

PROVINCE OF NELSON.

AUCTIONEERS' ACT.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY QUEEN  
VICTORIA.

SESSION V., No. 5.

AN ACT TO REPEAL "AN ORDINANCE FOR LICENSING  
AUCTIONEERS," AND AN ORDINANCE TO AMEND THE  
SAME, AND TO MAKE OTHER PROVISIONS IN LIEU  
THEREOF.

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*"An Act to repeal 'An Ordinance for Licensing Auctioneers,' Title, and an Ordinance to amend the same, and to make other provisions in lieu thereof."*

[Assented to 23rd April, 1858.]

WHEREAS an Ordinance was passed by the Legislative Council Preamble. of New Zealand, in Session II., No. 13, intituled "An Ordinance for Licensing Auctioneers;" and whereas an Ordinance

was also passed by the Legislative Council of New Zealand, in Session III., No. 10, intituled "An Ordinance to amend an Ordinance for Licensing Auctioneers;" and whereas it is expedient that the said recited Ordinances should be repealed, so far as regards the Province of Nelson, and other provisions made in lieu thereof: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice of the Provincial Council thereof as follows:—

Recited Ordinances repealed.

1. The said recited Ordinances, so far as regards the Province of Nelson, shall be, and the same are, hereby repealed.

No person to sell by Auction without License.

2. No person shall sell any estate, goods, or effects by way of auction, or in any way whereby the highest bidder shall be the purchaser, either by public sale or otherwise, unless he shall be duly licensed in manner hereinafter provided.

License to expire on 31st December.

3. Every license issued under the authority of this Act shall be in the form set forth in the Schedule hereunto annexed, and shall commence on the day of the issue thereof, and shall expire on the 31st day of December in each year.

Amount of License.

4. Such license shall be issued by the Provincial Treasurer to any person who shall apply for the same, on payment of the sum of Forty pounds, when issued before the First day of July in any year; and when issued on or after that day, then on payment of the sum of Twenty pounds.

Holders of Licenses entitled to License for the residue of the year on payment of proportionate part of License Fee.

5. Any person holding an Auctioneer's License in force within the Province, at the time of the passing of this Act, shall, at the expiration of such license, be entitled to a license for the residue of the year, on payment of a proportionate part of the license fee.

Names of Auctioneers to be published.

6. The Provincial Treasurer shall publish the names, places of abode, and calling of every person to whom any license shall be issued under this Act, in some newspaper generally circulated in the Province, within ten days after the issue of any such license.

Hours of business.

7. No person so licensed shall exercise his business of an auctioneer by any artificial light, or after the hour of five o'clock in the afternoon, from April to September inclusive, or after the hour of seven o'clock in the evening during the residue of the year.

Penalty for selling by Auction without License.

8. If any person, not being duly licensed, shall sell any estate goods, or effects, by way of auction, or tender, or any way whereby the highest bidder shall be deemed the purchaser,



either by public sale or otherwise, he shall forfeit and pay for every such offence the sum of One hundred pounds, to be recovered in a summary manner.

9. In all proceedings against any person for having acted as an auctioneer without license, such person, unless he shall produce his license, or bring other satisfactory proof of his having been licensed at the time at which the offence shall be deemed to have been committed, shall be deemed to have been unlicensed. *Onus probandi.*

10. If any licensed auctioneer shall exercise his business at any time, or in any manner, contrary to the provisions of this Act, he shall forfeit and pay, for every such offence, any sum not exceeding fifty pounds, to be recovered in a summary manner. *Penalty for selling at illegal hours.*

11. Provided always, that nothing herein contained shall extend to any sale by order of his Excellency the Governor, or of any Collector or Sub-Collector of Customs, or to any sale of Crown Land, or to any sale by any person of his own chattels, at any place where he shall have resided for the previous six months, more than forty miles distant from the habitual residence of any Auctioneer licensed under this Act, or to any sale of any vessel which may be taken and condemned as a prize, and sold for the benefit of the captors, or to the apparel, or stores, or cargo of such vessel, nor shall in any manner affect any license already granted under the authority of the said recited Ordinance.\* *Exemptions.*

12. This Act shall come into operation on the twenty-fifth day of April, one thousand eight hundred and fifty-eight. *Date when Act shall come into operation.*

13. This Act shall be intituled and may be cited as "The Auctioneers' Licensing Act, 1858." *Short Title.*

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SCHEDULE.

FORM OF LICENSE.

Know all men by these presents, that [name] of [place of abode, trade or business] having this day paid me the sum of \_\_\_\_\_ is hereby licensed to exercise the business or calling of an auctioneer, in the Province of Nelson, from the day of the date hereof until the Thirty-first day of December, One thousand eight hundred and \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

*Provincial Treasurer.*

\* Repealed by "Auctioneers' Licensing Amendment Act, 1862," Session IX, No. 4.