



ANNO QUINTO

# Gulielmi IV. Regis.

No. 9.

*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 the Regulation of Markets.*

**W**HEREAS the establishment of Markets in this Island under proper superintendence and control would be attended with much public benefit and it is expedient therefore to provide effectually by law for the attainment of those objects. **BE IT ENACTED** 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 that in case the Lieutenant Governor for the time-being shall at any time or times hereafter either by Proclamation or otherwise establish any Market or Markets in or for any town or district or portion of any town or district in this Island it shall be lawful for him thereby or by any other Proclamation or Proclamations then or thereafter from time to time issued to declare and appoint the limits thereof and for the sale of what descriptions of merchandize hay straw live and dead stock fish eggs butter corn and other grain fruit vegetables or other articles and things such Market or Markets shall be holden and what shall be respectively the market day or days of or for the holding of the same and to fix reasonable rates and sums for tolls and for stallage and standings therein and also thereby or by any Order or Orders from time to time published for that purpose to make such reasonable rules relating to the

PREAMBLE.

Lieutenant Governor may establish Markets and fix tolls and stallage and make rules.

times of opening and closing such Market or Markets and the due cleansing of the same and otherwise for the better regulation thereof from time to time or for facilitating the disposal of commodities or promoting fair dealing and good order therein as to him shall seem expedient and every or any such Proclamation or Order from time to time either in the whole or in part to revoke or the same or any part or parts thereof to alter by the substitution of new rules or otherwise as to such Lieutenant Governor shall from time to time appear to be desirable.

PROVIDED ALWAYS that the sums fixed for such tolls and standings shall not in any case exceed in amount the rates specified in the schedule hereunto annexed.

Schedule.

Selling on market day excepting in such Market.

II.—AND BE IT ENACTED that if after the establishment of any such Market as aforesaid any person shall upon any market day of such Market at any time between sun-rise and sun-set either buy or sell or cause to be bought or sold or shall offer or expose for sale within the distance of one mile from the limits of such Market 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 any article or thing whatever for the sale of which the same Market shall have been so established he or she shall for every article or thing so bought or sold or offered or exposed for sale forfeit and pay a penalty or sum of not less than five shillings nor more than twenty shillings.

Articles so sold &c. may be seized.

III.—AND BE IT ENACTED that every article or thing so bought or sold or offered or exposed for sale as last aforesaid may be forthwith seized by any constable and being taken by him without delay before the nearest Police or Acting Police Magistrate the same shall upon proof on oath of the fact of such illegal sale offer or exposal in a summary way be forthwith condemned and the same shall thereupon become forfeited either to the use of the constable having so seized the same or of the Clerk of the Market for the purposes of this Act as such Police or Acting Police Magistrate shall deem most expedient and every such constable shall be a competent witness notwithstanding any such forfeiture.

Proviso for traders selling to ordinary customers.

IV.—PROVIDED ALWAYS AND BE IT ENACTED that nothing contained in the two preceding sections shall extend to or affect any article or thing whatsoever (being the bonâ fide property of and ordinarily dealt in by the keeper or occupier of any house shop or warehouse) which shall have been sold or offered or exposed for sale in such house shop or warehouse only or which (if delivered out of such house shop or warehouse) shall have been so delivered to any regular customer nor shall any thing in the said sections extend to or affect any purchases of goods (not from any hawker or itinerant vender of goods) to the amount of five pounds or more at one time.

Sales may take place in Market on other than market days and non-enumerated articles may be sold.

V.—PROVIDED ALSO AND BE IT ENACTED that nothing in this Act shall be construed to prevent sales in any such Market on every day whether a market day or not nor to prevent the sale of any

article or thing whatsoever therein although not enumerated in the Proclamation for establishing such Market. And all and singular the rules made for such Market shall equally be in force and all tolls payable on articles exposed for sale therein be equally payable in respect of all such sales and articles whether on a market day or not and whether so enumerated or not enumerated.

VI.—AND BE IT ENACTED that it shall be lawful for the Lieutenant Governor to appoint a Clerk of or for every such Market and such other Officers from time to time as he shall think necessary with such reasonable salaries respectively as he shall deem to be proper and to remove any such Clerk or Officer if need be and appoint another in his stead and every such Clerk shall in addition to the ordinary powers and authorities appertaining to the office of Clerk of the Market in England have and exercise within the limits of the Market for which he shall have been appointed all the powers incident to the office of a constable and shall or may under such directions as he shall from time to time receive from the Lieutenant Governor let on hire either by public auction or private contract and either by the day week month or any longer term all or any of the stalls or standings in such Market and shall have power to levy and collect by distress or other lawful means as well the sums payable for such stallage and standings as also the tolls accruing in such Market and if need be to sue for the same as such Clerk in the Court of Requests of the district in which such Market is situated.

Clerks of the Markets &c.

VII.—PROVIDED ALWAYS AND BE IT ENACTED that it shall be lawful for the Lieutenant Governor at any time either by public auction or private contract to let out to farm under such conditions as he shall think proper the whole of the monies to arise from the tolls stallage and standings of any such Market for any term not exceeding twelve months.

