



ANNO DECIMO

VICTORIÆ REGINÆ,

No. 15.

See. 6 v. 4 No. 7



By His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT, Baronet, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice of the Legislative Council.

See. 23 v. No. 17

AN ACT to prohibit Hawkers and Carriers from purchasing or carrying Wool or Sheep or Cattle Skins except under certain Restrictions.

WHEREAS facility and encouragement are afforded to Sheep and Cattle Stealers to dispose of their plunder by selling to Hawkers the skins and wool of sheep and cattle stolen and it is expedient in order to suppress this practice to make provision in the manner hereinafter mentioned—**BE IT THEREFORE ENACTED** by His Excellency SIR JOHN EARDLEY EARDLEY-WILMOT Baronet Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that if any person being a Licensed Hawker shall buy or receive in barter or exchange for goods any wool or any sheep or cattle skins such person shall for every such offence forfeit and pay a penalty not exceeding Fifty Pounds.

Hawker forbidden to buy or take in barter wool or skins.

II. AND BE IT ENACTED that if any person shall be desirous of employing any Licensed Carrier to carry any wool sheep-skins or cattle skins such person shall before delivery of any such wool sheep or cattle skins to any Licensed Carrier to be carried by him obtain a Permit from some Justice of the Peace residing at or near the place where such delivery shall take place who is hereby authorised and empowered to grant such Permit stating the number of such sheep or cattle skins and the number of bales or other packages of wool and the

Permit to be obtained for removal of wool or skins.

name of the owner of such sheep or cattle skins and bales or packages of wool and the name of the Carrier to whom and place where the same respectively shall be delivered to such Carrier and to whom and the place where the same respectively are to be delivered by such Carrier which shall be signed by such Justice of the Peace and shall be in force for ten days and not longer and if any person shall deliver to any Licensed Carrier to be carried by him any wool sheep or cattle skins without having obtained such Permit as aforesaid or having obtained such Permit the same shall falsely state the number of sheep or cattle skins bales or packages of wool delivered by him to such Licensed Carrier as shall be named in such Permit or shall falsely state the name of the owner or place where the said sheep or cattle skins bales or packages of wool shall be delivered to such Carrier or shall falsely state the name of the person to whom or the place where the same respectively are to be delivered by such Carrier then in every such case such person shall forfeit and pay a penalty not exceeding Fifty Pounds.

Penalty on Carrier for removing them without Permit.

III. AND BE IT ENACTED that every person obtaining such Permit as in the preceding Section mentioned shall deliver the same to the Licensed Carrier employed by him to carry any wool sheep or cattle skins or to the person employed by such Carrier to receive the same respectively at the time of delivery of such wool sheep-skins or cattle skins to such Carrier or person employed by him as aforesaid and if such Licensed Carrier or person employed by him shall receive and carry any wool sheep-skins or cattle skins without having in his possession at the time of receiving and carrying such wool sheep-skins or cattle skins such Permit as aforesaid he shall forfeit and pay a penalty not exceeding Ten Pounds.

Permit to be delivered after removal of wool &c. to Police Magistrate.

IV. AND BE IT ENACTED that every Licensed Carrier or person employed by him who shall receive such Permit as aforesaid shall within twenty-four hours after delivery of any wool sheep-skins or cattle skins which shall have been received by him to carry to the person and at the place named in such Permit produce and deliver up to the Police Magistrate or to the Assistant Police Magistrate or District Constable of the district or place at which he shall deliver such wool sheep-skins or cattle skins such Permit and if any Licensed Carrier shall deliver any wool sheep-skins or cattle skins mentioned in any such Permit at any other place or to any other person than is or are mentioned in such Permit or shall not within the time hereinbefore provided deliver to such Police Magistrate or Assistant Police Magistrate or District Constable as aforesaid such Permit as aforesaid then in every such case he shall forfeit and pay a penalty not exceeding Fifty Pounds.

Proof of having obtained Permit to lie on defendant.

V. AND BE IT ENACTED that the proof of having obtained such Permit as in the preceding Sections mentioned shall upon the trial of any information under this Act be upon the Defendant.

Carts and packs of Carriers and Hawkers may be searched.

