



ANNO SEXTO
GULIELMI IV. REGIS.

No. 7.

By His Excellency Colonel GEORGE ARTHUR, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies.

AN ACT to provide for the Licensing of Hawkers and Carriers.

WHEREAS the permitting of persons not under proper control to travel about as Hawkers or Carriers of Goods has been found to facilitate the disposal of stolen property and to be productive of other evils which it is expedient to remedy—**BE IT THEREFORE 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 after the first day of October next if any person shall travel about within this Colony or proceed from house to house for the purpose of selling goods by retail or being an itinerant vender of goods by retail shall sell or offer for sale any goods or wares by retail or if any person shall carry on the business of a common Carrier of goods within this Colony or being in fact a common Carrier of goods shall convey for hire from one part of the Colony to another any goods or merchandize without having first obtained an annual License either as a Hawker or Carrier (as the case may be) as hereinafter directed every such person shall forfeit and pay a penalty or sum of not less than two pounds nor more than fifty pounds—

PREAMBLE.
 Hawkers and Carriers to be licensed.

II. **PROVIDED ALWAYS** that nothing in this Act shall extend to any person carrying on the business of a Carter or Carrier within

Proviso.
 Licensed Carters.

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Hobart Town or Launceston only and licensed under the provisions of the Act of this Island passed in the fourth year of His Majesty for regulating the Police in those Towns and for preventing and removing nuisances and obstructions therein—AND PROVIDED ALSO that nothing in the Act be construed to render a License necessary in respect of any Cart or person employed in the conveyance of Post Letters or any Van or Coach employed chiefly in the conveyance of passengers.

Mode of application for a License.

III. AND BE IT ENACTED that every person desirous of being licensed either as a Hawker or Carrier under this Act shall make application in writing for that purpose directed to the Chief Police Magistrate for the time being setting forth therein the true name or names and usual residence of the applicant and if not born within the Colony the name of the vessel by which and the place from which he arrived in this Colony and in what year—AND the Chief Police Magistrate on the receipt of any such application shall forward the same to the Colonial Secretary in order that the Lieutenant-Governor's pleasure may be signified thereon and if the Lieutenant-Governor shall be satisfied that the applicant is of good character the same shall be signified to the Chief Police Magistrate who shall thereupon cause a License according to the form set forth in the Schedule to this Act to be issued to the party applying for the same or his authorised agent upon payment being first made of the sum of twenty shillings—AND every License issued under this Act shall be numbered consecutively according to the number previously issued the Licenses issued to Hawkers commencing at Number One and those issued to Carriers commencing at Number One Hundred and every such License shall bear date on the day it is issued and shall remain in force for twelve calendar months from such date (unless previously cancelled) and no longer.

Hawkers to have names &c. painted on their packs.

IV. AND BE IT ENACTED that every person licensed as a Hawker as aforesaid shall have painted or otherwise marked in a plain and legible manner in black upon white or vice versâ on some conspicuous part of the outside of his wrapper pack pannier basket or other thing wherein or whereon are deposited the Goods Wares or Merchandize hawked about or conveyed for sale under the authority of such License his name and the number of his License together with the words "Licensed Hawker"—AND if any person so licensed shall convey or have in his possession for sale any Goods Wares or Merchandize not having such particulars so painted or marked as aforesaid he shall forfeit and pay a penalty or sum not exceeding three pounds nor less than five shillings.

Licensed Carriers to have names &c. painted on their carts.

V. AND BE IT ENACTED that every person licensed as a Carrier as aforesaid shall have his name and the number of his License and the

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words "Licensed Carrier" painted in a legible manner black upon white or vice versa with letters and figures of at least one inch in length and of a proportionate breadth on both sides (clear of the wheel) of every cart or other vehicle employed or used by him for the conveyance of goods carried by him for hire and any Licensed Carrier who shall not have such particulars so painted or marked as aforesaid shall forfeit and pay a penalty or sum not exceeding twenty pounds nor less than twenty shillings.

