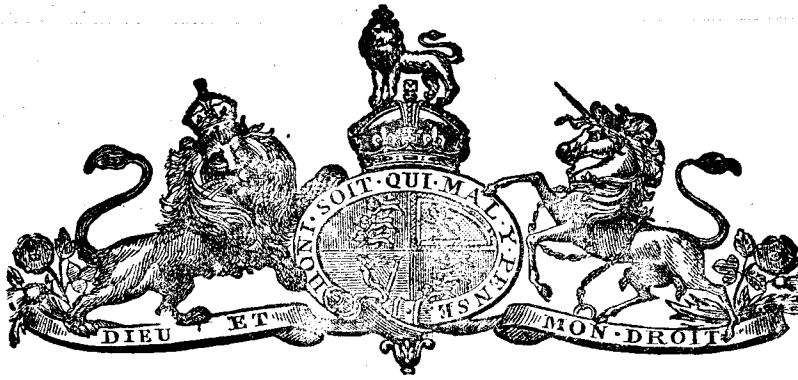


T A S M A N I A

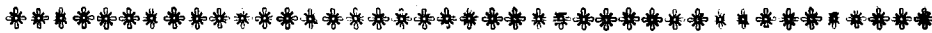


1905.

ANNO QUINTO

EDWARDI VII. REGIS,

No. 28.



AN ACT to provide for the Licensing of A.D. 1905.
Second-hand Dealers, and to regulate the
Sale of Second-hand Articles.

[20 November, 1905.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Second-hand Dealers Act, 1905,” Short title and commencement. and shall come into operation on the First day of *January*, One thousand nine hundred and six.

2—(1.) In this Act—

The expression “Licensee” means a person licensed under this Interpretation.
Act.

The expression “Licensing Authority” means—

- i. A Police Magistrate : or
- ii. Any Two or more Justices of the Peace sitting in Petty Sessions.

6d.]

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The expression "Second-hand Dealer" includes every one who carries on the business of purchasing, selling, or exchanging second-hand articles, with the exceptions following; namely—

- i. Auctioneers licensed under *The Auction Act* :
- ii. Any person purchasing such articles for the purpose of manufacturing other articles therefrom : and
- iii. Any class of persons or trade which the Governor, pursuant to Sub-section (2.) of this Section, exempts from the operation of this Act.

New. 6 Wm. IV.
No. 6 (Tas.).2 Ed. VII. No. 23,
Sect. 14 (N.Z.).*Ibid.*

New.

(2.) The Governor may from time to time, by Proclamation published in the *Gazette* exempt from the provisions of this Act relating to Licences any class of persons or trade to which the Governor is satisfied such provisions should not apply.

Unlicensed person not to trade as second-hand dealer, or hold himself out as licensed.

3 No person who is not the holder of a licence in force under this Act shall—

- i. Carry on business as a second-hand dealer : or
- ii. In any way or by any method or device hold himself out to be a licensed second-hand dealer.

Licensing authority may grant licence.

4—(1.) The licensing authority, if satisfied with the character of the applicant, may grant a licence in the form in the Second Schedule hereto.

(2.) Every person ceases to be licensed upon the expiration or cancellation of his licence.

Duration of licence.

(3.) Such licence, unless sooner cancelled, shall be in force from the day following the date thereof until the Thirty-first day of *December* then next following.

Licence fee.

(4.) There shall be payable in respect of every such licence the fee of Ten Shillings, and every such fee shall be paid into the Treasury of *Tasmania*, and form part of the Consolidated Revenue Fund.

Alphabetical record to be kept. 2 Ed. VII. No. 23, Sect. 5 (N.Z.), adapted.

5 The Clerk of the licensing authority by which any licences under this Act are granted shall keep an alphabetical record of all licences granted and of all cancellations.

Name of licensee to be displayed. *Ibid.*, Sect. 6 (N.Z.), adapted.

6 Every licensee who carries on business at a shop or other premises shall cause to be painted and kept painted his name in full, and the words "Licensed Second-hand Dealer," in legible characters at least Two inches long, so as constantly to be seen and read, on some conspicuous part of every shop or other premises where he carries on business as a second-hand dealer.

Register of articles bought, sold, or exchanged to be kept. *Ibid.*, Sect. 8 (N.Z.), adapted.

7—(1.) Every licensee shall keep a book, and shall from time to time enter therein an account and a proper and distinctive description of each second-hand article bought, received, sold, disposed of, or exchanged, the date of the transaction, and, in case of any second-

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hand article bought by him, or received by him in exchange, the name, residence, and calling of the person from whom he bought or received it. A D. 1905.

(2.) Every such entry shall be made on the date when the transaction takes place.

8—(1.) Every licensee shall at all reasonable times, on demand, produce his licence and the above-mentioned book for the purpose of inspection to any police constable having the general or special authority in writing of a Justice of the Peace to make the demand, and shall permit such constable to inspect all goods in his possession or under his control, and also to enter and inspect every shop or premises where he carries on the business of a second-hand dealer. Licence, &c., to be produced on demand.