Letting the Tolls &c. to farm.

VIII.—AND BE IT ENACTED that if any person shall wilfully offend against or omit to comply with any or either of the rules so at any time made as aforesaid or shall within the limits of any such Market as aforesaid use any indecent or abusive language or conduct himself or herself in any other turbulent or disorderly manner or shall obstruct or endeavour to obstruct the Clerk or any other Officer of such Market in the due execution of his duty he or she shall for every such offence forfeit and pay a penalty or sum of not less than five shillings nor more than five pounds and may also (in any such case of obstruction or turbulent or disorderly conduct) be immediately apprehended by the said Clerk or Officer or by any Constable and taken before any Justice of the Peace by whom such offence may be thereupon forthwith inquired into and the said penalty be inflicted.

Offences against the Rule &c.

Penalty.

IX.—PROVIDED ALSO AND BE IT ENACTED that in some conspicuous place within the limits of every such Market there shall by the Clerk of the Market be kept painted in letters and figures not less than one inch in length and proportionate breadth so as to be distinctly

Rules and amount of Toll &c. to be exhibited.

legible the words "Rules to be observed and Tolls to be paid in this Market" and underneath those words the true particulars of every rule so made as aforesaid then being in force and of all tolls then payable within such Market under a penalty of not less than two pounds nor more than ten pounds.

**X.—AND WHEREAS** by the Act passed in this Island for preventing the use of fraudulent weights and measures and introducing into use the Imperial Standard of weights and measures it is enacted that no person shall bargain sell or deliver any merchandize or thing by any other weights and measures than such as should agree with certain standard weights and measures therein particularly mentioned and it is expedient that for the better protection of persons resorting to any such Market and the promotion of fair dealing therein the provisions of the said Act should in all such Markets be especially enforced—**BE IT THEREFORE ENACTED** that every Clerk of the Market shall and may within the limits of such Market have and exercise all the powers and authorities of an Examiner under the said Act and search for demand and examine and if need be seize and detain for examination or forfeiture as in the said Act mentioned all balances weights and measures in the possession of or ordinarily used by any person or persons selling or offering for sale in such Market any article or thing by weight or measure. And if any person within any such Market shall obstruct such Clerk in the examination of any such balance weight or measure or refuse or wilfully omit to produce on demand his or her balances weights and measures for such examination as aforesaid or shall be found to have at any time used in such Market any false or deficient balance weight or measure or any other than weights and measures of such Imperial Standard as aforesaid he or she shall be proceeded against and punished as by the said Act is in that behalf provided.

**XI.—AND BE IT ENACTED** that the Clerk of every such Market shall at all times keep and have within such Market a true and proper balance or true and proper balances weights and measures for the purpose of weighing and measuring articles within such Market and shall immediately at the request of any person therewith weigh or measure by himself or some other Officer or Officers of such Market in that behalf appointed any article or articles brought to him or them for that purpose for which (in respect of each separate weighing or measuring only) he shall be entitled to demand and receive one penny and no more 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 sixpence. And no weight or measure shall in any such Market be let for hire or used for reward by any person except only such Clerk and Officers under a penalty of not less than one shilling nor more than five shillings for every weight or measure so let to hire or used.

**XII.—AND BE IT ENACTED** that if any person shall within any such Market sell or offer or expose for sale any article of food whatsoever of an unwholesome nature or in an unwholesome condition unfit for the purposes of food he or she shall for every such offence forfeit and

fraudulent Weights and Measures.

clerks to keep Weights &c. ready for use.

wholesome articles to be destroyed.

pay a penalty or sum of not less than five shillings nor more than twenty pounds. And every such unwholesome article may be immediately seized by the Clerk of such Market or any other Officer thereof and be thereupon publicly destroyed.

XIII.—AND BE IT ENACTED that all offences against this Act or against either of the said rules so to be made as aforesaid in respect of which offences no other provision is by this Act in that behalf made shall be heard and determined and all fines and penalties in respect thereof be awarded and imposed in a summary way by or before any one Justice of the Peace. And all persons aggrieved by any summary judgment under this Act shall be entitled to appeal therefrom in the manner provided respectively by the Act intituled “An Act to regulate summary proceedings before Justices of the Peace.” Mode of proceeding.

XIV.—AND BE IT ENACTED that the amount of all sums received for stallage tolls and fees or otherwise under this Act shall from time to time as the Lieutenant Governor shall direct be applied towards the erection or support of Markets throughout the Colony and otherwise to defray the expenses occasioned thereby. Appropriation.

XV.—AND BE IT ENACTED that the term “Lieutenant Governor” used in this Act shall be construed equally to intend or apply to the Governor or any other person for the time being lawfully administering the Government. Application of term Lieutenant Governor.

GEORGE ARTHUR.

Passed the Legislative Council  
this twenty-fourth day of September  
one thousand eight hundred  
and thirty-four.

ADAM TURNBULL, Clerk of the Council.

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 ..... one shilling
- 4.—Every dray or waggon ditto..... two 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.