VI. AND BE IT ENACTED that if any person having obtained a License under this Act shall lend hire or dispose of it or shall knowingly permit any other person whatever to have possession of the same in order to enable such last-mentioned person to avail himself of the same as a licensed person or shall knowingly permit any person to use or have such License for the purpose of evading or violating any provision of this Act such licensed person shall be liable for either of such offences at the discretion of the convicting Justices to have his License cancelled and also or instead thereof to forfeit and pay a penalty or sum not exceeding forty pounds nor less than five pounds—AND if any person shall forge any License or paper purporting to be a License granted under the provisions of this Act or shall fraudulently carry about with him or use any such forged License or paper knowing the same to be so forged such person shall be deemed guilty of a misdemeanor and being thereof lawfully convicted shall be liable to imprisonment with hard labour for any period not exceeding three years.

Persons hiring or lending their License.

Forging License.

VII. AND BE IT ENACTED that if any person shall under colour or pretence of another person's License sell or offer for sale or proceed from place to place with any Goods Wares or Merchandize for the purpose of sale as a Licensed Hawker or shall convey for hire or reward any goods or merchandize from one part of the Colony to another as a Licensed Carrier or shall have the same about him at the time of such selling or offering for sale or conveying of such Goods Wares or Merchandize or shall have any number or name painted or marked on any pack wrapper pannier basket cart vehicle or other thing wherein or whereon are deposited the Goods Wares or Merchandize so sold or offered or conveyed corresponding with the number or name on any such other person's License he shall forfeit and pay a penalty or sum not exceeding one hundred pounds nor less than ten pounds and shall also or may at the discretion of the convicting Justices be sentenced to imprisonment with hard labour for any term not exceeding six calendar months.

Persons using another person's License.

VIII. AND BE IT ENACTED that if any License issued under this Proviso for

issuing duplicate
of License lost or
destroyed.

Act shall by accident be lost or destroyed it shall be lawful for the Chief Police Magistrate on oath being made before him or any other Justice of the Peace of such loss or destruction and also that such person is really entitled to hold such License at the time such oath as aforesaid shall be made to issue to the person whose License shall have been so lost or destroyed a duplicate of such License upon payment of two shillings and sixpence being made for the same and every such duplicate shall for all the purposes of this Act be of the same validity and force as the License originally issued.

Hawkers and
Carriers to
produce License
when required.

IX. AND BE IT ENACTED that every Hawker and Carrier licensed under this Act shall when required by any Constable or by any person for whom (if a Carrier) he shall have offered to convey any goods or (if a Hawker) to whom he shall have offered any goods for sale produce his License and permit it to be inspected by such Constable or person and any such Hawker or Carrier who shall refuse or neglect to comply with such demand shall forfeit and pay a penalty or sum not exceeding ten pounds nor less than two pounds—AND every person (whether licensed or not) who shall not produce and exhibit a proper License whenever called upon so to do shall for the purposes of this Act be deemed unlicensed unless he shall satisfactorily prove himself to be duly licensed.

District Con-
stable &c. may
on suspicion
search Hawk-
ers and Car-
riers and
their packs or
carts.

X. AND BE IT ENACTED that it shall be lawful for any Chief Constable Chief District Constable or District or Division Constable having reason to suspect that any stolen property is concealed or is in or on any pack parcel pannier load cart or vehicle belonging to or conveyed or used by any person licensed or appearing to be licensed under this Act to search forthwith every such pack parcel pannier load cart or vehicle without any other authority than this Act and if any person shall molest or obstruct any such Constable in the making of any such search he shall forfeit and pay a penalty or sum not exceeding twenty-five pounds nor less than five pounds and may be immediately apprehended and kept in safe custody until he can be brought before the nearest Justice to answer for such offence—AND if any goods or article suspected to be stolen be found upon such search the same may be detained by such Constable and carried before the nearest Police Magistrate to be afterwards by him disposed of after due inquiry into the matter according to Law.

