



Western Australia.

ANNO QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. XXXV.

AN ACT to repeal the present Law relating to Hawkers and Pedlars.

[Assented to, 18th March, 1892.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. IN this Act

The term "hawker" means any hawker, pedlar, or other person who, with or without any horse or other beast bearing or drawing burden, travels and trades and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise.

Interpretation.

2. FROM and after the passing of this Act no further licenses whatever shall be granted under the provisions of an Act passed in the 46th year of the reign of Her present Majesty, No. 10, intituled "An Act to repeal the present Law relating to Hawkers and Pedlars, and to substitute other provisions in lieu thereof."

No further licenses under 46 Vict., No. 10, to be granted.

3. ANY license granted under the said Act shall continue in force for the term of such license.

Present licenses to continue in force for term thereof.

55° VICTORIÆ, No. 35.

Hawkers and Pedlars Act—Repeal.

Repeal of 46 Vic.,
No. 10, after 31st
December, 1892.

4. THE said Act 46th Victoria, No. 10, and the Act 50th Victoria, No. 9, amending the same, shall be and the same are hereby respectively repealed from and after the Thirty-first day of December, 1892. Provided that such repeal shall not affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against the said Acts prior to the said repeal taking effect; but the same may be prosecuted, recovered, and enforced as if the said Acts had not been repealed.

Penalty for trading
as a hawker.

5. SUBJECT to the provisions of the next following section, from and after the Thirty-first day of December, 1892, no person shall trade or act as a hawker; and every person offending against this provision shall, on conviction before any Justice of the Peace in Petty Sessions, be liable for a first offence to a penalty not exceeding Ten pounds, and for any subsequent offence to a penalty not exceeding Twenty pounds, or to imprisonment for any term not exceeding six calendar months with or without hard labor.

Prohibition not to
apply to certain
persons.

6. THE provisions of the next preceding section shall not apply to the following persons as such (that is to say)—

- (1.) Commercial Travellers or other persons selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein, or selling or seeking orders for books or newspapers.
- (2.) Sellers of vegetables, fish, fruit, newspapers, brooms, matches, game, poultry, butter, eggs, milk, or any victuals.
- (3.) Persons selling or exposing for sale goods, wares, or merchandise in any public market or fair legally established, or upon any race course, agricultural show ground, or public recreation ground.
- (4.) Sellers of goods of their own manufacture.

Saving of powers of
Municipalities.

7. NOTHING in this Act shall take away or diminish any of the powers vested in any Municipal Council.

Shortening Ordin-
ance.

8. SECTIONS A and C of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth herein.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Administrator.