1 — || Mr Lewis is accordingly introduced, and he submits to His Excellency and Council the following Protest and explanation: || "I protest against any Inquiry, but under that Protest I am willing to answer any questions that may be put to me. I wish to answer such questions in writing. and further it is my request that I may be allowed to be heard by Council in support of my Claim under the Award — Withdraws — || Moved and seconded that the request of Mr Lewis to be heard by Council in support of the Award of £1700 be acceded to — ~~Mr Lewis is again called~~ Carried unanimously — || Mr Lewis is again called and is informed that his request is acceded to — || Mr Stephen then ~~appears as Counsel~~ presents himself to His Excellency and the Council as Counsel for Mr Lewis, but unrobed, for which he apologizes to the Lieutenant Governor and the Council and His Excellency on the part of the Council is pleased to accept his apology. Mr Stephen then addresses the Council and withdraws — || Moved and seconded that Mr Lewis be again requested to attend, and he attends accordingly. and his examination conducted according to his request with written answers — is continued until half past 5 o'clock when the Council adjourns. —

Tuesday 3d July 1838 — 10 o'clock
— Present His Excellency and ten Members the same as yesterday
— Read and amend the minute of the proceedings of the 2d inst.
— The Council in Committee resume the examination of Mr Thos Lewis which is continued until within a quarter of 5 o'clock ~~[illegible]~~. The Attorney General is then examined in his place until 5 o'clock when the Committee adjourns

Wednesday 4th July 1838

Present,
His Excellency and the Members the same as yesterday
Read the Minutes of the proceedings of last Meeting —
His Excellency laid upon the Table An Act to enable the Colonial Treasurer for the time being to exercise the functions of Collector of Internal Revenue. An Act for extending to this Colony the provisions of an Act of Parliament passed for the Amendment of the Laws with respect to Wills.
The Colonial Secretary presented the report of the Committee appointed by the Lieutenant Governor on the 27th November last, to report what provisions it may

may be desirable to introduce into the Road Act.
— to be printed

It was then ordered, on the Motion of the Attorney General that Mr. Lewis be requested to attend this Council. — the Examination of the Attorney General in his place was continued — and subsequently Mr. Dunn and Mr. Champ were examined before the Council — the Attorney General then gave notice that he would move tomorrow that £1660 is a fair and reasonable compensation to be made to Mr. Lewis for the injuries he has sustained.

The Council adjourned at 5 o'Clock.

Thursday July 5th 1838

Present

His Excellency and ten Members the same as yesterday.

Read the Minutes of last Meeting

His Excellency read a Minute upon the Estimates for 1839.

Estimates to be considered on Thursday the 12th instant —

Moved that £1660 is a reasonable compensation to be paid to Mr. Lewis — not seconded — withdrawn

Moved and seconded that this Council having on the 18th day of May 1836 voted that £1700 is a fair and reasonable sum to be paid Mr. Thomas Lewis does now, after having heard the evidence produced by Mr Lewis, confirm the same, and ~~that this Council~~ requests that His Excellency will be pleased to propose an immediate vote for this amount in favour of Mr. Lewis, together with interest at the rate of ten per Cent per annum from the 18th May 1836 until the same is paid — Carried 9 to 1 —

~~His Excellency acquiesces in the request of the Council, and directs the Clerk of the Council to infor~~

Mr. Swanston then recorded the following Protest

~~I respectfully beg permission to express to your Excellency and to this Honorable Council my sincere and best acknowledgments for the Resolution passed this day in my favour,~~

It is with extreme reluctance and pain that I dissent from the Motion of Mr. McLachlan, but I cannot consent, and never will consent to sanction the "principle" or establish such a "precedent" as may this day secure the approval of this Council viz. that any individual suffering from the illegal acts of a Public Functionary over whom this Colony has no control should be indemnified out of the Colonial Revenue. I therefore solemnly protest against the voting of any sum of money for such a purpose.

(Signed) C Swanston 5 — July.

His Excellency accedes to the request of the Council, and directs the Clerk of the Council to inform Mr. Lewis that the sum now proposed will be included in the Appropriation Act about to be brought before the Council.

Mr. Lewis then read and handed in a document marked D in reference to ~~expressive of his sincere acknowledgments for the~~ resolution passed ~~this day~~ in his favour.

His Honor the Chief Justice takes his seat.

The ~~Order~~ Council resume — and the Order of the Day having been suspended the Whaling Act ~~was~~ read a second time, and Committed.

The Committee adjourn till tomorrow

The Council resumes — The Marriage Act read a second time — to be committed on Monday next.

Soldiers Necessaries Bill read a second time and committed.

The Committee report — The Council resume and His Excellency lays the Bill as amended upon the Table to be read a third time on Saturday next

Ordnance Estates Bill read a second time and committed—
The Committee adjourn at 5 o'Clock.

Friday 6th July 1838

Present,
His Excellency the Lieutenant Governor His Honor The Chief Justice — The Colonial Secretary The Attorney General — The Colonial Treasurer — The Collector of Customs — Mr. Austey — Mr. Kerr — Mr. McLachlan from ½ past 2 Mr. Forster — and Mr. Lawrence

Absent. The Archdeacon. Mr. Archer — Mr. Willis and Mr. Swanston.

Read the Minutes of last Meeting.

Mr. Lawrence presents the Petition of Henry Dowling the younger praying the Council to take into its consideration the expediency of allowing the Parents and Guardians of Children born in the Island to Register the Names of such Children, whether given to them in Baptism or otherwise, and of giving to the Registry Act for such period of years as may seem desirable to the Council a retrospective effect—

Read and received—

The Ordnance Estates Bill further considered in Committee— Committee adjourn to Monday

His Excellency withdraws from consideration the Bill entitled "An Act for extending to this Colony the provisions of an Act of Parliament passed for the amendment of the Laws with respect to Wills.

The Whaling Act further considered in Committee, and reported—

The Council resumes and His Excellency lays the Bill as amended upon the Table, to be read a third time on Monday.

The

The Colonial Secretary gives notice that he will move the following Resolution on Thursday the 12th July.
That this Council concurs in the principles laid down in the Lieutenant Governors Address of the 30th ultimo and in His Excellency's Minute on Finance of the 5th instant for the future regulations and arrangements for conducting Public Education in the Colony.

The Quarantine Bill read a second time and committed— adjourned till tomorrow

Adjourned at 5 o'Clock

Saturday 7th July 1838.

Present,
His Excellency the Lieutenant Governor and the Members the same as yesterday with Mr. Swanston

Read the Minutes of last Meeting.

The Soldiers Necessaries Bill read a third time and passed nem. con.

The Quarantine Bill considered in Committee. Committee adjourn to Monday.

Adjourned at ¼ past 4 o'Clock.

Monday 9th July 1838.

Present, His Excellency and Eleven Members the same as on Saturday.

Read the Minutes of last meeting.

The Whaling Act read a third time and passed - nem. con.

The Marriage Act considered in Committee Committee adjourn till to-morrow.

Mr Gregory's notice

Adjourned at ½ past 5 o'Clock.

Tuesday 10th July 1838

Present, His Excellency and ten Members

Absent The ~~Arch~~ Chief Justice - the Archdeacon - Mr. Archer and Mr Willis

Read the Minutes of last meeting

Mr. Lawrence presented a Memorial from certain Inhabitants of Launceston praying that His Excellency and this Council will make such Amendments in the proposed Marriage Act as shall authorize the solemnization of Marriage by all recognized Ministers in Private Houses; and give security to the Public for the strict performance of their duty on the part of the Officers to be appointed under the Act.

Read and received

Further consideration of the Marriage Act in Committee - Committee adjourn till to-morrow

Adjourned at 5 o'Clock.

Wednesday ~~Tuesday~~ 11th July 1838

Present His Excellency & ten Members - as Yesterday

Read the minutes of last meeting

Mr Swanston presents a petition from A Moodie James Thomson & Wm Robertson Managers and Trustees of St Andrews Church praying that ~~His Excellency will be pleased and~~ this Council will be pleased to grant to the clergyman of that church an income more adequate to the importance and respectability of his official position and status in society than the one he has hitherto received.

Read and received

Mr Swanston gives notice that he will move a resolution upon the Petition to-morrow

The Marriage Act further considered in Committee

In the course of the discussion the two following resolutions were moved and seconded.

That His Excellency be respectfully requested to instruct the Attorney General so to modify the clauses of this Act as to require that every marriage under this Act of any Sect or Denomination of Christians shall be celebrated in some place of Worship or Registered Building or Registrars Office

Mr Lawrence and Mr Anstey.

Ayes 2. Noes 8.

Moved that His Excellency be respectfully requested to instruct the Attorney General so to modify the clauses in this Bill as to permit to Christians of every Sect or denomination under fitting regulations the celebration of marriages in private Houses

Ayes 8. Noes 2.

The Colonial Treasurer gives notice of his intention to move when the report is brought up that His Excellency be requested not to lay the Bill upon the Table until after an interval of at the least one fortnight.

The

The further consideration adjourned to Monday

Read two letters, from the Revd. H. Dowling and the Revd. Charles Price on the subject of the Marriage Bill.

The Registration Act read a second time and committed.

Adjourned at 5 o'Clock.

Thursday 12th July 1838.

Present,
His Excellency The Lieutenant Governor
His Honor The Chief Justice, The Colonial Secretary
The Attorney General, The Colonial Treasurer,
The Collector of Customs, Mr. Anstey, Mr. Kerr,
Mr. McLachlan, Mr. Swanston, Mr. Forster, and
Mr. Lawrence.
Absent,
The Venerable The Archdeacon,
Mr. Archer, and Mr. Willis.

Read the Minutes of last Meeting
Moved and seconded
~~The Colonial Secretary moves in accordance with his previous notice,~~
That this Council concurs in the principles laid down in the Lieutenant Governors Address of the 30th ultimo, and in His Excellency's Minute on Finance of the 5th instant for the future regulation and arrangements for conducting Public Education in this Colony.
Ayes 5 Nos 6

The Council then resolves itself into a Committee for the consideration of the Estimates ~~which are considered in~~
(His Honor The Chief Justice here left the Council)

The Estimates are considered from the Private Secretary Establishment to the Sheriff's Department
The following Amendment was moved and seconded:

That it is the opinion of this Council that the sum of £450 per Annum voted last year as the salary of the Post Master General should be continued to that Officer inasmuch as his duties have encreased with an increase of the Revenue in the department over which he presides as appears by His Excellency's Opening Address to this Council.
Carried unanimously

Upon the votes being taken for ~~the District of Great Swan Port, in~~ the Estimate for the Police Department the + Ms were Ayes 5 Nos 5
His Excellency voted ~~against the Amendment~~ for the Estimates

Upon the votes being taken ~~taken~~ for the Department of Mounted Police
Ayes 6 Nos 4

Upon the votes being taken on the Estimate for Government Printer.
Ayes 9. Nos. 1.

Upon the votes being taken on the Estimate for Colonial Agent.
Ayes 6. Nos 4.

Moved and seconded that the Estimate for the Courts of Quarter Sessions and Requests do pass, deducting the ~~item~~ charge for Five Bailiffs in the Interior at £35. 10/- each
Carried unanimously

The Committee adjourn till tomorrow
Adjourned at half past 5 o'Clock

Friday the 13th July 1838.

Present

His Excellency the Lieutenant Governor
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Collector of Customs
Mr Manley
Mr Kerr
Mr Swanston
Mr McLachlan
Mr Foster
Mr Lawrence.

Read the Minutes of last meeting

Mr Foster presents a Petition from the Wardens of the Roman Catholic Church Hobart Town, praying that the Vicar General in this Colony may be placed on an equality with respect to Salary with the respective Heads of the English & Scotch Churches. read & received

The Council continue the consideration of the Estimates for 1839 from the Sheriffs Department to the end.

Moved.

That it is the opinion of this Council that the Establishment of Schools in this colony upon the basis proposed in His Excellency's opening address to this Council would be a measure very conducive to the Public Good, and that the Council are prepared to vote the necessary supply for that purpose.

Mr Foster and Mr Lawrence

Ayes 9. Noes 1.

