



ANNO TERTIO

GEORGII V REGIS.

A.D. 1912.

No. 1086.

An Act to further amend the "Licensed Hawkers Act, 1863," and to amend "The Licensed Hawkers Amendment Act, 1898," and for other purposes.

[Assented to, November 28th, 1912.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as "The Licensed Hawkers Act Amendment Act, 1912." Short titles.

(2) The "Licensed Hawkers Act, 1863" (hereinafter called "the principal Act"), "The Licensed Hawkers Amendment Act, 1898," and this Act, may be cited together as "The Licensed Hawkers Acts, 1863 to 1912." No. 3 of 1863.
No. 710 of 1898.

2. This Act is incorporated with the other Acts mentioned in section 1 hereof, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. (1) Section 1 of the principal Act is amended by inserting after the word "vehicle" in the seventh line thereof the words "or a ship, boat, or other conveyance, and whether by land or water." Amendment of section 1 of principal Act—
Licences for hawkers by water.

(2) Sections 5, 6, 7, 8, and 12 of the principal Act are amended as follows:— Consequent amendments of sections 5, 6, 7, 8, and 12.

1. In section 5, in the sixth line, after the word "waggon" the words "ship, boat," are inserted, and in the seventh line after the word "vehicle" the words "or conveyance" are inserted:

11. In

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- ii. In section 6, in the second and fifth lines, after the word "waggon" in each case the words "ship, boat," are inserted, and after the word "vehicle" in each case the words "or conveyance" are inserted:
- iii. In section 7, in the fifth line, after the word "cart" the word "carriage" is inserted, and after the word "waggon" the words "or ship or boat" are inserted:
- iv. In section 8, in the fourth line, after the word "cart" the word "carriage" is inserted, after the word "waggon" the words "ship, boat," are inserted, and after the word "vehicle" the words "or conveyance" are inserted:
- v. In section 12, in the fifth line, after the word "cart" the words "carriage, waggon, ship, boat," are inserted, and after the word "vehicle" the words "or conveyance" are inserted.

Traders by water
on the River Murray
declared to be
hawkers.

4. Without derogating from the effect of any provision of the principal Act or of this Act, it is hereby declared that any person travelling on the River Murray, or any of the lakes or other inland waters connected with the said river or lakes, and carrying about for sale, on, or in any ship or boat, or other conveyance, any goods, wares, or merchandise, is a hawker within the meaning of section 1 of the principal Act, and for the purposes of "The Licensed Hawkers Acts, 1863 to 1912."

Servant's licences
not to be granted
unless the master is
a licensed hawker.

5. No licence shall be granted for any servant employed by any person to travel, as mentioned in section 1 of the principal Act, unless such person is himself at the time licensed as a hawker under the principal Act.

Amendment of
section 9—
Penalty for hawker
carrying intoxicating
liquors.

Cf. N.S.W., 28,
1901.
ss. 19, 20.

6. Section 9 of the principal Act is amended by striking out the last two lines thereof and substituting therefor the following:—

"shall be liable to a penalty of not less than Five Pounds nor more than One Hundred Pounds, or to imprisonment, with or without hard labor, for a term not exceeding six months; and in addition the Magistrate or Justices may order that all such liquor at the time of the offence carried by the offender, and all vessels in which such liquor is contained, be forfeited, and the same shall thereupon become the property of His Majesty."

Amendment of
section 11—
Summary arrest and
proceedings where
trading without a
licence.

Cf., Imp. Hawkers
Act, 1888, s. 6; and
S.A. principal Act,
s. 16.

7. Section 11 of the principal Act is amended by adding the following subsections thereto:—

(2) In any of the cases before mentioned in this section, the person authorized or appointed by the Treasurer as aforesaid, or the Justice, Mayor, Constable, or officer of the Peace, or of the Customs, or the person to whom the hawker, pedlar, or petty chapman, or person licensed as aforesaid offers goods for

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for sale, may arrest such hawker, pedlar, petty chapman, or licensed person, and convey him before a Justice of the Peace, whereupon such Justice shall, without any information or complaint, inquire into the matters charged, and may for that purpose administer any oaths or affirmations.

(3) If upon such inquiry, or any adjournment thereof, the Justice is satisfied that the offence was committed he shall impose the penalty provided by this section, and may make such order as to costs as he thinks just.

(4) In default of immediate payment, the Justice—

(a) Shall, by warrant signed by him, cause the amount of the penalty and costs, and the reasonable charges for making distress and sale, to be levied by distress and sale of the goods of the offender, or of any goods with which he was found trading or travelling, directing the over-plus (if any) to be paid to the owner of the distrained goods, and

(b) May commit the offender to gaol, with or without hard labor, for any term not exceeding one month.

(5) The imprisonment shall cease upon payment of the amount of the penalty, costs, and charges by distress and sale or otherwise.

8. Section 12 of the principal Act is further amended by adding the following words at the end thereof:—

“and may seize and take away any substance or thing carried by such hawker or servant contrary to the provisions of this Act, and any receptacle in which such substance or thing is contained, and may hold the same to abide the order of a Special Magistrate or Justices.”

Further amendment
of section 12 —
Power to seize things
illegally carried.

9. Section 13 of the principal Act is amended so as to read as follows:—

13. If any person is found in charge of a cart, carriage, waggon, ship, boat, or other vehicle or conveyance, or any beast of burden, containing or carrying goods of a description usually carried about for sale, except the goods hereinafter excepted, he shall be deemed, in the absence of proof to the contrary, to be travelling with or carrying about such goods for sale and to be trading therewith, and he shall be liable accordingly.

Amendment of
section 13—
When goods pre-
sumed to be carried
for sale.

10. Section 16 of the principal Act is hereby repealed.

Repeal of section 16.

11. Section 18 of the principal Act is amended—

1. By striking out the words “said Province” in the fourth and fifth lines thereof and substituting therefor the words “Commonwealth of Australia.”
11. By

Exception in favor of
producer of liquors
not to apply on the
Murray and lakes.

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11. By inserting after the word “about” in the fourteenth line thereof the words and signs—“(elsewhere than on the River Murray or any of the lakes connected therewith or any other inland waters connected with the said river or lakes).”

Amendment of
Schedule to Act 710
of 1898—
Fees for licences to
hawk by water.

12. The Schedule to “The Licensed Hawkers Amendment Act, 1898,” is amended by inserting the following items before the last line thereof, namely:—

	£	s.	d.
For a licence to hawk with a ship, boat, or other conveyance on the River Murray and the lakes connected therewith and other inland waters connected with the said river or lakes, per annum	5	0	0
For a licence to hawk with a ship, boat, or other conveyance elsewhere than on the said river, lakes, and other waters, per annum	2	0	0

In the name and on behalf of His Majesty, I hereby assent to this Bill.

DAY H. BOSANQUET, Governor.