

SECOND-HAND DEALERS AND COLLECTORS BILL

SCHEDULE of the Amendments referred to in Message of 6th December, 1903.

- Page 2, clause 2, line 6. *After* "employer" *insert* "for the purposes of sale or trade"
- Page 3, clause 5, line 5. *Omit* "superintendent or inspector of police" *insert* "senior
"officer"
- Page 3, clause 5, line 9. *Omit* "superintendent or inspector" *insert* "officer"
- Page 4, clause 8, line 5. *After* "him" *insert* "excepting old wares purchased from a
"licensed auctioneer"
- Page 5, clause 11, line 37. *After* "him" *insert* "or old wares purchased from a
"licensed auctioneer"
-

SECOND HANDBOOK OF THE COLLEGE OF THE CITY OF NEW YORK

SCHEDULE A - THE COLLEGE OF THE CITY OF NEW YORK - 1907

Page 1. Items 1 to 100. (The purpose of sale or trade)
Page 2. Items 101 to 200. (The purpose of sale or trade)
Page 3. Items 201 to 300. (The purpose of sale or trade)
Page 4. Items 301 to 400. (The purpose of sale or trade)
Page 5. Items 401 to 500. (The purpose of sale or trade)
Page 6. Items 501 to 600. (The purpose of sale or trade)
Page 7. Items 601 to 700. (The purpose of sale or trade)
Page 8. Items 701 to 800. (The purpose of sale or trade)
Page 9. Items 801 to 900. (The purpose of sale or trade)
Page 10. Items 901 to 1000. (The purpose of sale or trade)

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 20 November, 1906.* }

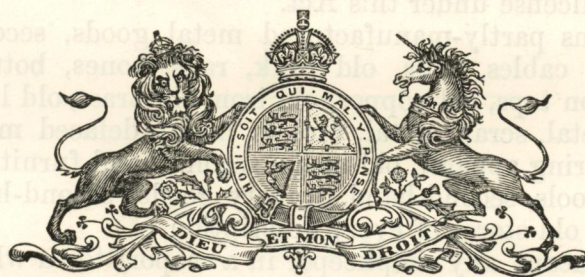
RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 6th December, 1906.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXTO

EDWARDI VII REGIS.

Act No. , 1906.

An Act to provide for the licensing and regulation of second-hand dealers in and collectors of certain old wares; to regulate the sale of second-hand articles and old wares; to amend the Early Closing Act, 1899, and the Early Closing (Amendment) Act, 1900; and for other purposes.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5

Preliminary.

1. This Act may be cited as the "Second-hand Dealers and Short title. Collectors Act, 1906," and shall come into force on the first day of January, one thousand nine hundred and seven.

78495

46—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Second-hand Dealers and Collectors.

2. In this Act, unless inconsistent with the subject-matter or Definition.
context, the following terms have the meanings hereinafter respectively
assigned to them (that is to say):—

- 5 “Collector” means any person engaged in collecting old wares of Collector.
any kind, whether on his own behalf or on behalf of an
employer, **for the purposes of sale or trade**, but shall not
include a person who buys old wares at a bona fide advertised
auction sale conducted by a licensed auctioneer.
- 10 “Court” means any stipendiary or police magistrate, or any two
justices of the peace.
- “License” means license under this Act.
- 15 “Old wares” means partly-manufactured metal goods, second- Special wares.
hand anchors, cables, sails, old junk, rags, bones, bottles,
siphons, syphon tops, old copper, old iron, old brass, old lead,
old muntz metal, scrap metal, broken metal, defaced metal
goods, old wearing apparel, old boots, second-hand furniture,
second-hand tools, second-hand drapery goods, second-hand
jewellery, and old stores of every description.
- 20 “Ship-chandler” means any shopkeeper in a seaport town whose
principal business is the sale of cordage, canvas, and other
furniture, and general necessaries of ships.
- “Second-hand dealer” means any person, other than a ship- Second-hand
dealer.
chandler or ship-owner, who carries on the business of
dealing in or buying and selling old wares of any kind,
whether such person deals in any other goods or not.
- 25 “Truck” means truck, handcart, cart, barrow, or vehicle of any
kind whatsoever.

PART I.

Second-hand dealers.

- 30 3. Any person who carries on business as a second-hand dealer Dealers must be
licensed.
South Australian Act
1899, No. 716, s. .
without being licensed so to do shall be guilty of an offence under
this Act.
4. A second-hand dealer's license, in the Form in the First Application for
dealer's license or
transfer.
Ibid. s. 9.
Schedule hereto, may be granted and issued, and a transfer thereof to
35 any person or premises may be permitted by the court nearest to the
premises in respect of which the license is applied for or was granted.
- Such license, unless sooner cancelled, shall remain in force for
one year from the date on which it was issued, but may, on application
to a court in the prescribed manner, be renewed from year to year
40 as the court thinks fit. The sum of one pound shall be paid for every
such license, and for every renewal thereof. 5.

Second-hand Dealers and Collectors.