Resolved that it is the opinion of this Council that the services of Mr Manley the accountant of Stores whose exertions have in so great a degree contributed to the saving in that Department are at present inadequately remunerated, that his Salary should not be less than £300 per annum, and that His Excellency should therefore be respectfully requested to add £50 to the Estimates for his Salary now before this Council

carried unanimously

His Excellency laid upon the Table a Bill intituled "An Act to prevent doubts as to the application of certain Statutes relating to the clergy." which was read a first time.

Mr McLachlan moved for a return of Spirits distilled in the Colony for the year 1837 and the first half year of 1838.

Adjourned at ½ past 5.

Saturday the 14th July 1838

Present

His Excellency the Lieutenant Governor
His Honor the Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Collector of Customs
Mr Manley
Mr Kerr
Mr Swanston
Mr. Foster
Mr Lawrence.

Read the Minutes of last Meeting.

Read the Revd Henry Dowling's letter of the 10th July 1838, laying before His Excellency some observations on the Draft of the Registration Act.

The Colonial Secretary gave notice that he would move the reading of the Report of the Committee on the Road Act on Saturday next.

~~Read Mr Gregory's letter to the Colonial Secretary of the~~
The Council in Committee on the Estimates.

Read a letter of the Trustees of the Hobart Town Grammar School dated 29th May 1838 and addressed to His Excellency the Lieutenant Governor, also, their letter of the 4th June 1838.

The Committee resumed the consideration of the Registration Act.

Adjourned at ½ past 4.

Monday 16th July 1838

Present,
His Excellency The Lieutenant Governor
His Honor The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Collector of Customs
Mr Antill
Mr Lord
Mr Lachlan
Mr Swanston, and
Mr Lawrence

Absent,
The Venerable The Archdeacon, Mr Archer
Mr Willis and Mr Forster.

Read the Minutes of last Meeting

His Honor The Chief Justice presented a Petition from The Venerable The Archdeacon of Van Diemens, praying His Excellency and the Council to reconsider the 9th Clause of the Marriage Act now before this Council, ~~imposing a penalty against the celebration of improper Marriages, and to award a punishment somewhat more commensurate with the Offence~~

Read and received.

The Marriage Act further considered in Committee

The Clergy Act read a second time and committed. The Title read.

The Colonial Secretary lays upon the Table a Return of the Quantities of Spirits distilled in this Colony on which duties have been paid during the year 1837 – and the half year ending the 30th June 1838.

The Council adjourn at half past 5–

Tuesday 17th July 1838

Present,
His Excellency, and Eleven Members

Absent,
The Venerable The Archdeacon, Mr Archer and Mr Willis.

Read the Minutes of last Meeting.

His Honor The Chief Justice brought under the notice of His Excellency the President, a passage in the Tasmanian Newspaper of the 13th Inst. observing upon the manner in which the Collector of Customs expressed himself upon a question which arose in this Council when the Estimates were under consideration. His Honor gave notice that should

should such a proceeding be repeated he would bring the subject under the attention of the Lieutenant Governor by a resolution.

The Marriage Act further considered in Committee.

The Report was brought up, the Council resumed, and His Excellency laid the Bill upon the Table as amended to be read a third time on Friday next. — (on Saturday (18th Jul 1838)

His Excellency laid upon the Table the Appropriation Act for 1839 —
Read a first and second time —
To be read a third time tomorrow

The Internal Revenue Act read a first and second time, and committed Report brought up The Council resumed, and His Excellency laid upon the Table, the Bill as amended, to be read a third time on Thursday next.

Criminal Acts Extension Bill to be read a second time tomorrow.

The Council adjourn at half past 5 o'Clock

Wednesday 18th July 1838.

Present, His Excellency and Eleven Members

Absent, The Archdeacon, Mr Archer, and Mr Willis.

Read the Minutes of last Meeting

Mr Swanston presented a ~~Petition~~ Memorial from Mrs Amelia Murray, praying that His Excellency and this Council will be pleased to afford Memorialist the means of obtaining a passage for herself and family to India. Read

Resolved

In reference to the Petition which has just been read that this Council will be prepared to vote any sum of money not exceeding £150, which His Excellency may be pleased to give Mrs Murray widow of the late Town Surveyor of Hobart Town in order to enable her and her young family to join her X

X relations in India — Carried unanimously.

~~Moved~~ Appropriation Act read a third time

Question put that this Bill do pass.

Mr Lawrence on the part of himself and other Members hands in a statement of the Reasons for assenting to this Bill, ~~which~~ which he requests ~~the~~ ~~His Excellency~~ ~~th~~ may be read.

Previous Question moved but lost by 6 to 5.

Reasons read.

(His Honor The Chief Justice here withdrew)

Moved and seconded that it is the Opinion of this Council that the Protest now tendered by certain Members to be recorded on Minutes of this Council ought not to be received — Carried 6 to 4.

The Council then divided upon the original Question put by His Excellency the President ~~that~~ this Bill do pass. Carried by 9 to 2.

Resolved that it is the unanimous Opinion of this Council that the whole amount of the Charge for the Police Department ought not to be defrayed out of the Colonial Revenue and that His Excelly be respectfully requested to submit to the right Honorable The Secretary of State this their Opinion and their hope that such portion only of the Charge for the Police of this Territory as may be found strictly proportionate to the Colonial duties required from them may be defrayed from the Revenue of the Colony; and that the remaining portion of the expense of the Department which is incurred for the coercion and discipline of Convicts under sentence of British Law may be borne by the Home Government

Read the Attorney Generals Letter of the 21st May 1838 relative to the Criminal Acts Extension Bill, which Bill is read a second time and committed.

Read in Committee the Statute ~~recently passed~~ 1st Victoria Cap 84.

Council adjourn at 5 o'Clock.

Thursday 19th July 1838.

Present,

His Excellency and ten Members -

Absent,

The Archdeacon Mr Archer Mr Willis and Mr Swanston.

Read the Minutes of last meeting.

Criminal Acts Extension Bill further considered in Committee.

Moved — That the Act entitled "An Act to abolish the Punishment of Death in Cases of Forgery" be extended to this Colony — Carried unanimously —

Memorandum [illegible] of the minute

X — Moved the following Clause — in reference to 1 Vict: (CLXXXVI And be it Enacted that whoever shall burglariously break and enter into any dwelling-house any person therein being put in fear shall be guilty of felony and being convicted thereof shall suffer death And be it Enacted that so far as the same is essential to the Crime of Burglary the night shall be considered, and is hereby declared to commence at Sunset in the evening of each day and to conclude at Sunrise in the morning of the next succeeding day. —

Carried unanimously.

Moved also — That ~~so much of the Act entitled "An Act to amend the Laws relating to Burglary and Stealing in a Dwelling-house" as follows be extended to this Colony — namely — Cap. LXXXVI S.III & S.VI after the words in the 6th Section~~ " and every accessory after the fact to any felony punishable under this Act shall be liable to be transported beyond the Seas for any term not exceeding Sixteen years nor less than Seven years or to be imprisoned for any term not exceeding two years — 3rd & 7th Section extended ~~and~~, ~~S.VII~~ — Carried unanimously —

Committee adjourn till tomorrow.

Adjourned at 5 o'Clock.

X. Moved That the Act entitled "An Act to amend the Laws relating to Offences against the Person" be extended to this Colony — Not Seconded —

Friday 20th July 1838

Present,

His Excellency and ten Members.

Absent,

The Archdeacon Mr Archer Mr Willis and Mr McLachlan.

Read the Minute of last Meeting

The Colonial Secretary produced a Return of Fines collected from Jurors, and Fees received from Solicitors for the trials of Special Cases from 1st July 1837 to 30th June 1838 inclusively —

The Internal Revenue Act read a third time.

Question put that this Act do pass — Carried unanimously.

The Criminal Acts Extension Bill further considered in Committee.

Committee adjourn at 4 o'Clock —

Memo.

Various Clauses in the "Act to amend the Laws relating to Burglary and Stealing in a Dwelling-house" — "Act to amend the Laws relating to Robbery and Stealing from the Person" and "Act to amend certain Acts relating to the Crime of Piracy" were considered and adopted —

Saturday 21st July 1838.

Present,
His Excellency and eleven Members

Absent,
The Archdeacon Mr Archer and Mr Willis.

Read the Minutes of last Meeting

Moved and seconded that the Order for the 3rd reading of the Marriage Bill be discharged 665 carr.
The Bill was then recommitted—
Committee to resume on Monday the 23rd inst.

~~Road Com~~ Report of the Committee upon Roads considered.
The Attorney General will prepare a Bill upon the principles laid down in the Report.

Council adjourn at ¼ to 6 o'Clock.

Monday 23rd July 1838

Present,
His Excellency and nine Members

Absent,
The Archdeacon, Mr Archer Mr Willis Mr Austey, and Mr Forster.

Read the Minutes of last Meeting

Committee— Marriage Bill further considered in Committee will resume on Thursday next
The Chief Justice gave notice, that on Thursday next he would move a Resolution, relative to the time when the Bill should come into operation.

Registration Bill further considered in Committee
Committee adjourn at 5 o'Clock.

Tuesday 24th July 1838

Present,
His Excellency and eight Members

Absent,
The Chief Justice, The Archdeacon, Mr Archer Mr Willis Mr Austey and Mr Forster.

Read the Minutes of last Meeting

Registration Bill further considered in Committee.

His Excellency laid upon the Table the Bills entitled:
An Act to provide for the enrolment of Powers of Attorney of the Van Diemens Land Company and for the due enforcement of certain Contracts of Service entered into with the Company.
An Act for better regulating the keeping and carriage of Gunpowder.

The Order of the Day appointed for tomorrow is The Quarantine Act—The Ordnance Estates Bill, and the Criminal Acts Extension Bill.

Adjourned at half past 4 o'Clock

Wednesday 25th July 1838

Present, His Excellency and ten Members.

Absent, The Archdeacon Mr Archer Mr Willis and Mr Autley.

Read the Minutes of last Meeting.

Read a first time the Van Diemen's Land Company's Act to be read a second time on Monday next.

Port Act Amendment Bill read a second time and committed.

Committee to resume to-morrow.

Permit Act Amendment Bill read a second time and committed.

Gun Powder Act read a first time to be read a second time on Friday next

Quarantine Act further considered in Committee.

Police Act to be read a second time on Monday next.

Council adjourn at 5 o'Clock.

Thursday 26th July 1838.

Present, His Excellency and two Members.

Absent, The Archdeacon Mr Archer Mr Willis and Mr Autley.

Read the Minutes of last Meeting.

Marriage Act further considered in Committee. Brought up - Laid on the Table - To be read a third time on Tuesday next.

His Excellency laid upon the Table "An Act to prevent doubts as to the application of a certain Statute relating to the Clergy."

Read a first time - Act withdrawn

Port Act Amendment Bill further considered in Committee - brought up - laid on the Table - To be read a third time on Saturday next.

Permit Act Amendment Bill further considered in Committee. Brought up - Laid on the Table - To be read a third time to-morrow

Council adjourn at half past 11 o'Clock

Memo

Moved and seconded, in Committee on the Marriage Bill, the following Clause:

Provided always that notwithstanding any thing hereinbefore contained to the contrary this Law or Ordinance shall not take effect until after Her Majesty's allowance thereof shall have been notified to the Governor or Lieutenant Governor of this Colony by one of Her Majesty's Principal Secretaries of State or until some day after the arrival of such notification which day shall be fixed by such Governor or Lieutenant Governor and shall be notified by him in a Public Proclamation as the day on and after which this Law or Ordinance shall take effect.

Lost by 8 against 2

Registration and Quarantine Bills to be further considered in Committee to-morrow.

Friday 27th July 1838

His Excellency adjourned the Council till One o'Clock tomorrow.—

Saturday 28th July 1838

Present, His Excellency and ten Members.

Absent, The Archdeacon, Mr Archer Mr Willis and Mr Autey.

Read the Minutes of last Meeting.

Registration Act further considered in Committee

Council adjourn at half past 5 o'clock.

Monday 30th July 1838

Present His Excellency and nine Members

Absent The Archdeacon Mr Archer Mr Willis Mr Autey and Mr Forster.

Read the Minutes of last Meeting.