VI. AND BE IT ENACTED that it shall be lawful for any Justice of the Peace or for any District Constable or other person or persons acting in the presence and in the aid of such Justice of the Peace or Constable to detain and search the cart or pack of any Licensed Carrier or Licensed Hawker for wool or sheep or cattle skins which may be stolen or suspected to be stolen or carried without such Permit as aforesaid and if any such wool or sheep or cattle skins shall be found

in such cart or pack it shall be lawful for any such Justice of the Peace or District Constable and other persons acting in their presence and in their aid to seize and detain such wool or sheep or cattle skins and if necessary for removing the same to some secure place to seize and employ the cart in which the same may be together with the cattle drawing the same for such purpose and to detain such wool or sheep or cattle skins until it can be ascertained to whom the same respectively belong and if any person shall obstruct such Justice of the Peace or Constable or any person acting in their aid as aforesaid in the performance of such search or in the seizure detention or removal to some secure place of such wool or sheep or cattle skins or if any Licensed Carrier or other person employed by him as hereinbefore mentioned shall upon being required so to do refuse or neglect to produce and exhibit upon demand in that behalf made to any Justice of the Peace or to any Constable any such Permit which such Carrier or other person employed by him as aforesaid may have received as aforesaid then and in every such case the person so offending shall forfeit and pay a penalty not exceeding Fifty Pounds.

Obstructing search or refusing to produce Permit.

VII. AND BE IT ENACTED that in case of the seizure and detention of any wool sheep or cattle skins under the authority of this Act then and in such case if the owner or owners of such wool or sheep or cattle skins shall not within three months after the time of such seizure and detention as aforesaid claim such wool or sheep or cattle skins it shall be lawful for the person seizing and detaining the same respectively with the direction of the Police Magistrate or Assistant Police Magistrate of the District or place wherein the same shall be seized (which direction he is hereby authorised to give) to cause the same to be sold by public auction the proceeds of which sale shall be paid by the person selling the same to the Police Magistrate or Assistant Police Magistrate aforesaid who shall after deducting the expenses of such seizure detention and sale as aforesaid pay to the person seizing the same one half the balance remaining after such deduction as aforesaid and the other half to the Colonial Treasurer for the time being to the use of Her Majesty for the support of the Police of this Island—PROVIDED that it shall not be lawful for any such Police Magistrate or Assistant Police Magistrate to direct the sale of any wool sheep or cattle skins seized under the authority of this Act until a public notice of such seizure specifying the quantity of wool sheep or cattle skins seized together (if possible) with any distinctive marks or brands which may be thereon shall have been advertised in the Hobart Town Gazette twice at least before the day appointed for the sale.

Wool or skins seized and remaining unclaimed may be sold.

Proviso.

VIII. AND BE IT ENACTED that the Permit mentioned in this Act shall be in the form or to the effect of the form contained in the Schedule to this Act marked A.

Form of Permit.

IX. AND BE IT ENACTED that all offences against this Act shall and may be heard and determined and every penalty in respect thereof be awarded and imposed by and before any two Justices of the Peace in a summary way and all such penalties shall go and be distributed in the manner respectively provided by the Act intituled *An Act to regulate Summary Proceedings before Justices of the Peace* and any person feeling aggrieved by the conviction of such Justices may appeal therefrom in the manner also provided by the said Act.

Proceedings for penalties.

Act may be
altered in present
Session.

X. AND BE IT ENACTED that this Act may be altered and amended during the present Session of the Legislative Council of Van Diemen's Land.

E. EARDLEY-WILMOT.

Passed the Legislative Council, this
fourteenth day of September, one
thousand eight hundred and forty-six,

ADAM TURNBULL, *Clerk of the Council.*

SCHEDULE A.

Number of	Name of Owner.	Name of Licensed Carrier.
50 Sheep-skins.	A. B.	Abraham Cavil.
75 Cattle Skins.	A. B.	
15 Bales or Packages of Wool.	A. B.	

Where delivered to Carrier at [Evandale.]	To whom to be delivered by Carrier. A. B.
	Where. At Launceston.

A. B. Justice of the Peace.

14th October 1845.

This Permit to be in force Fourteen Days from the date thereof.