5. No second-hand dealer's license shall be granted or issued, nor shall any transfer thereof be permitted, unless the applicant therefor, ten days at the least before his application, gives or sends by registered letter to the clerk of the court at which he intends to apply, and to the ~~superintendent or inspector of police~~ **senior officer** of the police district in which his premises are situated or in which he resides, a notice in writing signed by him of his intention to apply for the same, setting forth his name and address and the place where his business is intended to be carried on. Such ~~superintendent or inspector~~ **officer** or any person authorised by him, may show cause against the granting of any such application.
6. Every application for permission to transfer a second-hand dealer's license to any person shall be made by the proposed transferee.
7. When the transfer of a second-hand dealer's license to any person or premises is permitted, the fact and date of such permission, and the name and description of the person to whom, or description of the premises to which, the license is permitted to be transferred, shall be indorsed upon such license, and the person named as the transferee, or the premises described in such indorsement, shall thereupon and thenceforth for all purposes be deemed to be the person to whom or the premises in respect of which the license was granted.
8. If any licensed second-hand dealer does not—
- (1) cause to be painted and kept painted in such manner as may be prescribed his name in full, and the words "licensed dealer in old wares" upon some conspicuous part of the outside of the premises in respect of which his license is granted; and
 - (2) enter in a book, in the form in the Second Schedule to this Act, the name of every person to whom he shall lend or let on hire, whether gratuitously or otherwise, any truck, and the date when and the period for which such truck was lent or let on hire, and the amount (if any) charged for such lending or hire; and
 - (3) keep a book in the form of the Third Schedule hereto, and enter correctly therein all particulars mentioned in such Schedule; and
 - (4) keep a book, in the form of the Fourth Schedule hereto, and enter correctly therein all particulars mentioned in such Schedule; and
 - (5) produce to any member of the police force, whenever requested, the book or books by this Act required to be kept by him, and any old wares purchased or received by him then in his possession; and
 - (6) without delay give notice to the officer on duty at the police station nearest to any place where he carries on business of any article which may come into his possession answering the

Notice of application for license or transfer thereof.

South Australian Act, 1899, No. 716, s. 10.

Police may show cause.

Proposed transferee to be applicant. *Ibid.* s. 11.

Indorsement of permission to transfer. *Ibid.* s. 12.

Name, &c., to be painted on outside of premises.

Ibid. s. 13.

Entry to be made on letting truck.

Book to be kept showing old wares purchased or received.

Book to be kept showing old wares sold or disposed of.

Dealer to inform police when articles supposed to be stolen come into his possession.

Second-hand Dealers and Collectors.

- the description of any article described as having been stolen, embezzled, or fraudulently obtained, in any written or printed or verbal information given to him by any member of the police force; and
- 5 (7) keep all old wares purchased or received by him, **excepting old wares purchased from a licensed auctioneer**, without changing the form in which they were when so purchased, or disposing of the same in any way for a period of five days after such wares have been purchased or received, Form of old wares not to be changed for five days.
- 10 he shall be guilty of an offence under this Act.
9. If any licensed second-hand dealer—
- (1) carries on the business of a second-hand dealer upon any other premises than those to which his license applies; or Dealer to carry on business on licensed premises only.
- 15 (2) at any time upon demand made to him, upon any part of the premises upon which he carries on the business of a second-hand dealer, by any member of the police force, refuses or, without reasonable excuse, fails to produce and show his license in force at the time of such demand; or Dealer to produce license. South Australian Act, 1899, No. 716, s. 14.
- 20 (3) lends or lets on hire any truck to any person other than a licensed collector; or Trucks to be lent to licensed collectors only.
- (4) charges for the use or hire of any truck any sum exceeding the maximum amount prescribed; or Not to make excessive charge for use of trucks.
- (5) by himself or any other person on his behalf purchases or receives any old wares from any person apparently under Old wares not to be purchased from persons under fourteen.
- 25 the age of fourteen years; or
- (6) by himself or any other person on his behalf carries on business before the hour of seven o'clock in the morning, Restriction on purchase or receipt of special wares.
- he shall be guilty of an offence under this Act.

Second-hand Dealers and Collectors.

PART II.

Collectors.

10. (1) Any person carrying on the business of a collector and wishing to obtain a collector's license shall deliver to the clerk of a court within the police district in which he resides an application in form contained in the Fifth Schedule hereto, together with a certificate signed by an officer of police of or above the rank of sergeant stationed in the said district, in the form contained in the Fifth Schedule.

Collectors to be licensed.
South Australian Act, 1899, No. 716, s. 3.

10 (2) Upon such application the court may issue a license in the form of the Sixth Schedule hereto: Provided always that no such license shall be issued to any person under the age of fourteen years.

No license to be issued to persons under the age of fourteen years.

15 (3) Such license shall entitle the holder thereof to carry on the business of collector in all parts of the state, and unless sooner cancelled shall continue in force for one year from the date on which it was issued, but may, on a similar application and with a like certificate, be renewed from year to year as the court thinks fit.

Effect and duration of license.

(4) There shall be payable in respect of every such license, and of every annual renewal thereof, the fee of one shilling.

Fee.