Registration Bill further considered in Committee— brought up— laid on the Table— to be read a third time on Thursday next.

The Order for the 3d reading of the Marriage Bill is postponed till Thursday next.

The Ordnance Estates Bill further considered in Committee.

Committee adjourn at three o'Clock.

Tuesday 31st July 1838

Present His Excellency and eight Members.

Absent, The Archdeacon Mr Archer Mr Willis Mr Autey Mr McLachlan and Mr Swanston

Read the Minutes of last Meeting

The Colonial Secretary gave notice that he would on Thursday next move a Resolution to this effect

That it is the Opinion of this Council that its assent be given to the issuing of a Salary to a Clergyman to be stationed at Swan River Port under the 12th Section of the Church Extension Act.

The Ordnance Estates Bill further considered in Committee.

Committee adjourn at half past 3 o'Clock.

Wednesday 1st August 1838

Present, His Excellency and ten Members

Absent, The Archdeacon Mr Archer Mr Willis and Mr Autey

Read the Minutes of last Meeting.

The Quarantine Bill is further considered in Committee— The Report is brought up— The Council resume— and His Excellency lays the Bill as amended upon the Table to be read a third time on Saturday next.

The Ordnance Estates Bill is further considered in Committee— The Report is brought up The—

The Council resume and His Excellency lays the Bill as amended upon the Table — to be read a third time on Saturday next

Mr Swanston gave notice that he would move the following Resolution tomorrow:
"That His Excellency be respectfully requested to lay upon this Table all Correspondence that may have taken place with the Law Officers of the Crown or with others on the subject of fixing the duties on the Distillation of Colonial Spirits"

Mr McLachlan gives notice that he will tomorrow move the following Resolution:
"That His Excellency the Lieutenant Governor be respectfully requested to take into consideration the necessity of amending the present Colonial Distillation Act so as to afford protection to the Mercantile interests of the Colony, which has suffered so much since the passing of that Act.

The Council adjourn at

Thursday 2nd August 1838.

Present,
His Excellency and ten Members.

Absent,
The Archdeacon Mr Archer Mr Willis and Mr Anstey.

Moved and Seconded:
That His Excellency be respectfully requested to lay upon this Table all Correspondence that may have taken place with the Law Officers of the Crown or with others on the subject of fixing the duties on the Distillation of Colonial Spirits.
Carried unanimously

Moved

Moved and seconded
That His Excellency the Lieutenant Governor be respectfully requested to take into consideration the necessity of amending the present Colonial Distillation Act so as to afford protection to the Mercantile interests of the Colony which has suffered so much since the passing of that Act.
Carried unanimously.
His Excellency appoint the following Members to form a ~~Private~~ Secret Committee ~~to en~~ on the Distillation Act.
His Honor The Chief Justice
The Colonial Secretary
The Colonial Treasurer
The Collector of Customs
Mr Swanston
Mr McLachlan
Mr Forster and
Mr Lawrence

The Colonial Secretary moves in accordance with his notice of Tuesday
That it is the Opinion of this Council that in pursuance of the provisions contained in the 13th Clause of the Act entitled "An Act to make provision for the support of certain Ministers of the Christian Religion, and to promote the erection of Places of Divine Worship." a salary of Two hundred Pounds per Annum should be appropriated from the Colonial Revenue for the support of a Minister of the Church of England at Great Swan Port provided that the number of free adult Subscribers professing the faith of that Church and resident within ten miles of the Church proposed to be erected exceeds fifty.
Carried unanimously.

The order for the 3d reading of the Marriage & Registration Bills discharged & these Bills recommitted

Mr Forster gave notice that he would tomorrow move the following Clause on

on the Marriage Act.

And be it Enacted that whenever parties be married under this Act in private houses, the Minister of Religion officiating at such Marriage shall cause every such Marriage to be duly registered within the ten days next ensuing in the Registers Book at the Office of the Deputy Registrar of the District in which the Marriage takes place failing all which such Minister to incur a Penalty of £50

The Council adjourn at — o'Clock

Friday 3rd August 1838.

Present,

His Excellency and nine Members.

Absent,

The Chief Justice, The Archdeacon Mr. Archer Mr Willis and Mr. Antrey.

Read the Minutes of last Meeting

Marriage Bill again in Committee — Report brought up ~~on Parchment~~ — laid on the Table to be read a third time tomorrow.

Registration Bill again in Committee — Report brought up on Parchment — laid on the Table to be read a third time tomorrow

The Clergy Bill further considered in Committee — Report brought up — laid on the Table — to be read a third time tomorrow

Council Adjourned at o'Clock.

The Chief Justice took his seat towards the close of the sitting.

Saturday 4th August 1838.

Present,

His Excellency and ten Members

Absent,

The Archdeacon Mr Archer Mr Willis and Mr Antrey.

Read the Minutes of last Meeting

Moved that the Marriage Bill be now read a third time.

and carried

Amendment moved, that the 3rd reading of the Marriage and Registration Bills be ordered for Tuesday next.

The Port Act Amendment Bill read a third time.

Question put and Carried that this Bill do pass. — passed unanimously

Van Diemens Land Company Act read a second time — to be committed on Monday next —

Ordered that Counsel may be heard on this Bill on Monday

The Permit Act Amendment Bill read a third time —

Question put and Carried that this Bill do pass. — pass unanimously

The Ordnance Estates Bill and the Quarantine Bill ordered to be read a third time on Tuesday next.

Council adjourned at ½ past 3 o'Clock

Monday 6th August 1838.

Present His Excellency and ten Members.

Absent The Archdeacon Mr Archer Mr Willis and Mr Anstey.

Read the Minutes of last meeting.

On the motion being made that the Council do now resolve itself into a Committee on the Van Diemen's Land Company's Bill Counsel was heard in support of the motion.

Moved by way of amendment ~~that~~ that the Council do go into Committee upon this Bill this day six months.

Amendment carried 7 to 3.

Council adjourned at 4 o'Clock.

Tuesday 7th August 1838.

Present His Excellency and ten Members.

Absent The Archdeacon Mr Archer Mr Willis and Mr Anstey.

Read the Minutes of last Meeting.

The Marriage Bill read a third time.

Question put that this Bill do pass.

Carried by 8 to 2.

Col. Treasurer enters the following reasons of dissent. ~~to Copy~~

The Registration Bill read a third time.

Question put that this Bill do pass.

Carried by 9 to 1.

The

~~Mr Gregory's Reasons for dissenting from the Resolution of this Council that the Bill "for regulating Marriages in Van Diemen's Land" do pass into a Law.~~

First — Because it renders Marriage a mere civil Contract, whereas up to the present time it has invariably been solemnized in this Colony as a religious contract.

Secondly — Because I do not believe that any portion of the Community is desirous of dispensing with the religious part of the ceremony, and because at all events it will be time enough to dispense with it when the Legislature is appealed to for that purpose, which hitherto has not been the case.

Thirdly — Because it appears to me that a Penal Settlement is the very portion of Her Majesty's Dominions in which it is most Essential that the Sanctity of the Marriage Contract should be upheld by every means within the reach of the Legislature.

John Gregory
Col. Treasurer

Legislative Council Chamber
7th August 1838.

The Bedwas Estates Bill read a third time:

Question put that this Bill do pass.

Agreed unanimously.

The Colwyn Bill read a third time.

Question put that this Bill do pass.

Agreed unanimously.

The Swansea Bill read a third time.

Question put that this Bill do pass.

Agreed unanimously.

The Customs Act Amendment Bill read a first time.

Read a second time and committed.

Committee adjourn to Thursday next.

The Municipalities Act read a second time and committed.

Committee adjourn to Thursday next.

The Criminal Lets Extension Bill ordered to be further considered in Committee on Thursday next.

Council adjourned at ½ past 4 o'clock.

Friday 9th August 1850.

Present

His Excellency and seven Members

Absent,

The Chief Justice, The Archdeacon Mr. McLachlan, Mr Swanston, Mr Archer, Mr Fitts and Mr. Drury.

Read the Minutes of last Meeting.

The Gunpowder Act further considered in Committee ~~Bill agam~~

~~Report brought up laid on the Table to be read a third time on Saturday next.~~

The

The Customs Act Amendment Bill further considered in Committee.

Report brought up – laid on the Table – to be read a third time on Saturday next.

Adjourned at half past 5 o'Clock.

10th Augt 1838

– The Council deferred set – –

Saturday 11th August 1838.

Present,

His Excellency and ten Members.

Absent,

The Archdeacon Mr Archer Mr Willis and Mr Austey.

The Customs Act Amendment Bill again considered in Committee.

The Report is brought up on parchment – the Council resume, and His Excellency lays the Bill as amended upon the table – to be read a third time to day.

The Gunpowder Bill is further considered in Committee –

The Report is brought up on parchment – the Council resume, and His Excellency lays the Bill as amended upon the table – to be read a third time today.

The Gunpowder Bill is read a third time –

Question put that this Bill do pass – Carried unanimously.

The Customs Act Amendment Bill is read a third time –

Question put that this Bill do pass – Carried unanimously.

His Excellency the President adjourned the Council to Monday the 15th October next.

Business of the Session last past.

The following Bills were laid upon the table, and passed into Laws:

Whaling Bill
Port Law Amendment Bill
Quarantine Bill
Soldiers Necessaries Bill
Permit Act Amendment Bill
Marriage Bill
Registration Bill
Customs Act Amendment Bill
Ordnance Estates Bill
Colonial Treasurers Bill
Gunpowder Bill
Revenue Appropriation Bill
Clergy Bill.

Not passed:

Rejected in Committee – to be read 2nd – Van Diemen's Land Company's Bill – Criminal Acts Extension Bill – Police Act Amendment Bill

Withdrawn:

Wills Act.

Order of the Day for Monday, the 15th October 1838.

Criminal Acts Extension Bill —— in Committee
Police Act Amendment Bill —— 2nd reading

Monday 15th October 1838

Present

His Excellency The Lieutenant Governor
His Honor The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Collector of Customs
Mr. Swanston
Mr. McLachlan
Mr. Kerr
Mr. Forster and
Mr. Lawrence

Absent,

The venerable The Archdeacon
Mr. Archer
Mr. Anstey and
Mr. Willis

His Excellency lays upon the table the following Bills: and Report: respectively entitled,
"An Act for the more perfect constitution of Courts of General Quarter Sessions and to provide for the more effectual punishment and control of transported and other Offenders."
"An Act to provide for the Billeting of Soldiers in this Island."

"Report of the Committee of the Legislative Council upon Distillation".

Report read, and ordered to be printed - further considered on Thursday.

Quarter Sessions ~~Act Amendment~~ Bill read a first time - to be read a second time tomorrow.

Mr. Forster moves for the following Returns:
1st. A return of all cases tried before the Courts of Quarter Sessions at Hobart Town and Launceston with the crimes and sentences of those convicted - the same as regards the acquittals.

2nd

2nd. A return of persons tried before each Court of Quarter Sessions in the Territory summarily - offences and sentences.
3rd. A return of all convicts tried for felony under £5 summarily before two Justices out of Sessions.

All for the last 12 months.

The Billeting Act read a first time - to be read a second time on Tuesday the 23rd instant.

Adjourned.

Tuesday 16th October 1838.

No Council.

Wednesday 17th October 1838.

Present,

His Excellency and ten Members as on Monday.

Read the Minutes of last meeting.

The Lieutenant Governor defers the further consideration of the Distillation Question, till Friday.

His Excellency lays upon the table a Bill entitled:
"An Act to regulate the Police in certain Towns and Ports within the Island of Van Diemen's Land, and to make more effectual provision for the preservation of the peace and good order throughout the said Island and its Dependencies generally."

Read a first time - to be read a second time on Monday next.

Quarter Sessions Bill read a second time.

Question put that the Council do now go into Committee upon this Bill. Carried 7 to 3.

The Committee continue in consideration upon this Bill till 5 o'Clock.

Adjourned.

