

ANNO SEXTO

**Gulielmi IV. Regis.**

No. 6.

*By His Excellency COLONEL GEORGE ARTHUR Lieutenant  
Governor of the Island of Van Diemen's Land and its  
Dependencies.*

*An Act for Regulating Sales by Auction.*

**W**HEREAS it is expedient to regulate Sales by Auction and to provide for the Licensing of Auctioneers:—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 it shall not be lawful for any person to sell or put up or offer for Sale by Auction any Property whatsoever without having first obtained a License in the manner hereinafter directed. *And* if any person shall after the said first day of October sell or put up or offer for Sale or assist in selling or putting up or offering for Sale any property whatsoever by Auction not having a License to act as an Auctioneer under this Act he shall forfeit and pay for every such offence a penalty or a sum of two hundred pounds to be recovered by Action of Debt or Information in The Supreme Court of Van Diemen's Land and every such penalty or sum shall when recovered be applied one moiety thereof to and for the use of His Majesty His Heirs and Successors and the other moiety to and for the sole use and benefit of the person or persons suing for the same.

Preamble.

Persons selling by Auction  
to be Licensed.

License how obtained.

II.—AND BE IT ENACTED that persons desirous of obtaining a License to act as Auctioneers shall make application in writing for that purpose to the Colonial Secretary for the time being and as soon as conveniently may be after the receipt of every such application the same containing therein the true names and places of abode of the party or parties applying and after the signification by The Lieutenant Governor of his approbation thereof the said Colonial Secretary shall transmit to the applicant or applicants a Certificate of such approval directed to the Collector of Internal Revenue if the party or parties reside within that part of the Island called Buckinghamshire or to such officer as shall be from time to time for that purpose appointed if he or they reside within that part of the Island called Cornwall.

License to be annual.

III.—AND BE IT ENACTED that such Collector or other Officer as aforesaid shall upon sight of any such Certificate and upon payment being made to him of the sum of fifty pounds forthwith issue to the person or persons therein named a License for such person or persons to practice the trade or calling of an Auctioneer within this Island and its Dependencies. *And* every such License shall bear date on the day it is issued and shall continue in force for the next succeeding twelve calendar months only and until payment of such License money shall have been so made to such Collector or other Officer and the License been actually issued the person or persons entitled to such License shall be considered unlicensed to all intents and purposes. *And* in all proceedings against any person in respect of any Sale by Auction without a License the Defendant shall unless he produce his License or bring other satisfactory proof of his having been Licensed at the time the alleged offence was committed be deemed to have been in fact unlicensed.

Country Licenses.

IV.—PROVIDED ALWAYS that where the person or persons to be Licensed shall not usually reside within either of the Districts of Hobart Town or Launceston the License money payable shall be twenty pounds only but no person under License for which no more than twenty pounds was paid shall be deemed licensed or be authorised to act under any such License within either of the Towns of Hobart Town or Launceston or at any place within five miles of either of those Towns.

Partners.

V.—AND BE IT ENACTED where any two persons and not more shall carry on business or purpose to carry on business as Auctioneers in partnership together and shall apply to be licensed accordingly as such partners they usually residing within one and the same District and having bona fide and in fact one and the same ordinary place of business only the License money payable by such two persons as such partners shall be the same only as would be payable if the License were issued to but one person.

Licenses to be advertised.

VI.—AND BE IT ENACTED that the Collector of Internal Revenue or other Officer so appointed as aforesaid to issue Licenses under the Provisions of this Act shall within ten days after the issuing of every such License cause a notice of the same together with the name and residence of the person or persons to whom such License was issued to be inserted in the Hobart Town Gazette.

Night Auctions

VII.—AND WHEREAS many frauds are committed and stolen articles disposed of by means of Auctions carried on at night:—BE IT

ENACTED that after the said first day of October next no Sale of any Property whatsoever by Auction shall take place or if commenced shall be continued at any time after Sun set. AND if any person whatsoever whether Licensed under this Act or not shall sell or put up or offer for Sale or assist in selling or putting up or offering for Sale by auction any property whatsoever contrary to the Provisions of this Act he shall forfeit and pay a penalty or sum of not less than two pounds nor more than fifty pounds.

VIII.—AND BE IT ENACTED that every person licensed under this Act may lawfully sell by auction any such Sale being a bonâ fide public and open Sale by auction any Wine or Spirituous Liquors without taking out a License as a dealer in Wine and Spirits under the Act of this Island in that case made or being deemed a dealer in Wine and Spirits within the intent and meaning of that Act. PROVIDED that no such sale of Wine or Spirituous Liquors shall take place until the Auctioneer shall have caused notice in writing of the time and place of the intended sale to be given to the Police Magistrate of the District in which such shall be (and if in Hobart Town or Launceston then to the Collector or Controller of Customs there also) twenty-four hours at the least previously to the actual Commencement of such Sale under the penalty in case of neglect of not less than five pounds nor more than fifty pounds.

Sales by Auction of Wine or Spirits.

IX.—AND BE IT ENACTED that for the purposes of this Act the term property shall be construed to include every species of property whether real or personal in fact sold or saleable by Auction and the term auction shall be understood to comprise every species and mode of Sale whatsoever commonly deemed a Sale by Auction by what name called whether the same be by outcry knocking down of hammer by lot parcel or otherwise.

Explanation of terms:

X.—PROVIDED ALWAYS that nothing in this Act shall extend to any Sale under or by virtue of any order of The Lieutenant Governor or any decree or order of The Supreme Court or any order of any Commissioner of any Court of Requests or to any Sale by the Sheriff or any Deputy or person employed by him or any Sale of the effects of any deceased Soldier or Military Officer or to any Sale by order of any Collector or Acting Collector of Customs.

To what Sales this Act shall not extend.

XI.—AND BE IT ENACTED that all offences against this Act not otherwise provided for in respect of which any pecuniary penalty is imposed shall be heard and determined and every such penalty be awarded and imposed in a summary way by and before any two Justices of the Peace and all fines or penalties so 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".

Penalties (except for selling without a License) to be recovered in a summary way.

GEORGE ARTHUR.

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

ADAM TURNBULL,  
Clerk of the Council.