11. If any collector shall not—

20 (1) within seven days after being licensed, leave the address of his place of abode in writing, signed by him, with the officer in charge of the police station nearest to the place of such address, and also within the same period, report himself and exhibit his license to such police officer; and

Collector to leave address with police officer and report himself.
Ibid. s. 5.

25 (2) whenever and so often as he changes his place of abode, notify by writing, signed by him, such change to the officer in charge of the police station at which he had left his address in compliance with the last preceding subsection within seven days after having so changed his abode; and

Change of address to be notified to police.

30 (3) at any time, upon demand, produce his license to any member of the police force, or to any person from whom he has within twenty-four hours previously bought or offered to buy, or collected or offered to collect, any old wares without reasonable excuse; and

License to be produced on demand.

35 (4) unless he shall sooner sell the same to a licensed dealer, keep all old wares other than bottles purchased or received by him, or old wares purchased from a licensed auctioneer, in the same state and condition as they were in when so purchased or received for four days at least next after such purchase or receipt, or if he sell the same within the said period, deliver the same to the licensed dealer purchasing the same in the same state and condition as when purchased or received,

Special wares to be kept for four days.

40 he shall be guilty of an offence under this Act.

*Second-hand Dealers and Collectors.***12.** If any collector—

- (1) lends or lets out on hire his license to any person whomsoever, whether licensed or not ; or Licenses not to be let out.
South Australian Act, 1899, No. 716, s. 6.
- 5 (2) sells or otherwise disposes of any old wares other than bottles, syphons, or syphon tops to any person other than a licensed second-hand dealer ; or Collectors to sell to licensed dealers only.
- (3) sells or otherwise disposes of bottles, syphons, or syphon tops which bear a registered trade mark to any person other than a licensed second-hand dealer or the owner of such registered trade mark or his agent ; or
- 10 (4) carries on his business of collecting old wares or of buying or selling the same before seven o'clock in the morning, or after six o'clock at night ; or Collectors to observe certain hours.
- 15 (5) uses any truck for the purposes of his business which shall not have painted or marked upon it in such manner, and with such letters, as may be prescribed, a number, and also the name in full and the address of the owner thereof, whether the collector using the truck shall be the owner or not ; or Trucks to have address on them.
- 20 (6) allows any person other than a licensed collector, or allows more than one licensed collector, to accompany him when using a truck in the business of collecting old wares ; or Two persons only to attend truck.
- (7) enters any premises without the permission of the owner or occupier thereof ; or Collectors not to enter premises without permission.
- 25 (8) having entered upon any premises, with or without the permission of the owner or occupier thereof, neglects or refuses to immediately leave such premises when directed to do so by such owner or occupier or his servant or agent ; or To depart when directed.
- 30 (9) uses insulting or offensive language, or is guilty of insulting behaviour, whilst in pursuit of his occupation as a collector in any place, whether private or public, Not to use offensive language or behaviour.

he shall be guilty of an offence under this Act.

On a second conviction for any offence against subsection one of this section the offender's license shall be from thenceforth forfeited and void, and he shall be thenceforth incapable of holding a collector's license. License to be void on second conviction.

Any person may, without warrant, arrest any offender against any of the provisions of subsections seven and eight of this section and deliver him into the custody of any member of the police force, who shall then apprehend such offender and take him in due course before any court to be dealt with for his offence. May be arrested without warrant.

13. If any person—

- (1) acts as a collector without being licensed so to do ; or

(2)

Collectors to be licensed.
Ibid. s. 7.

Second-hand Dealers and Collectors.

- (2) hires or borrows or acts as a collector with or under colour of any license issued to any other person, or of any license in which his own real name is not inserted as the name of the person to whom the same is granted ; or
- 5 (3) not being a licensed second-hand dealer, purchases or receives from any collector any old wares other than bottles, syphons, or syphon tops ; or
- (4) not being a licensed collector, accompanies any truck then being used in the business of collecting old wares,
- 10 he shall be guilty of an offence under this Act.
- License not to be borrowed.
- Dealers only to purchase old wares.
- No one but a licensed collector to accompany truck.

PART III.

Miscellaneous.

14. Every person ceases to be licensed on the expiration, cancellation, or forfeiture of his license.
- 15 15. 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 until the contrary be proved by the production of a license or otherwise.
- 20 16. Old wares shall be deemed to be in the possession of a second-hand dealer when they are placed in any house, outhouse, yard, garden, or place occupied by him, or have been removed with his knowledge and permission to any other place without a bona fide sale of such old wares having been made by him.
- 25 17. Every entry in any book kept or belonging to any second-hand dealer, or found on his licensed premises, shall be deemed, unless the contrary be shown, to have been made by or with the authority of such dealer.
- 30 18. Any stipendiary or police magistrate or two justices of the peace sitting in open court may, on the complaint of any person that any licensed person has been guilty of any violation of any of the provisions of this Act, or of any regulations, or that such person is in any other respect unfit to hold any license, cancel such license by any order under his or their hands and seals.
- 35 19. The clerk of any court at which any license is granted, permitted to be transferred, or cancelled, shall enter particulars of the same in a register to be kept in such court, and shall send a copy of such
- Ceasing to be licensed. South Australian Act, 1899, No. 716, s. 15.
- Presumption that persons unlicensed. *Ibid.* s. 17.
- Presumption of possession of old wares. *Ibid.* s. 18.
- Entries in dealer's books deemed made by him. *Ibid.* s. 19.
- Licenses may be revoked. *Ibid.* s. 20.
- Register to be kept. *Ibid.* s. 21.