Monday 15th October 1838

Present

His Excellency The Lieutenant Governor
His Honor The Chief Justice
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Collectors of Customs
Mr. Swanston
Mr. McLachlan
Mr. Kerr
Mr. Foster and
Mr. Lawrence

Absent,

The Venerable The Archdeacon
Mr. Archer
Mr. Impey and
Mr. Willis

His Excellency laid upon the table the following Bills: and Report: respectively entitled,

"An Act for the more perfect constitution of Courts of General Quarter Sessions and to provide for the more effectual punishment and control of Transported and other Offenders."

"An Act to provide for the Billeting of Soldiers in this Island."

"Report of the Committee of the Legislative Council upon Distillation".

Report read, and ordered to be printed - further considered on Thursday.

Quarter Sessions ~~Act Amendment~~ Bill read a first time - to be read a second time tomorrow.

Mr. Foster moves for the following Returns:

1st A return of all cases tried before the Courts of Quarter Sessions at Hobart Town and Launceston with the crimes and sentences of those convicted - the same as regards the acquittals.

2nd A return of persons tried before each Court of Quarter Sessions in the Territory summarily - offences and sentences.

3rd A return of all convicts tried for felony under 25 summarily before two Justices out of Sessions.

- All for the last 12 months.

The Billeting Act read a first time ---- to be read a second time on Thursday the 23rd instant.

Adjourned.

Tuesday 16th October 1838.

No Council.

Wednesday 17th October 1838.

Present,

His Excellency and ten Members as on Monday.

Read the Minutes of last Meeting.

The Lieutenant Governor defers the further consideration of the Distillation Question, till Friday.

His Excellency lays upon the table a Bill entitled:

"An Act to regulate the Police in certain Towns and Places within the Island of Van Diemens Land and to make more effectual provision for the preservation of the peace and good order throughout the said Island and its Dependencies generally"

Read a first time - to be read a second time on Monday next.

Quarter Sessions Bill read a second time.

Question put that the Council do now go into Committee upon this Bill. Carried 7 to 3.

The Committee continue in consideration upon this Bill till 5 o'Clock.

Adjourned.

Thursday 18th October 1838.

Present

His Excellency and nine Members.

Absent

The Hon. The Chief Justice
The Honorable The Treasurer
Mr. Archer
Mr. Darley and
Mr. Willis

Read the Minutes of last Meeting.
Laid upon the table.

List of all Convicts tried from 1st October 1837, to the 1st October 1838. for Larceny Receiving Felony or Pilfering under the value of £5 before two Magistrates.

The Council continue in Committee on the consideration of the Quarter Sessions Bill till 5 o'Clock.

Adjourned.

Friday 19th October 1838.

Present, The Lieutenant Governor, The Chief Justice, The Colonial Secretary, The Attorney General, The Colonial Treasurer, The Collector of Customs, Mr. Starr, Mr. Darley, Mr. McLachlan, Mr. Swanston, Mr. Foster, and Mr. Lawrence.

Read the Minutes of last Meeting.

The Council proceed to the Order of the Day in the further consideration of the Report of the Committee on Distillation.

Moved and Seconded

That it is the Opinion of this Council that the Colonial Revenue has suffered from the effects of Distillation to so great an extent as to render it necessary for the interests of the Colony that Distillation should be altogether prohibited, and that the Distillers should receive compensation.

Moved

Moved and Seconded by way of amendment:
That after the word "Colony" in the proceeding motion, the remaining words be struck out, in order that the words "that an address should be made to the Queen" be substituted.

Amendment lost by 6 to 3.

Original Motion put.

Carried by 6 to 3.

The Committee continue the consideration of the Quarter Sessions Bill.

Adjourned.

Saturday 20th October 1838.

Minutes

The Lieutenant Governor adjourned the Council till Monday.

Monday 22nd October 1838.

Present

His Excellency and eleven Members. the same as on Friday.

Read the Minutes of last Meeting.

The Quarter Sessions Bill is further considered in Committee.

The Report is brought up— The Council resume. and His Excellency lays the Bill as amended upon the Table— to be read a third time on Saturday next.

His Excellency lays before the Table the Bills, entitled respectively:

An Act

"An Act to facilitate the apprehension of Offenders escaping from the Colony of New South Wales to the Island of Van Diemen's Land."

To be read a first time tomorrow.

"An Act to amend the Laws relating to Robbery and Stealing from the Person and Stealing from vessels in distress or wrecked."

To be read a first time on Thursday next.

"An Act to amend the Laws relating to Burglary and Stealing in a Dwelling-house."

To be read a first time on Wednesday next.

The Police Bill read a second time, and Committed.

His Excellency lays upon the Table, the Bill, entitled:

"An Act to prohibit Distillation within the Island of Van Diemen's Land.

To be read a first time on Wednesday next.

Adjourned.

Tuesday 23rd October 1838.

Present,

His Excellency and eleven Members the same as yesterday.

Read the Minutes of last Meeting.

His Excellency lays upon the table the following Returns, entitled:

"Return of all Cases tried before the Court of Quarter Sessions at Hobart from 23rd October 1837 to 22nd October 1838 inclusive."

"List of all Convicts tried from 1st October 1837 to the 1st October 1838 for Larceny Receiving Felony or Pilferring under the value of £5 before two Magistrates."

Billeting

Billeting of Soldiers Bill read a second time and Committed.

Committee to resume on Friday next.

The Police Bill considered in Committee till half past 5 o'Clock.

Adjourned.

Wednesday 24th October 1838.

Present,

His Excellency, and Members as yesterday except Mr McLachlan.

Read the Minutes of last Meeting.

The Police Bill is further considered in Committee.

Adjourned.

Thursday 25th October 1838.

Present,

His Excellency and the eleven Members as before, except the The Attorney General.

Read the Minutes of last Meeting.

Mr Ashburner takes the Oaths, and his Seat.

Reciprocity Bill read a first time — to be read a second time on Saturday next.

His Excellency lays upon the Table, the following Bills, entitled:

"An Act to amend certain Acts relating to the crime of Piracy"

"An Act for extending to this Colony sundry Statutes passed

passed for the amendment of the Criminal Law in cases of Forgery and Piracy."

Moved. That the Prohibition of Distillation Bill be now read a first time.

Carried 8 to 3.

Bill read.

Resolved unanimously,

That the Bill be read a second time on Tuesday next, and that the Distillers and Rectifiers have notice given them that before it is read a second time they will be heard on that day, either in person or by their Counsel against the Bill, and that if they wish to adduce evidence they may do so on that occasion.

Adjourned.

Friday 26th October 1838

The Lieutenant Governor adjourned the Council till tomorrow.

Saturday 27th October 1838.

Present.

His Excellency and ten Members – the same as on Thursday – also Mr Ashburner.

Read the Minutes of last Meeting.

His Excellency lays upon the Table a Return entitled:

"Return of Cases tried summarily before the Interior Courts of Quarter Sessions, from the 21st October 1837 to the 22d October 1838 inclusive.

Mr Lawrence presented:

"The humble Petition of Martha, Widow of the late William De Little, late District Surgeon of Bothwell"

Petition read.

The Police Bill is further considered in Committee.

His Excellency lays upon the Table a Bill entitled:

"An Act to amend an Act passed in the first year of the Reign of Her present Majesty entitled An Act to make provision for the support of certain Ministers of the Christian Religion and to promote the erection of places of Divine Worship."

The Billeting of Soldiers Bill read a second time and Committed –

The Report is brought up – the Council resume and His Excellency lays the Bill as amended upon the Table to be read a 3rd time on Monday.

Piracy Acts Amendment Bill to be read a first time on Monday.

Forgery and Piracy Law extension Bill to be read a first time on Monday.

Adjourned.

Monday 29th October 1838.

Present, – His Excellency The Lieutenant Governor, His Honor the Chief Justice, The Attorney General, The Colonial Treasurer, The Collector of Customs, Mr Anstey, Mr Kerr, Mr McLachlan, Mr Swanston, Mr Foster, Mr Lawrence, and Mr Ashburner.

Read the Minutes of last Meeting

The Colonial Treasurer presents the humble Petition of Mr John Scott Turnbull, referring to a Communication received by him from the Clerk of this Council, relative to the Act to prohibit Distillation and praying that Mr R. L. Murray may be heard against the same and that he may be permitted to call evidence thereon.

His Excellency The Lieutenant Governor lays upon the Table the Petition of James Hackett praying that he may be heard respecting the prohibition of his trade as a

Rectifying

Rectifying Distiller and a loss which, during a period of eight years, he sustained, owing to a want of proper legislation on the subject of Distillation of Spirits.

Ordered that Mr Hackett be heard accordingly respecting the prohibition of his trade as a Rectifying Distiller.

Police Bill further considered in Committee when the following motions were made:

"That it shall not be lawful for any person to play at any Game whatever in any public place within the limits of any Town of this Island on Sunday, under a penalty on Conviction of not more than £10." Lost by 7 to 4.

"That it shall not be lawful for any Water Mill or Wind-Mill to work within the limits of any Town of this Island on the Sunday under a penalty on Conviction of not more than £10." Lost by 8 to 3.

Resolved. That the adjudication of the Case before such Magistrates or Justices shall be a bar to any further proceedings upon which such Magistrates shall forthwith make out a Certificate under their hands stating the fact of such decision and shall deliver x

x such Certificate to the party against whom the Complaint was made.

His Excellency lays upon the Table:—

1st "An Act to amend an Act passed in the first year of the Reign of Her present Majesty entitled An Act to make provision for the support of certain Ministers of the Christian Religion and to promote the erection of places of Divine Worship."

To be read a 1st time tomorrow — and His Excellency withdraws, the Bill with the same title, laid on the table yesterday.

2nd "An Act to prevent the importation of diseased Sheep from any part of New Holland into this Island or its Dependencies."

To be read a 1st time tomorrow.

3rd "An Act to regulate the temporal affairs of Churches and Chapels of the United Church of England and Ireland in Van Diemen's Land."

Adjourned.

Tuesday 30th October 1838.

Present,

His Excellency and eleven Members.

Absent,

The Chief Justice, The Archdeacon, and Mr Archer.

Read the Minutes of last Meeting

Mr Lawrence presents:

The respectful Memorial and Petition of David McGown of the North Esk, Distiller relative to the Prohibition of Distillation Bill. Petition Read. ~~submitting certain Statements with the view of dissuading the Honorable Legislative Council from passing "The Prohibition of Distillation Bill" so fraught with injury to Memorialist, and also, he believes, to the Colony — Memorialist therefore humbly prays, that the Bill be rejected; that however should such prohibition be determined on, it may at least be attained by gradual means, and that for fixing the compensation to the Distillers a Jury of twelve men, selected in the usual way, be appointed in place of the Committee of the Legislative Council, referred to in the proposed Act; or that to such Committee be added an equal number of men of respectable repute, to be named by the Distiller.~~

x and in which no Spirits can be used on which Duty has not been paid. Petition read

Mr Swanston presents: The Petition of Hugh Murray, Wine and Spirit Merchant, Hobart Town, praying that no Law may pass against the making of Compounds called Liqueurs, in which no Still is required x

Billetting of Soldiers Bill is read a third time.

Question put that this Bill do pass. Carried unanimously

Quarter Sessions Bill read a third time.

Question put that this Bill do pass. Carried unanimously.

Church Act Amendment Bill read a first time.

To be read a second time tomorrow.

Mr Hackett is called in and is permitted to address the Council on the Distillation Question.

He addresses the Council accordingly.

The

The 2nd reading of the Prohibition of Distillation Bill is postponed to Wednesday, the 7th instant

His Excellency lays upon the Table:
"An Act to abolish the Punishment of Death in cases of Forgery".

Forgery and Piracy Law extension Bill read a first time.
To be read a second time on Thursday next.

~~Death in~~ Forgery Death Abolition Bill read a first time
To be read a second time on Thursday next.

Piracy Acts ~~Extension~~ Amendment Bill read a first time.
To be read a second time on Thursday next.

Robbery Law Amendment Bill read a first time
To be read a second time on Friday next.

Burglary Law Amendment Bill read a first time
To be read a second time on Friday next.

Church of England Temporality Bill read a first time. To be read a second time on Saturday next.

Reciprocity Bill read a second time, and Committed.
Report to be brought up ~~laid on the Table to be read a 3rd time~~ tomorrow.
Diseased Sheep Importation ~~of Sheep~~ Bill read a first time.
To be read a second time tomorrow.