Hawkers not to
carry about certain
articles nor take
any goods in
exchange except
from house-
holders.

XI. AND BE IT ENACTED that it shall not be lawful for any Hawker licensed under this Act to sell or offer or carry about for sale any article or thing made or partly made of gold or silver or containing any precious stones or to sell or offer or carry about for sale any spirits

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wine beer or other distilled or fermented liquor or any gunpowder or shot or bullets or to sell or dispose of to any transported offender (not holding a ticket-of-leave) any article or thing whatsoever such Hawker knowing or having reason to suppose the person to be such offender or to sell or offer for sale to any person whatever any goods after sun-set and before sun-rise or to exchange or buy any goods except with or of some known shopkeeper or merchant whose shop or place of business shall be within the limits of some township or to take by way of payment or in exchange for any goods any article or thing except money or some Bill Note or order for money—AND any Hawker who shall commit any or either of the above-mentioned offences shall forfeit and pay a penalty or sum not exceeding twenty pounds nor less than ten shillings and also at the discretion of the Justices (if more than one) before whom the matter shall be heard shall be liable to have his License cancelled.

XII. PROVIDED ALWAYS that nothing in the preceding Section shall extend to prevent a Hawker from receiving in payment or exchange any article of Farming or agricultural produce or any Kangaroo or Opossum skin from any known householder not residing within Hobart Town or Launceston or within five miles thereof. Proviso.

XIII. AND BE IT ENACTED that nothing in this Act shall be construed to extend to any person travelling to obtain orders for any merchant or shopkeeper not having with him any Goods Wares or Merchandize excepting samples or to any persons Hawking for sale within Hobart Town or Launceston or within five miles thereof or within the limits of any other township only poultry butter milk water eggs fish pastry or confectionary fruit matches or brooms if not in breach of the Act in Council passed in the fifth year of the reign of His present Majesty intituled *An Act for the Regulation of Markets*. Exceptions to this Act.

XIV. AND BE IT ENACTED that all offences against this Act not otherwise provided for and in respect of which said offences any pecuniary fine or penalty is by this Act imposed shall be heard and determined and all such fines and penalties be awarded and imposed in a summary way by and before (if the penalty provided by this Act exceeds £20) any two Justices or (if not exceeding £20) by and before any one or more Justice or Justices upon information in that behalf exhibited and that all fines and penalties so awarded and imposed shall go and be distributed and all persons aggrieved by any summary conviction 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*. Proceeding for Penalties.

Appropriation.

XV. AND BE IT ENACTED that all sums of money payable for Licenses under this Act and all shares of penalties payable to His Majesty shall be and the same are respectively hereby reserved to the use of His Majesty His Heirs and Successors for the support of the Judicial and Police Establishments.

GEORGE ARTHUR.

Passed the Legislative Council this fourth
day of September one thousand eight
hundred and thirty-five,

ADAM TURNBULL, *Clerk of the Council.*

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SCHEDULE.

No.

The Lieutenant-Governor having approved of a Hawker's or Carrier's License being issued to A. B. of

I. C. D. Esquire Chief Police
Magistrate of this Colony do hereby in accordance with the provisions of the Act in Council intituled *An Act to provide for the licensing of Hawkers and Carriers* license the said A. B.

whose personal description is noted
at the foot hereof as a Hawker to carry about goods in this Colony for sale [*or as a Carrier to carry goods in this Colony for any person or persons employing him as such Carrier*] for twelve calendar months from this date (unless this License be previously cancelled) and no longer subject nevertheless to the regulations and forfeitures particularly set forth and provided in the said hereinbefore recited Act.

Given under my hand at the Police Office Hobart Town this
day of _____ in the year of our Lord
one thousand eight hundred and _____

[*Signature of Chief Police Magistrate.*]