Second-hand Dealers and Collectors.

such entries to the senior officer of the police district in which such court is situated, who shall cause the same to be entered in a register to be kept at his office and at any other place which may be prescribed.

20. Any officer of the police force above the rank of senior constable, may, at any time by day or night, demand entrance into the place of business of any second-hand dealer, or the appurtenances thereof, and inspect the old wares and books of any such dealer therein, and may record in the books by this Act required to be kept the day and hour of his visit, and write his initials or name
 10 opposite the entry relating to any article examined by him.

Inspectors, &c., to visit dealers' premises.
 South Australian Act, 1899, No. 716 s. 22.

If, after demand, admittance be refused or be delayed for such time as shall make it appear that wilful delay was intended, the offender shall be guilty of an offence under this Act, and such officer of the police force may break into such place of business or the
 15 appurtenances thereof.

21. Any justice of the peace, upon complaint made before him by any person that the complainant has reason to believe, and does believe, that any old wares stolen or unlawfully obtained are kept in any house, shop, room, or place by any second-dealer, may, by
 20 warrant, authorise any member of the police force, with such assistance as may be necessary, to enter such house, shop, room, or place, either by day or night, and to search for and seize all such old wares there found, and to carry the same before the same or some other justice, and such justice shall thereupon issue a summons requiring such dealer to
 25 appear before such justices as may be present at a time and place to be named in such summons, and if such dealer does not then and there prove to the satisfaction of such justices how he came by such wares, or if it is proved to the satisfaction of such justices that at the time such dealer received such wares, or any of them, he had
 30 reasonable cause to believe them, or some of them, to have been stolen or unlawfully obtained, then, and in either of such cases, such dealer shall be liable to a penalty not exceeding ten pounds, or, at the discretion of such justices, to imprisonment with or without hard labour for a term not exceeding three months:

Constable may be authorised to search dealer's premises.

35 Provided always that nothing herein contained shall interfere with or affect any proceeding as for an indictable offence to which such dealer may be liable for feloniously and knowingly receiving stolen goods, but no person shall be prosecuted for an indictable offence and proceeded against under this Act upon the same facts.

40 22. In case any person who offers to any second-hand dealer, his servant, or agent by way of sale or exchange, any old wares, is unable or refuses to give a satisfactory account of himself or of the means by which he came possessed of such wares, or wilfully gives any false information to such dealer, or to his servant, or agent
 45 as to whether such wares are his own property or not, or of his name

Suspicious offering of old wares.
 Cf. *Ibid.* 24.

or

Second-hand Dealers and Collectors.

or place of abode, or of the name and place of abode of the owner of the said wares, or if there is any other reason to suspect that such wares are stolen or otherwise illegally or clandestinely obtained, such dealer, or his servant, or agent to whom such wares are so offered
 5 may seize and detain such person and the said wares, and deliver such person immediately into the custody of a constable or other police officer, who shall as soon as practicable convey such person and the said wares so offered before a court near to the place where such person was apprehended; and if upon examination and inquiry, it
 10 appears to the satisfaction of the court that the said wares were stolen or illegally or clandestinely obtained, such person shall be deemed guilty of an offence under this Act.

23. All proceedings against any person accused of an offence
 against this Act may be heard and determined in a summary manner
 15 by the court before which he is brought, and any person convicted of such an offence shall be liable to a penalty not exceeding ten pounds.

24. The Governor may make regulations for prescribing—

- Regulations.
South Australian
Act, 1899, No. 716,
s. 30.
- 20 (1) the form, manner, and place of registration of licenses, renewals, cancellations and other matters requiring registration under this Act, where not specially provided for in this Act;
- (2) means for circulating throughout New South Wales generally, or any part thereof, lists of licenses and revocations and forfeitures thereof;
- 25 (3) all such observances as may not be specifically provided for in this Act and which the Governor considers it desirable that collectors should comply with in carrying on their business;
- 30 (4) the manner in which any truck used by any collector shall be painted or otherwise distinguished, and the mode of painting or otherwise marking the name and address of the owner, whether a collector or second-hand dealer, upon such truck, and of numbering and marking the number upon any truck;
- 35 (5) the maximum amount which may be taken by any second-hand dealer from a collector for the use or hire of any truck;
- 40 (6) the manner and situation in which the names of second-hand dealers shall be painted upon the premises upon which they are licensed to carry on their business as second-hand dealers;

and generally for carrying into effect the provisions of this Act.

And may in such regulations impose penalties not to exceed in any case the sum of ten pounds for any breaches thereof.

Second-hand Dealers and Collectors.

All such regulations shall be published in the Gazette, and shall within fourteen days after such publication be laid before Parliament, if then in session, and if not, then within fourteen days after the next ensuing session. Upon such publication, if not
 5 disallowed by either House of Parliament, such regulations shall have the full force of law.