Mr Swanston lays upon the Table:
"Statement of Produce the Property of Messrs. Imlay of Twofold Bay imported into Van Diemens Land from Twofold Bay in the Barques "Merope" "Lindsays" "Brougham" and "Lady of the Lake" belonging to Alexander Imlay and engaged in the above trade by special permission of the Local Government of V. D. Land and N. S. Wales."

Adjourned

Wednesday 31st October 1838

Present
His Excellency and nine Members.
Absent
The Chief Justice The Archdeacon, The Colonial Secretary, Mr Archer and Mr Hart
Read the Minutes of last Meeting.
The Police Bill is further considered in Committee.
Resolved — That in all cases in this Bill where the maximum penalty is directed, that the minimum should be omitted.

His Excellency lays upon the table a letter from Mr Hull, dated 27th October 1838. read.

Adjourned

Thursday 1 November 1838.

Present.
His Excellency and ten Members.
Absent
The Archdeacon The Attorney General Mr Archer & Mr Anstey.

Mr McLachlan presents a petition from Mr R. W. Loane relative to the Distillation prohibition Bill Read — Mr Loane to be heard, if he so wishes, before the Council on Wednesday next.

The Report upon the Police Bill brought up — the Council resumes — His Excellency lays the Bill upon the Table — to be read a third time on Thursday next.

The Church Extension Act Amendment Bill read a second time

to be read a third time Tomorrow.

The Report on the Reciprocity Bill brought up. The Council resumes. His Excellency lays the Bill upon the Table — Read a third time and passed.

Moved that
The Diseased Sheep importation Bill be read a second time
Ayes 8. Noes 2.
Read and Committed.

On the motion of Mr Ashburner it was resolved
That the evidence of Captain Hume be heard on the prevalence of the disease called the Influenza or Catarrh amongst Sheep and Lambs in New South Wales.

Friday 2d November 1838.

Present
His Excellency and eleven Members.
Absent
The Archdeacon Mr Archer and Mr Anstey.

His Excellency lays upon the Table "An Act to simplify proceedings at Law and in Equity by or against the Banking company called 'The Union Bank of Australia'." to be read 1st on Monday next.

The Church Act Amendment Bill read a third time and passed.

The Council resume in Committee the consideration of the Diseased Sheep importation Bill. and the evidence of Captain Hume of the Bombay army, and of Dr Gannerett is taken on the subject of the Catarrh amongst Sheep and Lambs in New South Wales. the bill to be altered in conformity to the terms of the proclamation for preventing the importation of diseased Sheep published on the 27th Sept last by 7 & 4

Saturday 3d November 1838.

Present
His Excellency and ten Members
Absent
The Archdeacon, Mr Archer, Mr Anstey, & Mr Kerr.

The Council resume in Committee the consideration of the Diseased Sheep Importation Bill — Report brought up. The Bill to be read a third time on Tuesday.

The Colonial Treasurer presents a petition from Mr Hackett dated 2d Instant. Read.

Read Mr Dusrolls Letter of the 31 October addressed to the Lieutenant Governor respecting the Union Bank Bill

His Excellency lays upon the Table "An Act for apprenticing the Children of the Queens Orphan Schools in this Island." To be read a first time on Tuesday.

Forgery and Piracy Acts Extension Bill read a Second time and committed — The Report brought up — The Council resume His Excellency lays the Bill upon the Table — to be read a third time on Monday.

Burglary

Burglary Law amendment Bill read a second time and committed — committee to sit again on Monday.

Robbery Law Amendment Bill read a second time and committed — to be continued in Committee on Monday.

Church of England Temporality Bill read a second time — to be considered in committee after the Robbery Bill.

Monday 5 November 1838.

Present

His Excellency and Ten Members

Absent

The Archdeacon Mr Archer Mr Bradley Mr Lawrence

The Council resume in committee the consideration of the Burglary Law Amendment Bill — The Report brought up His Excellency says the Bill upon the Table to be read a third time on Monday.

The Perjury and Forgery Acts Extension Bill read a third time and passed.

The Robbery Law amendment Bill under consideration in committee — to be continued tomorrow.

Tuesday 6 November 1838

Present

His Excellency and Nine Members

Absent

The Archdeacon Mr Archer Mr Bradley Mr Lawrence Mr Lawrence

Mr Chief Justice presents an address from certain Landholders and Agriculturists against the Distillation prohibition Act.

Mr Forster and the Chief Justice move for Returns shewing the amount of Barley imported and exported during the period of one year.

The Council in Committee continue the consideration of the Diseased Sheep Importation Bill

The Robbery Law Amendment Bill under consideration in committee

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Wednesday 7 November 1838.

Present

His Excellency and Ten Members

Absent

The Archdeacon Mr Archer Mr Bradley Mr Lawrence

His Excellency says upon the table certain returns shewing the amount of Barley imported and exported during the period of one year

The Diseased Sheep Importation Bill read a 3d time and passed —

ayes 8. noes 2.

Mr Gregory presents a letter from Mr Lewis Smith of the Instant relative to the Distillation Prohibition Act — read

Mr R. W. Loane called in and permitted to address the Council.

The Attorney General presents a Memorial and representation from Mr McGowan signed "Alfred Stephen"

Motion made that it be received as the Petition of ~~[illegible]~~ Mr Stephen

Ayes 4 Noes 6.

Mr Lewis Smith informed that he may personally be heard before the council which ~~declines doing~~ permission he declines to avail himself &c

Motion made that the Distillation Prohibition Bill be read a second time

Ayes 7. Noes 3

Bill read and committed.

Thursday 8 November 1838

Present

His Excellency and Ten Members

Absent

The Archdeacon Mr Archer Mr Anstey and Mr Lawrence

Police Bill recommitted

His Excellency lays upon the Table the Draft of an Act "to simplify proceedings at Law or in Equity by or against "The Derwent and Tamar Fire Life and Marine Assurance "Company." To be read a first time on Saturday next.

His Excellency lays upon the Table the Draft of "An Act to "simplify proceedings at Law or in Equity by or against "The Van "Diemen's Land Fire and Marine Insurance and Life Annuity "Company." To be read a first time on Saturday next.

His Excellency lays upon the Table the Draft of "An Act for "Paving and Lighting the Towns of Hobart Town and Launceston" To be read a first time on Monday next.

The Orphan School Apprenticeship Bill read a first time. To be read a second time on Monday

The Distillation prohibition Bill further considered in Committee.

Friday 9 November 1838

Present

His Excellency and Ten Members

Absent

The Archdeacon Mr Archer Mr Anstey & Mr Lawrence.

His Excellency withdraws the Paving & Lighting Bill

Mr Ashburner presents a petition of certain Landowners in the Districts of Hamilton & New Norfolk against the Distillation Prohibition Bill. Read

Read Lord Glenelg's Despatch No 299 of the 16 May 1838 with enclosures respecting a gratuity to Mr Alfred Thupp on his retirement from public employ

The Distillation Prohibition Bill further considered in Committee.

Saturday 10 November 1838.

Present
His Excellency and Ten Members.
Absent
The Archdeacon Mr Archer Mr Stanley & Mr Lawrence.

His Excellency lays upon the Table the draft of "an Act for the further amendment of the Law of Debtor and Creditor"

The Distillation Prohibition Bill further considered in committee - the Report brought up - His Excellency lays the Bill upon the Table - to be read a third time on Tuesday next.

The VanDiemens Land Insurance Company's Bill read a first time - To be read a second time on Tuesday next.

The Derwent and Tasman Insurance Company's Bill read a first time - ~~To be read a second time~~ on Tuesday next.

The Robbery Law Amendment Bill further considered in Committee - consideration to be continued on Monday next.

The Union Bank Bill read a first time - To be read a second time on Tuesday.

The Church of England Temporalities Bill considered in Committee.

Monday 12 November 1838

Present
His Excellency and Ten Members
Absent
The Archdeacon Mr Archer Mr Stanley & Mr Lawrence.

The Orphan School Apprentices Bill read a first time - to be read a second time on Wednesday.

The Council in Committee continue the consideration of the Robbery Law Amendment Bill.

The Attorney General gave notice that tomorrow he should move in the Committee

That a Clause be added declaring that nothing in this Act or in the Burglary Amendment Act shall be construed to repeal the 34 Section of the Treasons Act excepting only as to attempts to commit offences which when committed are no longer by this or the Burglary Law Amendment Act punishable by death.

Tuesday 13 November 1838

Present -
His Excellency and Nine Members
Absent
The Chief Justice, The Archdeacon & Messrs Archer Stanley & Lawrence.

The Council continue in committee the consideration of the Church of England Temporalities Bill.

Wednesday 14 November 1838

Present

His Excellency and Six Members

Absent

The Archdeacon Messrs Archer Amstey Lawrence

Read Mr McGowan's Petition addressed to the Lieutenant Governor in Council and his letter to the Clerk of the Councils dated 12 November respecting the Distillation Prohibition Bill.

Police Bill recommitted with reference to the 19 Sections

Distillation Prohibition Bill read a 3d time – on the Question that this Bill do pass.

Ayes 7. Noes 3.

Mr Ashburner enters the following reasons of dissent. X See note

Burglary Act Amendment Bill recommitted – the Report is brought up – read a 3d time and passed.

The Derwent & Tamar Insurance Company's Bill read a first time to be read a Second time on Friday.

The VanDiemens Land Insurance Company's Bill read a Second time to be read a third time on Monday next.

The Report on the Police Act brought up – the Bill is read a third time & passed

The Orphan School apprentice Bill read a Second time and committed

The Union Bank Bill read a Second time & committed

Distillation Prohibition Bill

~~I protest against this bill~~ for the following reasons

1st Because, I do not consider Council it is competent to this ~~Colony~~ to prohibit a branch of trade, recognised as legal by the Law of England

2nd Because, it is erroneous in principle to encourage one branch of the same trade, in the importation of spirits – by a prohibition of the home manufacture, unless it should be first shewn that the Spirits distilled in the Colony are more deleterious to the health of Her Majesty's Subjects than imported Spirits: which has not been done.

3rd Because, if as has been stated the revenue has suffered by the operation of the Act for Regulating distilleries 6 Willm 4 No 14. an additional duty, or

an equalization of duty upon ~~Colonial~~ all ~~[illegible]~~ spirits, less the expence of importation would appear to be the just and proper remedy.

4th Because although the Preamble of the Bill, recognises the principle of compensation, no provision has been made for payment of the same to the present distillers, who must be totally ruined in their trade, by the passing of this act. –

W. C. Ashburner

Monday 19 November 1838

Present

His Excellency and Ten Members

Absent

The Archdeacon Messrs Archer Lawrence & Ashburner.

His Excellency read the following minute.

His Excellency then lays upon the table the Draft of an Act to promote the circulation of the Dollar of the several States of South America and of Mexico.

Mr. Kerr presents a petition from Mr. Alfred Stephen dated the 19 November 1838 praying that the 14 Clause of the Debtor & Creditor Act Amendment Bill may not become Law

The Debtor & Creditor Law Amendment Bill read a first time — to be read a second time on Thursday

The Council consider in Committee the Union Bank Bill — the report is brought up — His Excellency lays the Bill on the Table — to be read a third time tomorrow.

The Vandiemens Land Insurance Company's Bill read — third time and passed.

The Council go into committee on the Queens Orphan School Apprentice Bill.

Tuesday 20th November 1838.

Present

His Excellency and Ten Members

Absent

The Chief Justice The Archdeacon Mr Lawrence Mr Archer.

The Council continue in Committee the consideration of the Orphan School Apprentice Bill — the Report is brought up. His Excellency lays the Bill upon the Table — to be read a third time on Thursday.

The Robbery Law Amendment Bill is further considered in Committee.

The Union Bank Bill read a third time and passed.

The Derwent and Tamar Insurance Company's Bill read a second time — to be read a third time on Thursday.

Wednesday 21st November 1838.

Present

His Excellency and Ten Members

Absent

The Chief Justice The Archdeacon Mr Archer & Mr Lawrence

His Excellency lays upon the Table the draft of an Act to rectify a clerical error in the Act lately passed intituled "An Act for the more perfect consolidation of Courts of General Quarter Sessions and to provide for the more effectual punishment and control of Transported and other Offenders"

Read a first and second time and committed — Report brought up — read a third time and passed.