(2.) Any police constable obtaining the production of any such book shall on each occasion subscribe his name immediately after the last entry therein.

(3.) Whenever any articles which have been stolen, embezzled, or fraudulently obtained are found in the possession of any licensee he shall, on being informed by a police constable, authorised as aforesaid, that such articles were stolen, embezzled, or fraudulently obtained, deposit the same with the police constable. 3 Ed. VII. Ch. 44, Sect. 5.

(4.) If any licensee fails to comply with any requirement of this Section he shall be liable for each offence, on summary conviction, to a fine not exceeding Five Pounds, without prejudice to his also being proceeded against according to law as a receiver of stolen goods.

9—(1.) If any articles with respect to which information in writing is given by any police constable to a licensee that they have been stolen, embezzled, or fraudulently obtained, are then in, or subsequently come into, the possession of the licensee, he shall, as soon as may be, give information to a police constable that articles answering to the description of the said articles are in his possession, and shall also state the name and address given by the person from whom the articles were received. Licensee to report stolen goods. 3 Ed. VII. Ch. 44, Sect. 6.

(2.) If any licensee contravenes the provisions of this Section, he shall be liable for each offence, on summary conviction, to a fine not exceeding Five Pounds: Provided that, in the case of articles which it may be difficult to trace out and identify, no fine shall be imposed under this Section, unless it appears to the Court that the articles were knowingly concealed by the licensee.

10 It shall not be lawful for any licensee, by himself or by any other person, to purchase or receive any second-hand goods before the hour of Eight in the morning or after the hour of Nine in the evening, nor at any time from any person apparently under the age of Sixteen years. Restrictions as to purchase of goods. 2 Ed. VII. No. 23, Sect. 10 (N.Z.), adapted.

11 If any person contravenes or fails to comply with any of the requirements or provisions of this Act he is guilty of an offence against this Act, and, where no other penalty is provided, is liable to a penalty Penalties.

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not exceeding Five Pounds, and in the case of a continuing offence to a further penalty not exceeding Five Pounds for every day after the first during which such offence continues.

Cancellation of licences.
Ibid., Sect. 12 (N.Z.), adapted.

12 In all proceedings against a licensee for any such offence the Court when convicting him may, in addition to imposing the penalty, cancel the licence, whereupon all the rights and privileges of the licensee under the said licence shall absolutely cease and determine.

Presumption that person is unlicensed.
2 Ed. VII. No. 9, Sect. 19 (W.A.).

13 In any prosecution under this Act any allegation in any information that any person is unlicensed need not be proved, and such person shall be deemed to be unlicensed, unless the contrary be proved by the production of a licence or otherwise.

Disposal of recovered goods.
Ibid., Sect. 15 (N.Z.).

14 Where the ownership of any goods brought before the Court, and which have been unlawfully sold or exchanged, is established to the satisfaction of the Court, it may order that such goods shall be delivered up to the owner either without compensation or with such compensation to the person to whom they were so unlawfully sold or exchanged as the Court deems fit.

Offences to be dealt with summarily.
19 Vict. No. 8.

15—(1.) All complaints and informations for offences against this Act, and all fines, penalties, and sums of money imposed or made payable by this Act, shall be heard, determined, and recovered in a summary way by and before a Police Magistrate or any Two or more Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.

Appeal.
19 Vict. No. 10.

(2.) Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act may appeal against the same in the manner prescribed by *The Appeals Regulation Act*.

SCHEDULE.

(1.)

APPLICATION FOR LICENCE.

UNDER "THE SECOND-HAND DEALERS ACT, 1905."

To the [*Here insert name of licensing authority*].

I, A.B. [*State occupation*], now residing at _____, hereby apply for a licence to carry on the business of a second-hand dealer. [If the applicant intends to carry on such business at a shop or other place of business, here state as follows:— "My shop or place of business is situate at [*Describe distinctly its situation*], and I intend to keep it as a second-hand dealer's shop."]

Dated at _____, this _____ day of _____, 19 _____.

(*Signature.*)

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(2.)

LICENCE.

UNDER "THE SECOND-HAND DEALERS ACT, 1905."

I, the undersigned, the Police Magistrate for [or We, two Justices of the Peace sitting in Petty Sessions at in the District of], being satisfied that *A.B.* is a person of good character, and having received the licence fee of Ten Shillings, do hereby authorise him to carry on the business of a second-hand dealer, [If the applicant has stated his intention to carry on such business at a specified shop or other place of business, here state as follows:—"his shop or place of business being situate at (*Here describe its situation*)."] This licence is granted subject to the provisions of "The Second-hand Dealers Act, 1905," and, unless sooner cancelled, continues in force until the 31st day of December, 19 .

Granted at , this day of , 19 .

C.D., Police Magistrate [or Two Justices].

E.F., Clerk.

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THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

1950

PHYSICS 309

LECTURE NOTES

BY

ROBERT R. WATSON

PHYSICS DEPARTMENT

UNIVERSITY OF CHICAGO

CHICAGO, ILLINOIS

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