SCHEDULES.

FIRST SCHEDULE.

Section 4.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Second-hand dealer's license.

10

Whereas A.B., of [address and description], has applied to us for a license to act as a dealer: Now, we, being satisfied that the said A.B. is a fit person to have such license granted to him, do hereby authorise and empower him, the said A.B., to act as a second-hand dealer, and to carry on the business of dealing in, and buying and selling,
 15 old wares at the premises occupied by him in [name of street and name of place], and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the date hereof.

Given under our hand and the seal of the said court, at , the
 day of , 19 .

20

Registered No.

(L.S.)

Clerk of the court at [name of court].

SECOND SCHEDULE.

Section 8,
 subsection (3)

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of trucks, handcarts, carts, or vehicles lent or let out on hire.

25

Name of collector to whom truck, &c., lent or let on hire.	Date on which truck, &c., lent or let on hire.	Whether on hire or gratuitously; and if on hire, at what price.	Period for which truck, &c., is lent or let.	No. on trucks, &c., lent or let on hire.

THIRD SCHEDULE.

Section 8,
 subsection (4).

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of purchases and receipts.

30

35

Day of purchase or receipt, and hour of day.	Description of old wares purchased or received.	Name and surname of person by or through whom purchased or received.	Name and surname of person from whom purchased or received.	Business and place of abode of person from whom purchased or received.

FOURTH

Second-hand Dealers and Collectors.

FOURTH SCHEDULE.
SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.
Entry of sales and dispositions.

Section 8, subsection (5).

5	Day of sale.	Description of old wares sold or disposed of.	Name and surname of person by or through whom sold or disposed of.	Name and surname of person to whom sold or disposed of.	Business and place of abode of person to whom sold or disposed of.

FIFTH SCHEDULE.
SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.
Application for collector's license.

Section 10.

10 I, A.B. [*address and description*], do hereby declare that I am of the full age of fourteen years, and apply for a collector's license under the above Act; and I undertake, if the said license be issued to me, to observe faithfully all the provisions of the said Act and the regulations made thereunder. Attached is the police certificate required by

Dated the _____ day of _____, 19 .

[*Signature of applicant.*]

Police certificate in support of collector's license.

20 I, C.D. [*here state police rank*] hereby certify that the above named [*name of applicant*] is a fit person to receive a collector's license under the above-named Act.

Dated the _____ day of _____, 19 .

[*Signature.*]

SIXTH SCHEDULE.
SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.
Collector's license.

Section 10.

25 A.B., of [*address and description*], is authorised and empowered to act as a collector, and to carry on the business of collecting old wares within all parts of the State of New South Wales; and this license shall (unless the same be sooner cancelled or

30 forfeited) be and continue in force for one year from the date hereof.

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

Registered No. _____ (L.S.)

(Signed.)

Clerk of the Court at _____

35 This license is not to be let on hire or lent to any person.
The collector, if he change his abode, must report his new place of abode to the police officer of the station nearest to the same and to the police officer of the station nearest to his last former place of abode.

40 *Specially notice.*—This license is subject to cancellation or forfeiture if the collector be guilty of any breach of the Act or any regulation, or of any improper conduct whatever.

SECOND-HAND DEALERS AND COLLECTORS

Section 2, subsection (a)

FOURTH SCHEDULE

SECOND-HAND DEALERS AND COLLECTORS ACT, 1968

Form of sales and disposition

Type of sale or disposal of	Description of the goods or articles	Name and address of the person to whom sold or disposed of	Name and address of the person to whom sold or disposed of	Particulars and place of sale or disposal of

Section 10

FIFTH SCHEDULE

SECOND-HAND DEALERS AND COLLECTORS ACT, 1968

Form of certificate in respect of collector's licence

I, A.B. (Collector) do hereby declare that I am of the full age of 21 years and am qualified to carry on the business of collector under the above Act; and I undertake that I will comply with all the provisions of the said Act and the regulations made thereunder. Witness my hand and seal this 1st day of 19__.

Signature of applicant

Section 10

SIXTH SCHEDULE

SECOND-HAND DEALERS AND COLLECTORS ACT, 1968

Form of certificate in respect of collector's licence

A.B. (Collector) do hereby declare that I am of the full age of 21 years and am qualified to carry on the business of collector under the above Act; and I undertake that I will comply with all the provisions of the said Act and the regulations made thereunder. Witness my hand and seal this 1st day of 19__.

Signature of applicant

Signature of Collector

The Collector is to be put on his oath to any person who changes his name, to report his new name to the Collector of the district in which he is carrying on his business as a collector, and to produce to the Collector a certificate from the Collector of the district in which he is carrying on his business as a collector, that he has complied with the provisions of the Act and the regulations made thereunder. If the Collector is not satisfied with the certificate, he may refuse to issue a licence to the collector, or may suspend or revoke any licence issued to him, or may require the collector to furnish such further information as he may require. If the collector fails to comply with the provisions of this section, he shall be liable to a fine of ten rupees for every day after the first day after the date of the offence during which he fails to comply with the provisions of this section.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 20 November, 1906. }*

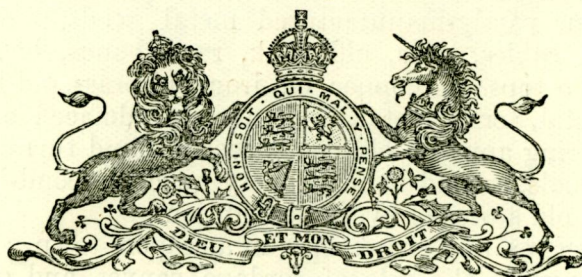
*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, December, 1906. }*

Clerk of the Parliaments.