Thursday 22d November 1838

Present
His Excellency and Ten Members
Absent
The Archdeacon Messrs Archer Starr & Lawrence.

The Derwent and Tamar Insurance Company's Bill read a third time and passed.

The Orphan School Apprentice Bill considered in Committee - the Report brought up - read a a third time and passed.

The Debtor and Creditor Bill read a Second time and committed.

The Dollar Act read a first and second time - to be read a third time on Tuesday the 27th Instant.

Friday 23d November 1838

Present
His Excellency and nine Members
Absent
The Chief Justice The Archdeacon the Colonial Secretary & Messrs Archer & Lawrence.

The Attorney General presented a petition from Mr Thomas Young Solicitor of Alexander Rose of Launceston Esq. relative to the Debtor and Creditor Bill which may not be passed

Received and read.

The Debtor & Creditor Bill considered in Committee

Saturday 24 November 1838

Present
His Excellency and Eight Members
Absent
The Chief Justice the Colonial Secretary The Archdeacon Messrs Archer McLachlan and Lawrence.

The Debtor and Creditor Bill further considered in Committee - the report brought up - His Excellency lays the Bill upon the Table - to be read a third time on Tuesday.

Monday 26 November 1838.

No Council

Tuesday 27 November 1838.

Present
His Excellency & Seven Members
Absent
The Chief Justice the Archdeacon Messrs Archer McLachlan Foster Lawrence and Ashburner.

The Robbery Law Amendment Bill further considered in Committee the Report brought up. His Excellency lays the Bill upon the Table. To be read a third time tomorrow.

The Debtor and Creditor Bill recommitted - report brought up - Bill to be read a third time to morrow.

Wednesday 28 November
Present
His Excellency and Ten Members.
Absent
The Archdeacon, Messrs Archer, Ashburner, & Lawrence.

The Robbery Law Amendment Bill recommitted

reported – laid upon the Table – read a third time and passed.

The Debtor and Creditor Bill recommitted – the report brought up – His Excellency lays the Bill upon the Table – read a third time & passed.

The Dollar Bill read a third time – on the motion that this Bill do pass.

Ayes 6. Noes. 4.

Mr Gregory enters the following reasons of dissent.

×

The Quarter Sessions Act Amendment Bill – read 1st and 2d time – committed – report brought up – laid upon the Table read a third time and passed

29 December 1838.

Present
His Excellency and Eleven Members
Absent
The Archdeacon W.Archer and W.Lawrance.

His Excellency reads the following minute. (vide separate paper)

Read the Puisné Judge's letter of the 11 Instant representing that the Act of Council 2d Victoria No 28 commonly called the Robbery Law Amendment Act is repugnant to Law

Read the Puisné Judge's letter of the 11 Instant representing that the Act of Council 2d Victoria No 29 commonly called the Debtor and Creditor Law Amendment Act is repugnant to Law.

Read the Puisné Judge's letter of the 11 Instant representing that the Act of Council 2d Victoria No 30 commonly called the Quarter Sessions Act Amendment Act is repugnant to Law

Moved and Seconded
That this Council does adhere to the Robbery Law Amendment Act now upon the Table notwithstanding the representation against the same.
Ayes 9. Noes 2

Moved and Seconded
That this Council does adhere to the ~~Debtor and~~ Creditor Law Amendment Act now upon the Table notwithstanding the representation against the same.
Ayes 10 No. 1.

Moved and Seconded.
That this council does not adhere to the Quarter Sessions Act Amendment Act.

carried unanimously

1 January 1839

Present
His Excellency and Ten Members
Absent
The Archdeacon. W. Archer Dr Lawrence & Mr Ashburner

His Excellency lays upon the Table a Bill intituled An Act to amend the act lately passed for the more perfect constitution of Courts of General Quarter Sessions and to provide for the more effectual punishment and control of Transported Offenders.

The Standing orders being suspended. the Bill was read a first second and third time and passed unanimously.

9th March 1839

Present
His Excellency and ten Members
Absent
The Archdeacon Mr Anderson Mr Lawrence & Mr Robertson

The Lieutenant Governor read the following Minute
(vide separate paper)

His Excellency then laid upon the table an Act to
render valid the Jury List for the District of Launceston.

Also An Act for the making altering and improving of the main
and other roads in this Island.

Also An Act for paving and lighting the Town of Hobart
Town and Launceston.

Moved that the Launceston Jury Bill be read 1mo
Question not put. Bill withdrawn for amendment.

11 March 1839

Present
His Excellency and ten Members
Absent
The Archdeacon Mr Anderson Mr Lawrence & Mr Robertson.

His Excellency laid upon the table the amended Jury List
Bill.
Standing Order suspended and the Bill read 1. 2 and 3 times.

Adjourned to 3 o'clock.

11th March 1839
3 P.M.
present
His Excellency and ten Members
Absent
The Archdeacon, Mr Archer Mr Lawrence & Mr Ashburner.

The Jury List Amendment Bill further considered as engrossed with an additional section.

Standing Orders suspended and the Bill read a 1st 2d & 3d time and passed.

Adjourned until the 3d June next.

3d June 1839.

Present

His Excellency The Lieutenant Governor
His Honor the Chief Justice
The Venerable The Archdeacon
The Colonial Secretary
The Attorney General
The Colonial Treasurer
The Collector of Customs
Mr. Archer
Mr. Kerr
Mr. Swanston
Mr. McLachlan
Mr. Lawrence
Mr. Ashburner
Mr. Spode.

The Members severally take the oath of Office

His Excellency reads the following Address (vide Gazette of 7 June 1839)

Moved by Mr Swanston and seconded by Mr Kerr
That His Excellency's Address be printed for the information of the Members.
Carried unanimously.

His Excellency then lays upon the Table the following Bills

1st "An Act to repeal the Laws now in force in this Island relating to the distribution of Intestates Estates, and to make more effectual provision for the distribution of Intestate Estates."

2. "An Act to give further powers to the Sheriff of this Island and to enforce by a summary method the payment of Bills and Notes against the acceptor."

3d An Act for paving and lighting the Town of

of Hobart Town and Launceston.

4. An Act for making, altering, and improving, the main and other roads in this Island.

5. An Act to consolidate the Laws relating to Apprentices and Servants.

6. An Act to compel Masters of Vessels to come to anchor at certain stations within the Port of Hobart Town and Launceston.

The Attorney General gives notice that he will tomorrow move the first reading of the Insolvent Bill.

Tuesday 4 June 1839

Present

His Excellency and Eleven Members

Absent

The Chief Justice The Archdeacon & Mr Anstey.

Read the minutes of last meeting.

The Insolvent Bill is read 1mo – Standing Orders suspended. read 2do and Committed.

[Memt

Mr. Lawrence suggests provisions for relieving apprentices – and for payment of Servants Wages. — adopted.]

The Council resumes – The Sheriff's powers Bill read 1mo

Wednesday 5 June 1839.

Present

His Excellency and Eleven Members

Absent

The Chief Justice the Archdeacon & Mr Anstey.

The Council resume in Committee the consideration of the Insolvent Bill.

Thursday 6 June 1839.

Present

His Excellency and Eleven Members

Absent

The Chief Justice, the Archdeacon, & Mr Anstey.

The Sheriff's powers Bill read 2do and committed

The Council continue in committee the consideration of the Insolvent Bill.

Apprentices and Servants Bill read 1mo to be read 2do Tomorrow

Port Bill read 1mo – to be read 2do Tomorrow

Moved

With reference to that part of His Excellency's opening address to the Council regarding Captain Morrarty's salary that the Lieutenant Governor be requested to lay upon the Table the correspondence between the Government and that Officer upon the subject.

Acquiesced in by His Excellency

Friday 7th June 1839.

Present

His Excellency and eleven Members

Absent

The Chief Justice the Archdeacon and Mr Amsley.

The Council continue in Committee the consideration of the Insolvent Bill — adjourn — to sit again on Tuesday.

The Apprentices and Servants Bill read 2do and committed.

The Port Bill read 2do and committed — the report is brought up. His Excellency lays the Bill on the Table to be read a third time on Monday.

Saturday 8 June 1839

Present

His Excellency and Eleven Members

Absent

The Chief Justice the Archdeacon and Mr Amsley.

His Excellency read a Minute upon the Estimates for 1840 —

His Excellency then laid the Minutes upon the Table — consideration deferred until ~~Thursday~~ Friday next.

His Excellency laid upon the Table the draft of "an Act for erecting a Bridge across the River Derwent on the Township of New Norfolk." — To be read 1ro on Monday.

Monday 10 June 1839

Present

His Excellency and Eleven Members

Absent

The Chief Justice the Archdeacon & Mr Amsley.

Mr Swanston presents a petition from James Hackett praying to be heard before the Legislative Council read.

Moved by Mr Swanston

That Mr Hackett be heard as early as possible after the subject of the compensation to be awarded to the Distillers has been brought by His Excellency under consideration. Carried

Moved by Mr Gregory seconded by Mr McLachlan

That His Excellency the Lieutenant Governor be respectfully requested to lay on the Table of this Council a return of all Medical Practitioners who have been licensed to practice their profession in this Colony under the provisions of the Act of this Island entitled "An Act to regulate the practice of Medicine in this Colony" and passed 27 November 1837. Carried

The Port Bill read a third time and passed.

The Paving and Lighting Bill read 1ro — to be read 2do on Thursday.

His Excellency lays on the Table the draft of "an Act to amend the Act for the Settlement of claims to grants of Land." — To be read a first time on Wednesday.

The New Norfolk Bridge Bill read 1ro — Standing Orders being suspended, read 2do and committed. Adjourned — to sit again on Wednesday.

Wednesday 12 June 1839

Present

His Excellency and Eleven Members

Absent

The Archdeacon. Mr. Anstey & Mr. Swanston.

His Excellency lays upon the Table the draft of an Act "to regulate the Law of Arrest for debt in this Island "and to enforce by a summary method the payment "of Bills and Notes against the Acceptor." To be read 1mo tomorrow.

The Insolvent Bill further considered in Committee - the report is brought up - His Excellency lays the Bill upon the Table - to be read a third time to-morrow week.

The Claims to Land Act amendment Bill read 1mo to be read 2do to-morrow.

The Attorney General gives notice that tomorrow he shall move a clause giving the commissioners under this Act power to commit for contempt.

The New Norfolk Bridge Bill again considered - adjourned until Monday next - Solicitor of the Company to be requested to attend with plans, sections, elevations, and specifications, of the Bridge, and to afford the council any information which may be required.

Thursday.
13 June 1839

Present,

His Excellency and Twelve Members,

Absent.

The Archdeacon & Mr. Anstey.

Claims to Land Act amendment Bill read 2do & committed - report brought up. To be read a third time on Monday next.

On the Motion for the second reading of the Paving and Lighting Bill

Ayes 7. Noes 5

to be committed on Wednesday next.

Law of Arrest Bill read 1mo to be read 2do on Wednesday.

Friday 14 June 1839

Present

His Excellency and Thirteen Members

Absent

The Archdeacon.

The Colonial Treasurer gave notice that he should tomorrow move the recommitment of the Grant of Land Act amendment Act for the purpose of inserting a clause directing the Commissioners to report in every case whether in favor of the applicant or not

Mr. Swanston presented a Memorial from the Clergy Landed proprietors and free inhabitants of the District of New Norfolk and Hamilton. received.

Mr. Swanston & Mr. Spode proposed a resolution grounded on the petition which was withdrawn.

The Council then went into Committee on the Estimates –

The sums ~~proposed~~ as in the Lieutenant Governors Estimate were granted without a division for the following Departments

Lieutenant Governor & Judges.		Lieutenant Governors Estabt.
Executive & Legislative Councils		Colonial Secretary
Survey		Colonial Garden
Treasurer –	Market M.	Audit
Customs	&	Post Office
	Mounted Police.	

