



WESTERN AUSTRALIA.

ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

No. II.

**An Ordinance for Licensing Hawkers and
and Pedlers.**

WHEREAS it is expedient to confine the business of trading as Preamble.
Hawkers and Pedlers in the Colony of Western Australia
to persons duly licensed, upon satisfactory evidence as to character,
and to subject such persons to the regulations hereinafter contained :—
Be it therefore enacted, by His Excellency the Governor of Western
Australia and its Dependencies, by and with the advice and consent

No Hawker or Pedler to sell goods, chattels, wares, merchandise, without a License, under a penalty of £20

of the Legislative Council thereof, that from and after the passing of this Ordinance it shall not be lawful for any Hawker or Pedler, or other person or persons acting in that capacity, in town or country, to vend, sell or barter, either by himself or other person on his behalf, any goods, chattels, wares, or merchandise, without being lawfully licensed as hereinafter directed, and that every person so vending, selling, or bartering, contrary to such prohibition as last aforesaid, shall forfeit and pay any sum not exceeding twenty pounds.

How Licenses shall be applied for and granted.

II. AND be it further enacted, that from and after the passing of this Ordinance every person desirous of trading as a Hawker or Pedler shall apply to the Resident or Police Magistrate of the district in which he or she usually resides, which said Resident or Police Magistrate is hereby directed to inquire into the character of the person or persons so applying for a licence, and being fully satisfied that such person is of a good character and reputation, and is a fit person to be licensed to exercise the trade of a Hawker and Pedler, such Justice is hereby authorised and empowered to grant to such person a license in the form hereunto annexed, marked with the letter A, which said license shall be signed by the said Justice, and shall be and continue in force until the 1st day of January next ensuing the date thereof, and no longer.

As to fees payable for licenses.

III. AND be it further enacted, that every person so receiving such License as aforesaid, shall, upon the issuing of such Licence, pay the sum of One Pound to the Magistrate by whom such License shall be issued as aforesaid, who shall record all Licenses granted by him as aforesaid; and pay the fees thereon received by him to the Collector of Internal Revenue, for the public uses of the said Colony and the support of the Government thereof within one month after the date at which such Licenses shall be respectively granted, and shall return to the said Collector of Internal Revenue a list of the names of the person or persons to whom such License or Licenses shall be granted.

The words "Licensed Hawker" to be painted on every pack, &c.

IV. AND be it further enacted, that every person to whom such License as aforesaid shall be granted under and by virtue of this Ordinance, and who shall trade with, or under colour of such License, shall cause to be written, painted, or printed, in large legible Roman capitals upon a badge to be worn at all times externally upon his breast or right arm, or upon the most conspicuous part of every tray,

1852.

16th Vict. No. 2.

pack, box, bag, trunk, case, cart, waggon, or other vehicle or conveyance, used by him in such trade, the words "*Licensed Hawker*," together with the number, name, and district, written upon his License, and every person making default therein, shall forfeit and pay, for every offence, a sum not exceeding Five Pounds.

V. AND be it further enacted, that if any such Hawker or Pedler or other person trading under and by virtue of any licence to him granted as aforesaid upon demand made by any Justice of the Peace, Constable, or other person employed in the police, or by the proprietor or occupier of any house at which he shall call with goods for sale, shall refuse to produce and shew his License, or shall not have his License ready to produce and shew unto such Justices of the Peace, Constable, or other person employed in the police, or to such proprietor or occupier as aforesaid, then the person so refusing, or not having his License ready to produce and shew as aforesaid, shall forfeit a sum not exceeding Five Pounds.

Hawkers to produce their Licenses when required.

VI. AND be it further enacted, that if any person or persons whomsoever shall forge or counterfeit any License or Licenses by this Ordinance directed to be granted, or travel with, or produce, or shew any such forged or counterfeited License or Licenses for any of the purposes aforesaid, every such person shall, for every such offence, forfeit a sum not exceeding Fifty Pounds

Penalty for forging any License.

VII. AND be it further enacted, that in case any person shall let out, or hire, any License to him granted as aforesaid, or shall trade with, or under colour of any License granted to any other person whomsoever, or if any license in which his own real name shall not be inserted as the name of the person to whom the same is granted, the person letting out to hire, or lending any such License and the person so trading with or under colour of any license granted to any other person, or of any License in which his or her own real name shall not be inserted as the name of the person to whom the same is granted, shall each forfeit a sum not exceeding Twenty Pounds; and any person who shall be convicted of lending his License to any other person or persons contrary to this Ordinance shall forfeit such License.

Penalty for lending or hiring a License.

VIII. AND be it further enacted, that it shall and may be lawful for any Justice or Justices or the Peace, before and by whom any

Justice may cancel Licenses.

person trading under a License granted in pursuance of this Ordinance shall be convicted for any offence contrary to the provisions of this Ordinance, to take away and cancel such License, and such Justice or Justices shall in such case report the same to the Colonial Secretary, to be by him published in the Government Gazette.

Act not to extend to the sale of goods in public market, or to sale of fish, game, &c. &c. IX. PROVIDED however, and be it further enacted, that no-thing herein contained shall extend, or be construed to extend to hinder any person from selling, or exposing for sale any sort of goods, chattels, wares, or merchandise, in any public market, or fair, within the said Colony, or from hawking from door to door or otherwise any fish, game, bread, pastry, or farm or garden produce, but such person or persons may do therein as they might lawfully have done before the passing of this Ordinance, any thing herein contained to the contrary notwithstanding

Limitation of proceedings and recovery and appropriation of penalties. X. AND be it enacted, that all informations and proceedings in respect of offences against this Ordinance, shall be commenced within three calendar months after the offences thereby respectively charged shall have been committed, and shall be heard and determined by or before one or more Justice or Justices of the Peace, and the penalties and forfeitures in respect of the same enforced and appropriated according to the provisions of an Ordinance passed in the 14th year of the reign of Her present Majesty, No. 5, entitled "An Ordinance to facilitate the performance of the duties of Justices of the Peace out of Sessions, within the Colony of Western Australia, with respect to summary convictions and orders,"

CHARLES FITZGERALD,
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Council the 17th }
day of Dec., 1852. }*

A. O'GRADY LEFROY,
Clerk of the Council.

1852.

16th Vict. No. 2.

SCHEDULE REFERRED TO.

A.

FORM OF LICENSE TO TRADE AS A HAWKER OF
PEDLER.

No. of License
Name
District

} I hereby certify that by virtue of the authority
vested in me by the Ordinance for Licensing
Hawkers and Pedlers, A. B. of
is hereby Licensed to trade as a Hawker or
Pedler, within the colony of Western Australia,
and this License shall continue in force
until the 1st day of January next, and no longer,
provided it be not forfeited in the meantime,
according to the provisions of the aforesaid
Ordinance.

Dated the day of 185

Signed, A. B.

Resident Magistrate }
or } for the District of
Police Magistrate. }