New South Wales.



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Act No. , 1906.

An Act to provide for the licensing and regulation of second-hand dealers in and collectors of certain old wares; to regulate the sale of second-hand articles and old wares; to amend the Early Closing Act, 1899, and the Early Closing (Amendment) Act, 1900; and for other purposes.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5

Preliminary.

1. This Act may be cited as the "Second-hand Dealers and Collectors Act, 1906," and shall come into force on the first day of January, one thousand nine hundred and seven. Short title.

78495

46—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Second-hand Dealers and Collectors.

2. In this Act, unless inconsistent with the subject-matter or Definition.
context, the following terms have the meanings hereinafter respectively
assigned to them (that is to say):—

5 “Collector” means any person engaged in collecting old wares of Collector.
any kind, whether on his own behalf or on behalf of an
employer, for the purposes of sale or trade, but shall not
include a person who buys old wares at a bona fide advertised
auction sale conducted by a licensed auctioneer.

10 “Court” means any stipendiary or police magistrate, or any two
justices of the peace.

“License” means license under this Act.

15 “Old wares” means partly-manufactured metal goods, second- Special wares.
hand anchors, cables, sails, old junk, rags, bones, bottles,
syphons, syphon tops, old copper, old iron, old brass, old lead,
old muntz metal, scrap metal, broken metal, defaced metal
goods, old wearing apparel, old boots, second-hand furniture,
second-hand tools, second-hand drapery goods, second-hand
jewellery, and old stores of every description.

20 “Ship-chandler” means any shopkeeper in a seaport town whose
principal business is the sale of cordage, canvas, and other
furniture, and general necessaries of ships.

25 “Second-hand dealer” means any person, other than a ship- Second-hand
dealer.
chandler or ship-owner, who carries on the business of
dealing in or buying and selling old wares of any kind,
whether such person deals in any other goods or not.

“Truck” means truck, handcart, cart, barrow, or vehicle of any
kind whatsoever.

PART I.

Second-hand dealers.

30 3. Any person who carries on business as a second-hand dealer Dealers must be
licensed.
South Australian Act
1899, No. 716, s. .
without being licensed so to do shall be guilty of an offence under
this Act.

35 4. A second-hand dealer's license, in the Form in the First Application for
dealer's license or
transfer.
Ibid. s. 9.
Schedule hereto, may be granted and issued, and a transfer thereof to
any person or premises may be permitted by the court nearest to the
premises in respect of which the license is applied for or was granted.

40 Such license, unless sooner cancelled, shall remain in force for
one year from the date on which it was issued, but may, on application
to a court in the prescribed manner, be renewed from year to year
as the court thinks fit. The sum of one pound shall be paid for every
such license, and for every renewal thereof. 5.

Second-hand Dealers and Collectors.

5. No second-hand dealer's license shall be granted or issued, nor shall any transfer thereof be permitted, unless the applicant therefor, ten days at the least before his application, gives or sends by registered letter to the clerk of the court at which he intends to apply, and to the ~~superintendent or inspector of police~~ **senior officer** of the police district in which his premises are situated or in which he resides, a notice in writing signed by him of his intention to apply for the same, setting forth his name and address and the place where his business is intended to be carried on. Such ~~superintendent or inspector~~ **officer** or any person authorised by him, may show cause against the granting of any such application.
6. Every application for permission to transfer a second-hand dealer's license to any person shall be made by the proposed transferee.
7. When the transfer of a second-hand dealer's license to any person or premises is permitted, the fact and date of such permission, and the name and description of the person to whom, or description of the premises to which, the license is permitted to be transferred, shall be indorsed upon such license, and the person named as the transferee, or the premises described in such indorsement, shall thereupon and thenceforth for all purposes be deemed to be the person to whom or the premises in respect of which the license was granted.
8. If any licensed second-hand dealer does not—
- (1) cause to be painted and kept painted in such manner as may be prescribed his name in full, and the words "licensed dealer in old wares" upon some conspicuous part of the outside of the premises in respect of which his license is granted; and
 - (2) enter in a book, in the form in the Second Schedule to this Act, the name of every person to whom he shall lend or let on hire, whether gratuitously or otherwise, any truck, and the date when and the period for which such truck was lent or let on hire, and the amount (if any) charged for such lending or hire; and
 - (3) keep a book in the form of the Third Schedule hereto, and enter correctly therein all particulars mentioned in such Schedule; and
 - (4) keep a book, in the form of the Fourth Schedule hereto, and enter correctly therein all particulars mentioned in such Schedule; and
 - (5) produce to any member of the police force, whenever requested, the book or books by this Act required to be kept by him, and any old wares purchased or received by him then in his possession; and
 - (6) without delay give notice to the officer on duty at the police station nearest to any place where he carries on business of any article which may come into his possession answering
- the
- Notice of application for license or transfer thereof.
South Australian Act, 1899, No. 716, s. 10.
- Police may show cause.
- Proposed transferee to be applicant.
Ibid. s. 11.
- Indorsement of permission to transfer.
Ibid. s. 12.
- Name, &c., to be painted on outside of premises.
Ibid. s. 13.
- Entry to be made on letting truck.
- Book to be kept showing old wares purchased or received.
- Book to be kept showing old wares sold or disposed of.
- Dealer to inform police when articles supposed to be stolen come into his possession.