On the motion that the sum of £24741 2. 6 be applied to the service of the police Department for the year 1840 it was moved by way of amendment that the sum of £24741 2. 6 be struck out and that the sum of £8247 – 0 .10 be substituted

Ayes 4. Noes 7. – Amendment carried

Saturday 15 June 1839

Present

His Excellency and Thirteen Members

Absent

The Archdeacon.

The Council continued in Committee the consideration of the Estimates.

On the salary of the Colonial Agent being ~~moved~~ – it was ~~proposed~~ as an Amendment

That this item of expenditure be struck out.

Ayes 7. Noes 5.

On the salary of the Registrar of Deeds being ~~moved~~, it was ~~proposed~~ as an Amendment,

That £400 be struck out and that £100 be substituted.

Ayes 7. Noes 6

Mr Archdeacon gives notice that it is his intention on Monday to move that it is the opinion of this Council that two thirds of the expenditure for the Police Department should be defrayed from funds applicable to Convict purposes.

Mr Swanston gives notice of his intention on Monday to propose that a Salary of £100 from the Colonial Funds be voted to the Principal Superintendents & Asst.s of the Male House of Correction at Hobart Town respectively.

Mr Archer gives notice that he will on Monday move an addition of £200 to the Salary of the Post Office.

Moved by Mr Kerr Seconded by Mr Archer

That it is the opinion of this Council that the duties devolving upon the Colonial Auditor have become so extensive and important as to render the present Salary of £500 a year inadequate as a remuneration to that officer for the services he is called upon to render and that an addition of £100 per annum should be added thereto

Carried Unanimously.

Monday 17 June 1839

Present

His Excellency and Thirteen Members

Absent

The Archdeacon

The Attorney General presents a petition from Mr R. L. Murray praying to be heard in support of his application that the inlands charge of Newspaper postage may be abolished. Received and read.

Moved

That Mr Murray be heard in support of his application

Not Seconded.

Moved

That it is the opinion of this Council that while it acknowledges the efficiency of the Police of the Territory and the necessity under existing circumstances of keeping up the present establishment, as long as this Colony is ~~treated~~ as a penal Colony, and not disposed to find fault with ~~the~~ Estimates on that head laid on the Table, and which they believe to have been prepared in a spirit of economy; but considering that the maintenance of this Establishment is principally called for by the transportation and punishment of the Criminals of Great Britain, and for British purposes only, It considers one third of the amount of the Estimate is sufficient in fairness to be borne by the Colony and that the remaining two-thirds should be defrayed by the British Government.

That it appears for some years past this Council has sanctioned the Estimates for the whole charge of the Police Establishment being paid by the Colony thought under protests in that behalf rendered in the hope that the British Government would, as a matter of simple justice have consented to bear their fair share of the very large expenditure incurred for the control of their Criminals — but finding no notice has been taken of this subject this Council can no longer sanction such an appropriation of the public resources of the Colony, and have accordingly reduced the amount to be paid for the Police Department from £24741 . 2 . 6 to the sum of £8247 . 0 . 10d Sterling

Mr. Ashburner & Mr. Anstey

Ayes 7. Noes 5.

Moved.

That a Salary of £100 per annum be paid out of the Revenue to the Principal Superintendent of Convicts and to the Superintendent of the Male House of Correction respectively for Colonial Services rendered by those officers beyond and in addition to the performance of those duties to which they were originally appointed and for which they are paid by the British Government.

Ayes 10. Noes 2.

Moved.

In reference to the resolution of Council under date 14 September 1835 and to the despatch of the late Lieutenant Governor addressed to the Right Hon.ble the Secretary of State dated 2d October 1835 as well as to His Lordship's reply to the same dated 21 August 1838 — That His Excellency having intimated that Capt.n Moriarty R.N. is about to resume his post of Port Officer — it is the opinion of this Council that an annuity of Two hundred pounds per annum be paid to Capt.n Moriarty so long as he shall hold the office of Port Officer at Hobart Town

Ayes 12. Noes 1

The Colonial Treasurer gave notice that he should enter reasons of dissent from the resolution

The New Norfolk Bridge Bill further considered in Committee — Mr. Turnbull is ~~[illegible]~~ examined respecting the proposed Bridge — Committee to sit again on Thursday.

Wednesday 19 June 1839

Present

His Excellency & Thirteen Members

Absent

The Archdeacon.

The Colonial Treasurer's ~~entered his~~ reasons of dissent from the resolution of this Council that an annuity of £200 a year be granted to Captain Moriarty.

1st Because it is unjust to Capt.n Moriarty, for admitting his services to the Colony and the expenses he was subjected to in consequence of three Shipwrecks in 1835 to have been such as to call for some reward and compensation in the shape of a pecuniary grant out of the Colonial Revenue that grant ought not to be made contingent upon his resuming and continuing in the discharge of his former duties as Port Officer. If he has earned such a reward and is entitled to such a compensation I see no reason why he should not receive them both unconditionally.

2d Because the resolution of this Council though professing to follow up the intentions of the Secretary of State does not in fact do so, for Lord Glenelg recommends a direct pecuniary Grant in preference to a Grant of Land for this especial reason that while the latter is conjectural in its value that of the former is specific and can be ascertained beforehand whereas the annuity now proposed by this Council is anything but a specific grant for how can its value be ascertained beforehand unless we are gifted with the power of prophesying whether Captn Moriarty will eventually reenter upon the discharge of the port Officer's duties and even if he does, how long he will continue to hold the appointment, and consequently reap the benefit of the proposed annuity.

3d Because in the year 1835 I concurred in the unanimous resolution of this Council that the salary of the port Officer should be raised to £500 a year without any reference to the claims of Captn Moriarty under a persuasion that the duties he is called upon to perform and the frequent demands upon his benevolence and hospitality which the nature of his office creates, are such as fully to justify the assignment to the office itself of a salary to that extent, and because after a lapse of four years when the question is again brought before the Council I see no ground for altering my opinion.

His Excellency read a minute on the compensation to be awarded to the Distillers & Rectifiers & Compounders.
(vide Separate paper)

Read a precis of the Reports &c of the Distillers compensation Board.

The Colonial Secretary gave notice that he would on Saturday next move certain resolutions founded upon the Lt Governor's minute just read — To be before the Members on Friday.

Read Mr Lewis Smith's Memorial praying that compensation may be awarded for loss of trade &c as a Rectifier & Compounder.

The Council go into Committee on the Claims to Land Act amendment Bill — the report is brought up — His Excellency lays the Bill upon the Table — to be read a third time on Monday.

Law of Arrest Bill read 2do and Committed — Adjourned.

Thursday 26th June

Present
His Excellency and thirteen Members
Absent
The Archdeacon

Read the 3d and 5th Reports of the Distillers compensation Committee

Mr Hackett ~~admitted and~~ addresses the Council on the subject of the compensation. [illegible]

The New Norfolk [illegible] Bill adjourned till Monday.

~~Law of Arrest Bill to morrow.~~

Saturday 22nd June 1839.

Present

His Excellency and Twelve Members

Absent

The Archdeacon & The Attorney General.

Mr Lawrence presents a petition from Mr. McGown praying that every facility may be afforded him in obtaining compensation as a Distiller

The Insolvent Bill read a third time and passed unanimously

His Excellency lays upon the table the draft of an Act to enforce by a summary method the payment of Bills and notes against the acceptor. Read 1mo
to be read 2do on Monday.

Colonial Secretary & Attorney General.

Moved and seconded.

1 That it is the opinion of this Council that all claims to compensation prefered under the pledge contained in the preamble to the Distillation prohibition act shall be calculated with reference to the duty on Spirits distilled from Grain or Malt imposed by the 2d Section of the Act of the 6 Wm 4. No 14.

Ayes 10. Noes 2.

Colonial Secretary and Collector of Customs.

2. That it is the opinion of this Council that any Rectifier and Compounder who has been in the habit of selling Rectified Spirits contrary to the provisions of Law ought not to be compensated for the loss of such trade.

Carried unanimously.

3. That this Council is of opinion that a sum equal to one years profits of their trades should be immediately paid to the Distillers and Rectifiers and Compounders who may establish a right to compensation and that an additional sum equivalent to the profits of their respective trades for two years should be paid them whenever the approval of the Right Hon.ble The Secretary of State shall be obtained.

Mr Lawrence & Mr Hanley.

Moved by way of amendment

That all the words after "right to compensation" be struck out and the following substituted

And that immediately after the allowance of Her Majesty the Queen of the Act of prohibition shall have been made known to His Excellency by the Secretary of State
sum shall be paid
A further sum of money which shall be equal to the profits of their respective trades for two years.

Ayes 6. Noes 6.

His Excellency votes against the amendment.

Original motion put.

Ayes 10 Noes 2.

4 That it is the opinion of this Council that any applicant having been in the habit of Distilling in any manner contrary to Law has by that practice destroyed any claim he might otherwise have had to compensation.

Mr Col.l Swanston and Mr Ashburner.

Moved by way of amendment.

That between the words "having been" and "in the habit" be inserted the words "proved to the satisfaction of this Council to have been" and that the words "in any manner" be struck out.

Carried unanimously.

Moved as a further amendment

That the words or rectifying and compounding" be inserted after the word Distilling

Ayes 6. Noes 6

His Excellency votes against the amendment

* Turnbull praying to be heard by Counsel in support of his claim to compensation and against the report of the Committee.

Read Memorials of Mr McGown as presented by Mr Lawrence ~~and Mr Hackett~~.

His Excellency lays upon the Table and directs to be read the memorial of Mr J. Scott *

Col. Secretary & Col. Treasurer.

moved and 2d

5. That this Council is of opinion that in order to render any applicant entitled to compensation it is imperative that he should produce his books of trade

Ayes 10 Noes 2.

Monday 24 June 1839

Present

His Excellency and Eleven Members,

Absent

The Archdeacon & Mr McLachlan & Mr Ashburner.

The Colonial Secretary gives notice that on Friday he will move the suspension of the Standing Orders and that the Appropriation Bill be carried through its three stages.

The Council go into Committee on the claims to compensation of the Rectifiers & Compounders

Mr Hackett is heard.

Moved and Seconded

1 That Mr Hackett be allowed the difference between the sum of £218, and whatever amount the goods which he has sent to Sydney may sell for.

carried unanimously

2. That the sum of £33 only be charged for rent against ~~his~~ Mr Hackett's annual profits, instead of £100.

carried unanimously

3. That His Excellency be requested to refer back to the Committee their 5th report in order that they may make a further report as to what compensation is, in their opinion due to Mr Hackett & Mr Smith respectively in reference to the resolutions upon the subject which have passed this Council.

Adjourned to Friday

Saturday 29. June 1839.

Present

His Excellency and Eleven Members

Absent

The Archdeacon Mr Anstey & Mr Ashburner

His Excellency lays upon the Table "an Act for the general appropriation of the Revenue for the year 1840." Standing orders suspended - and the Bill read 1. 2. & 3. times and passed unanimously.

The Claims to Land Act Amendment Bill postponed to Wednesday.

The Bills and notes summary process Bill reported - His Excellency lays the Bill upon the Table - read 3d and passed unanimously.

His Excellency lays upon the Table the Ninth report of the Distillers Compensation Board - read & to lie on the Table.

The Sheriff's powers Bill read a third time and passed.

His Excellency lays upon the Table the draft of "an Act for making and maintaining a Bridge over the South Esk River at Norfolk Plains." To be read 1st on Monday.

The Law of Interest Bill considered in Committee - the Report is brought up - His Excellency lays the Bill upon the Table - To be read 3d on Monday

The New Norfolk Bridge Bill further considered in

Committee. ——————————

Proposed

1 That none of the powers given under this Act shall come into force until the capital subscribed (namely £2500) shall be paid up. —————— Agreed to

2d That the Bridge shall be a standing Bridge of Wood or Stone and not of pontoons, and that the arches shall be 12½ feet above the highest water mark & 34 feet wide so that there may be a clear water way. —————— To be considered on Monday.

The height

3 That the Bridge shall have a parapet of 4½ feet high, of sufficient strength, on both sides —————— Agreed to

4 That the Company shall be bound to keep the water way clear between the Arches —————— Agreed to.

5 That unless the Bridge be commenced within one, and completed within three years all the powers given under this Act shall cease. —————— Agreed to.

