

out of date -
see note



ANNO TERTIO

VICTORIÆ REGINÆ.

No. XIV.

AN ACT to regulate the Licensing of Auctioneers.

WHEREAS it is expedient to establish regulations for Licensing Auctioneers in the Province of South Australia—

BE IT THEREFORE ENACTED by His Excellency Lieutenant-Colonel George Gawler Knight of the Royal Hanoverian Guelphic Order Governor and Commander-in-Chief of Her Majesty's Province of South Australia by and with the advice and consent of the Legislative Council thereof as follows :

I. That from and after the first day of July 1840, no person who shall exercise the trade or business of an auctioneer or seller by commission at any sale of any estate goods or effects whatsoever by outcry knocking down of hammer by candle lot parcel or any other mode of sale at auction or whereby the highest bidder is deemed to be the purchaser or who shall act in that capacity shall deal in sell or put up to sale any estate goods or effects whatsoever by public sale or by way of auction as aforesaid without previously having taken out a license in the manner hereinafter mentioned in which license shall be set forth the true name and real place of abode of the person or persons taking out the same he or they immediately upon taking out such license paying for the same the sum of fifty pounds sterling and if any person shall vend or sell by way of auction as aforesaid without taking out such license such person shall pay for every such offence the sum of one hundred pounds.

II. And whereas it is expedient that the character of every person applying for a license under this act should be carefully ascertained: Be it therefore enacted that every person who shall be desirous of obtaining an auctioneer's license shall apply for the same in writing to such person or persons and at such time or times as shall be for that purpose appointed by the Governor for the time being or to the Bench of Magistrates nearest to his or their usual place of residence at any of their quarterly meetings and shall lodge such application with the Clerk to the said Bench of Magistrates or with any one of the persons appointed as aforesaid at least one week before

before the day of their respective meetings and if the persons so appointed as aforesaid or such Bench of Magistrates two or more being present shall be satisfied that such applicant is a person of unexceptionable character the Chairman or any two Magistrates or persons so appointed as aforesaid shall and is and are hereby authorised and required to deliver to such applicant a certificate under his or their hand or hands to that effect and upon the presentation of such certificate to the Collector of Internal Revenue of the said Province or to such other officer as the Governor or Acting Governor shall from time to time appoint for that purpose such Collector of Internal Revenue or other officer so appointed shall issue and deliver to the person so applying such a license as is required by this act.

III. And also that every person who shall take out a license as aforesaid is hereby required to take out a fresh license ten days at least before the expiration of twelve calendar months after taking out the first license before he or they do presume to vend or sell by way of auction as aforesaid and in the same manner to renew every such license from year to year paying the sum of fifty pounds for each and every new or renewed license as aforesaid and if any person shall vend or sell by way of auction as aforesaid without taking out such license or renewing the same yearly in manner aforesaid such person shall forfeit and pay for every such offence the sum of one hundred pounds.

IV. And whereas it is expedient that all purchasers and parties bidding or offering to purchase at such public sales should be bound to observe the conditions or regulations under which such sales are conducted when duly notified: be it therefore enacted that it shall be lawful for every licensed auctioneer at the commencement of any sale by auction at or immediately after the hour fixed for such sale by previous advertisement to publish the conditions of sale under which the same shall be conducted by reading the said conditions audibly to the persons present and by posting up a printed or legible written copy thereof in some conspicuous part of the premises where such sale takes place and after such publication the said conditions of sale shall be binding and obligatory on all parties purchasing or bidding or offering to purchase at the sale whether such parties were or were not present when the conditions were read: And subject to the proviso aftermentioned all sales made in pursuance thereof shall be valid: and all disputes and differences connected therewith may be heard and determined and all objections claims and demands imposed by or arising out of the same although exceeding the sum of twenty pounds be recoverable and capable of being enforced by and before the courts of the Resident Magistrates in manner provided by an act of the Governor in Council passed in the first year of the Reign of Her present Majesty (No. 2.) for establishing such courts: Anything in the said Act of Council or in an Act of Parliament passed in the 29th year of the Reign of Charles II. c. 3 commonly called the "Statute of Frauds" to the contrary notwithstanding Provided always that no such claim shall exceed the sum of one hundred pounds sterling or involve a question relating to real estate or whereby rights in future may be bound or affected.

GEORGE GAWLER,

Governor of South Australia.

Passed in Council this Fifth day of June, 1840.

GEORGE HALL,

Clerk of Council.