Second-hand Dealers and Collectors.

the description of any article described as having been stolen, embezzled, or fraudulently obtained, in any written or printed or verbal information given to him by any member of the police force ; and

- 5 (7) keep all old wares purchased or received by him, **excepting old wares purchased from a licensed auctioneer**, without changing the form in which they were when so purchased, or disposing of the same in any way for a period of five days after such wares have been purchased or received,
- 10 he shall be guilty of an offence under this Act.
9. If any licensed second-hand dealer—
- (1) carries on the business of a second-hand dealer upon any other premises than those to which his license applies ; or
- 15 (2) at any time upon demand made to him, upon any part of the premises upon which he carries on the business of a second-hand dealer, by any member of the police force, refuses or, without reasonable excuse, fails to produce and show his license in force at the time of such demand ; or
- 20 (3) lends or lets on hire any truck to any person other than a licensed collector ; or
- (4) charges for the use or hire of any truck any sum exceeding the maximum amount prescribed ; or
- (5) by himself or any other person on his behalf purchases or receives any old wares from any person apparently under
- 25 the age of fourteen years ; or
- (6) by himself or any other person on his behalf carries on business before the hour of seven o'clock in the morning,
- he shall be guilty of an offence under this Act.

Form of old wares not to be changed for five days.

Dealer to carry on business on licensed premises only.

Dealer to produce license.
South Australian Act, 1899, No. 716, s. 14.

Trucks to be lent to licensed collectors only.

Not to make excessive charge for use of trucks.

Old wares not to be purchased from persons under fourteen.

Restriction on purchase or receipt of special wares.

Second-hand Dealers and Collectors.

PART II.

Collectors.

10. (1) Any person carrying on the business of a collector and wishing to obtain a collector's license shall deliver to the clerk of a court within the police district in which he resides an application in form contained in the Fifth Schedule hereto, together with a certificate signed by an officer of police of or above the rank of sergeant stationed in the said district, in the form contained in the Fifth Schedule.

Collectors to be licensed.
South Australian Act, 1899, No. 716, s. 3.

(2) Upon such application the court may issue a license in the form of the Sixth Schedule hereto: Provided always that no such license shall be issued to any person under the age of fourteen years.

No license to be issued to persons under the age of fourteen years.

(3) Such license shall entitle the holder thereof to carry on the business of collector in all parts of the state, and unless sooner cancelled shall continue in force for one year from the date on which it was issued, but may, on a similar application and with a like certificate, be renewed from year to year as the court thinks fit.

Effect and duration of license.

(4) There shall be payable in respect of every such license, and of every annual renewal thereof, the fee of one shilling.

Fee.

11. If any collector shall not—

20 (1) within seven days after being licensed, leave the address of his place of abode in writing, signed by him, with the officer in charge of the police station nearest to the place of such address, and also within the same period, report himself and exhibit his license to such police officer; and

Collector to leave address with police officer and report himself.

Ibid. s. 5.

25 (2) whenever and so often as he changes his place of abode, notify by writing, signed by him, such change to the officer in charge of the police station at which he had left his address in compliance with the last preceding subsection within seven days after having so changed his abode; and

Change of address to be notified to police.

30 (3) at any time, upon demand, produce his license to any member of the police force, or to any person from whom he has within twenty-four hours previously bought or offered to buy, or collected or offered to collect, any old wares without reasonable excuse; and

License to be produced on demand.

35 (4) unless he shall sooner sell the same to a licensed dealer, keep all old wares other than bottles purchased or received by him, or old wares purchased from a licensed auctioneer, in the same state and condition as they were in when so purchased or received for four days at least next after such purchase or receipt, or if he sell the same within the said period, deliver the same to the licensed dealer purchasing the same in the same state and condition as when purchased or received,

Special wares to be kept for four days.

40 he shall be guilty of an offence under this Act.

12.