Monday 1 July 1839

Present

His Excellency and Eleven Members

Absent

The Archdeacon Mr Anstey and Mr Ashburner

Mr Lawrence presents a petition from Mr McGowan praying that his case may be decided upon the data furnished by the Legislative Council Committee last year, or by a Jury in the Supreme Court. —————— Received and read. ——

The New Norfolk Bridge Bill further considered in Committee — Major Nelsall is called in and examined. —————— Committee adjourned till Wednesday.

The Law of Arrest Bill read a third time & passed

His Excellency lays upon the Table the correspondence relative to the Norfolk Plains Bridge ——

The Norfolk Plains Bridge Bill read 1mo — To be read 2do on Wednesday — Certificates to be then produced, shewing what progress has been made in the construction of the Bridge and whether in conformity to the plan &c agreed to. The attendance of Captain Cotton and Captain Cheyne to be requested with reference to this subject. ——

Moved by Mr Lawrence

That Mr McGowan be requested to produce his books before this Council tomorrow, but that he be not required to give up the custody of them. ——

Not seconded.

Wednesday 3d July 1839

present

His Excellency and Eleven Members

Absent

The Archdeacon Mr Anstey & Mr Ashburner.

Claims to Land Act Amendment Bill postponed until tomorrow. The Attorney General to prepare a clause for the taking of evidence of persons absent from the Colony. ——

The Chief Justice requests that a clause may be added giving His Excellency power to order a rehearing before a case is reported. ——

The New Norfolk Bridge Bill further considered in Committee

Chief Justice & Mr McLachlan.

Moved & Seconded

That this Bill be referred to a Sub Committee of this Council to be named by His Excellency who shall be empowered to take evidence and report upon the subject.

Ayes 2. Noes 8.

Mr Dobson the Solicitor to the Company is called in and examined. ——

The Report is brought up. His Excellency lays the Bill upon the Table - to be read 3d on Saturday.

The Norfolk plains Bridge Bill read 2d and committed Read the correspondence upon the subject.

Captain Cheyne Director of Public Works; Captain Cotton of the Engineers (Honble East India Company's Service;) and Mr. J. W. Gleadow, the Solicitor to the Company; called in and examined.

The Chief Justice gives notice that tomorrow he shall move that nothing contained in the first clause shall give the parties a right to encroach on private property.

Thursday 4 July 1839

Present

His Excellency and Ten Members

Absent

The Archdeacon, Mr Anstey, Mr Swanston & Mr Ashburner.

The Norfolk plains Bridge Bill further considered in Committee

Chief Justice & Col^l Secretary Moved and Seconded

That the shares shall not be transferable.

Ayes 4 Noes 7

The Chief Justice gives notice of a resolution to the effect that the property of the subscribers shall be liable in any action brought against the Company in the name of the Treasurer.

Friday 5 July 1839

Present

His Excellency and Ten Members

Absent

The Archdeacon Mr Collector of Customs Mr Anstey & Mr Ashburner

The Norfolk Plains Bridge Bill further considered in Committee - the Report is brought up - + Lawyer. the Lect To be read a third time Tomorrow.

The Claims to Land Act amendment Bill considered in Committee - report brought up - Lawyer. the Lect To be read a third time Tomorrow.

Saturday 6 July 1839

Present

His Excellency and Eleven Members

Absent

The Archdeacon Mr Anstey & Mr Ashburner.

The Claims to Land Act amendment Bill read 3d and passed

The Norfolk Plains Bridge Bill read 3d and passed.

Mr Swanston draws the attention of His Excellency and the Council to a resolution of this Council passed on the 16 September 1835 referring to the necessity which exists for additional accommodation being afforded for the assembling of this Council and gives notice of his intention to move for the immediate erection of the requisite Buildings in conformity with that resolution.

His Excellency adjourns the Council to Monday the 22d instant.

Monday 2d September 1839

Present
His Excellency and Twelve Members
Absent
The Archdeacon & Mr Anstey.

Mr. H. G. Jones is sworn in and takes his place as Attorney General.

His Excellency reads the two following Minutes of vide Separate papers and lays upon the table the despatches and documents referred to therein.

Ordered that the Minutes be printed for general information also the despatches relative to the Public School and to Emigration with their enclosures.

Mr Swanston's presents a petition from Mr. John Scott Turnbull praying to be heard against the Feigned Issue Bill. received and read - Mr Turnbull's counsel to be heard on Wednesday.

His Excellency lays upon the Table the draft of an Act to amend the act intituled "an Act to prohibit Distillation within the Island of Van Diemens Land, to be read 1.mo on Wednesday after Mr Turnbull has been heard by Council.

His Excellency will lay upon the Table to-morrow Mr Macdowell's letter relative to his resignation of the office of Attorney General and the Colonial Secretary's reply.

The Grant deed confirmation Bill to be read 1.mo to-morrow

The Colonial Secretary gives notice that he will to-morrow move the two following resolutions

1st That it is the opinion of this Council that public offices in Hobart should be built by contract or according to such other plan as the Lieut. governor may approve according to the plans now on the Table, the Royal Engineer and Director of public Works having certified in the affirmative upon the points suggested by the Right Hon.ble the Secretary of State.

2d That it is the opinion of this Council that one hundred acres of Crown Land should be purchased at public sale - to be settled upon Esther Rebecca Solomon as a mark of the approval of this Council of her intrepid conduct in the year 1838 when her father's House at Antill's Ponds was attacked and plundered by a gang of armed Bushrangers.

The Colonial Secretary gives notice that at an early day he will move that
That this Council will vote any sum not exceeding £15000 in the supplementary Abstract of expenditure for the current year, for the purpose of settling the claims of those parties whose trades were suppressed by the Act of Council of the 2d Victoria intituled "An Act to prohibit distillation within the Island of Van Diemens Land."

The New Norfolk Bridge Bill read 3d and passed

Wednesday the 3d September 1839.

Present
His Excellency and Twelve Members
Absent
The Archdeacon and Mr Anstey.

His Excellency lays upon the Table Mr Macdowell's letter of the 31 August 1839 relative to his resignation of the office of Attorney General and the Colonial Secretary's reply of the same date. Read.

The Colonial Secretary moves the resolution of which he

gave notice yesterday relative to the erection of public offices.
Read Lord Normanby's despatch of the 26th March 1839. with its enclosures. Colonial Secretary Montagu's Memorandum of the 20 January 1839. Letter of the Director of Public Works dated 22d August 1839, and of the Royal Engineer 30th August 1839

Motion carried unanimously.

The Colonial Secretary moves the resolution of which he gave notice yesterday with reference to the purchase of Crown Land to be settled on Esther Rebecca Solomon. Read Lord Normanby's despatch of the 3d April 1839 and its enclosures.

Motion carried unanimously.

Moved by Mr Lawrence

That a statement of the several sums which the Board of Compensation has reported as being due to the several Distillers & Rectifiers & Compounders. distinguishing the sums reported as compensation for plant and utensils for loss of trade and for deterioration in value of premises be laid upon the Table

carried.

The Distillation prohibition Act Amendment Bill to be read 1mo (pro forma) on Thursday.- Mr Tumbulls Counsel to be heard against the Bill on Friday previously to its being read 2do

The Colonial Secretary intimates that he will on Thursday move the resolution of which he gave notice yesterday relative to the vote of money to be paid as compensation to the Distillers.

Mr Swanston moves a resolution referring to the erection of suitable Buildings for the accommodation of the Council and of a new Government House deferred.

Monday 5th September 1839.

Present,
Six Executive and Twelve Members,
Absent,
The Archdeacon and Mr Hastings.-

The Attorney General sworn in as Member of Council

Read Lord Normanby's despatch of the 12 March 1839 relating to two advances of £5,000 each - and its enclosures.

The New Norfolk Bridge Bill read 3d and passed.

Mr McLachlan presents a petition from Mr James Hackett praying to be heard.

The Distillation Prohibition Act Amendment Bill read 1ms to be read 2do to morrow

The Colonial Secretary and the Attorney General give notice of certain amendments to be made to the Distillation prohibition Act Amendment Bill.

The Colonial Secretary moves the resolution of which he gave notice on Monday relative to the vote of £15,000 - as compensation to the Distillers & Rectifiers and Compounders.

carried unanimously.

His Excellency lays upon the table the draft of an Act to remove doubts as to the validity of certain grants of land in Van Diemens Land." Read 1mo to be read 2do to morrow.

Moved by Mr Lawrence

That the opinion of the Crown Law Officers upon the protest of Mr L.d. Swanston addressed to the Board of Compensation be laid upon the table. dropped.

Moved by Captain Swanston seconded by the Colonial Secretary. with reference to the resolution passed in this Council on the 6th Sept 1835 (now read) the Council beg again to bring to the notice of His Excellency the Lieutenant Governor the great want of accommodation for the Council

and to express their wish that His Excellency will carry into effect the building of a Government House already sanctioned by the Secretary of State, which may afford the Council the accommodation required, or that a separate Building may also be erected for that purpose.

Read Captain Cheyne's letter of the 29 July 1839.

Motion carried unanimously

Friday 6 September 1839.

Present

His Excellency and twelve Members

Absent

The Archdeacon and Mr Anstey.

Mr Turnbull's Counsel is heard against the second reading of the Distillation Prohibition Act Amendment Bill — in the course of Mr Browne's address it was moved by the Chief Justice and seconded by the Attorney General

That the Counsel for the petitioner be informed that this Council is of opinion that he be not at liberty to go into an examination of any evidence taken before any Committee or Committees appointed to enquire into claims preferred by Distillers or Rectifiers for compensation for the suppression of their trades on the point of the legality or illegality of the manner in which their trades were carried on.

Question put — Ayes 7. Noes 6

The Lieutenant Governor having voted with the majority.

The Grant ~~of land validity act~~ Deed Confirmation read 2do and committed.

Moved by the Colonial Secretary and Attorney General

That the Distillation Prohibition Act Amendment Bill be now read a second time.

Moved as an amendment by Mr McLachlan & seconded by Mr Ashburner.

That all the words after "be" be struck out and that the words "read this day six months" be substituted for them.

Amendment put

Ayes 6 Noes 7

Original motion put

Ayes 7. Noes 6

The Lieutenant Governor in each instance voted with the majority

Saturday the 7 September 1839

10 o'clock a.m.

Present

His Excellency and twelve Members

Absent

The Archdeacon & Mr Anstey.

The Lieutenant Governor lays upon the Table Mr Hackett's letter of yesterdays date addressed to His Excellency. also the petition forwarded in it, in which Mr Hackett prays to be heard before the Council on certain of his claims to compensation.

~~Received and~~ read.

Read Mr McGowns letter of the 29 July last relative to the proceedings of the Distillers Compensation Committee.

Moved & seconded — That the Distillation Prohibition Act amendment Bill be now committed.

Moved by way of amendment — That all the words after "be" be struck out and that the words "committed this day six months be substituted for them." —

Ayes 6 Noes 7.

His Excellency having voted with the majority.

The Bill is then Committed. — The Report is brought up — The Council resume. His Excellency lays the Bill upon the Table as amended

Moved and seconded

Resolved that as Her Majesty's Attorney General has in his place in this Council this day declared it to be his opinion that there is not sufficient evidence in the reports of the compensation Board to warrant him in sending an issue to be tried before the Supreme Court, and as nine months have elapsed within which further

evidence might have been obtained, it is the opinion of this Council that there are not sufficient grounds to postpone the liquidation of the demands of the two Distillers and that His Excellency the Lieutenant Governor be respectfully requested to give effect to this resolution

Moved.

That it is the opinion of this Council that the Resolution just proposed is unprecedent & unnecessary and contrary to usage and that if it should be passed it would embarass this Council in reference to the 4th Resolution unanimously agreed to on the 22nd June last

Ayes 5. Noes 7.

Original motion put

Ayes 6. Noes 7.

His Excellency having voted with the Majority.

The Council then separate - to meet again at 9 P.M.

Upon the reassembling of the Council the report on the Grant of Land Validity Act is brought up His Excellency lays the Bill upon the Table - read a third time and passed.

Moved & seconded

That the Distillation Prohibition Act Amendment Bill be read a third time

Ayes 5 Noes 7.