*Second-hand Dealers and Collectors.***12.** If any collector—

- (1) lends or lets out on hire his license to any person whomsoever, whether licensed or not ; or Licenses not to be let out.
- 5 (2) sells or otherwise disposes of any old wares other than bottles, syphons, or syphon tops to any person other than a licensed second-hand dealer ; or South Australian Act, 1899, No. 716, s. 6. Collectors to sell to licensed dealers only.
- 10 (3) sells or otherwise disposes of bottles, syphons, or syphon tops which bear a registered trade mark to any person other than a licensed second-hand dealer or the owner of such registered trade mark or his agent ; or
- (4) carries on his business of collecting old wares or of buying or selling the same before seven o'clock in the morning, or after six o'clock at night ; or Collectors to observe certain hours.
- 15 (5) uses any truck for the purposes of his business which shall not have painted or marked upon it in such manner, and with such letters, as may be prescribed, a number, and also the name in full and the address of the owner thereof, whether the collector using the truck shall be the owner or not ; or Trucks to have address on them.
- 20 (6) allows any person other than a licensed collector, or allows more than one licensed collector, to accompany him when using a truck in the business of collecting old wares ; or Two persons only to attend truck.
- (7) enters any premises without the permission of the owner or occupier thereof ; or Collectors not to enter premises without permission.
- 25 (8) having entered upon any premises, with or without the permission of the owner or occupier thereof, neglects or refuses to immediately leave such premises when directed to do so by such owner or occupier or his servant or agent ; or To depart when directed.
- 30 (9) uses insulting or offensive language, or is guilty of insulting behaviour, whilst in pursuit of his occupation as a collector in any place, whether private or public, Not to use offensive language or behaviour.
- he shall be guilty of an offence under this Act.

On a second conviction for any offence against subsection one of this section the offender's license shall be from thenceforth forfeited and void, and he shall be thenceforth incapable of holding a collector's license. License to be void on second conviction.

Any person may, without warrant, arrest any offender against any of the provisions of subsections seven and eight of this section and deliver him into the custody of any member of the police force, who shall then apprehend such offender and take him in due course before any court to be dealt with for his offence. May be arrested without warrant.

13. If any person—

- (1) acts as a collector without being licensed so to do ; or Collectors to be licensed. Ibid. s. 7.

(2)

Second-hand Dealers and Collectors.

- (2) hires or borrows or acts as a collector with or under colour of any license issued to any other person, or of any license in which his own real name is not inserted as the name of the person to whom the same is granted; or License not to be borrowed.
- 5 (3) not being a licensed second-hand dealer, purchases or receives from any collector any old wares other than bottles, syphons, or syphon tops; or Dealers only to purchase old wares.
- (4) not being a licensed collector, accompanies any truck then being used in the business of collecting old wares, No one but a licensed collector to accompany truck.
- 10 he shall be guilty of an offence under this Act.

PART III.

Miscellaneous.

14. Every person ceases to be licensed on the expiration, cancellation, or forfeiture of his license. Ceasing to be licensed. South Australian Act, 1899, No. 716, s. 15.
- 15 15. 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 until the contrary be proved by the production of a license or otherwise. Presumption that persons unlicensed. Ibid. s. 17.
- 20 16. Old wares shall be deemed to be in the possession of a second-hand dealer when they are placed in any house, outhouse, yard, garden, or place occupied by him, or have been removed with his knowledge and permission to any other place without a bona fide sale of such old wares having been made by him. Presumption of possession of old wares. Ibid. s. 18.
- 25 17. Every entry in any book kept or belonging to any second-hand dealer, or found on his licensed premises, shall be deemed, unless the contrary be shown, to have been made by or with the authority of such dealer. Entries in dealer's books deemed made by him. Ibid. s. 19.
- 30 18. Any stipendiary or police magistrate or two justices of the peace sitting in open court may, on the complaint of any person that any licensed person has been guilty of any violation of any of the provisions of this Act, or of any regulations, or that such person is in any other respect unfit to hold any license, cancel such license by any order under his or their hands and seals. Licenses may be revoked. Ibid. s. 20.
- 35 19. The clerk of any court at which any license is granted, permitted to be transferred, or cancelled, shall enter particulars of the same in a register to be kept in such court, and shall send a copy of such Register to be kept. Ibid. s. 21.

Second-hand Dealers and Collectors.

such entries to the senior officer of the police district in which such court is situated, who shall cause the same to be entered in a register to be kept at his office and at any other place which may be prescribed.

20. Any officer of the police force above the rank of senior constable, may, at any time by day or night, demand entrance into the place of business of any second-hand dealer, or the appurtenances thereof, and inspect the old wares and books of any such dealer therein, and may record in the books by this Act required to be kept the day and hour of his visit, and write his initials or name opposite the entry relating to any article examined by him.

Inspectors, &c., to visit dealers' premises.
South Australian Act, 1899, No. 716, s. 22.

If, after demand, admittance be refused or be delayed for such time as shall make it appear that wilful delay was intended, the offender shall be guilty of an offence under this Act, and such officer of the police force may break into such place of business or the appurtenances thereof.

21. Any justice of the peace, upon complaint made before him by any person that the complainant has reason to believe, and does believe, that any old wares stolen or unlawfully obtained are kept in any house, shop, room, or place by any second-dealer, may, by warrant, authorise any member of the police force, with such assistance as may be necessary, to enter such house, shop, room, or place, either by day or night, and to search for and seize all such old wares there found, and to carry the same before the same or some other justice, and such justice shall thereupon issue a summons requiring such dealer to appear before such justices as may be present at a time and place to be named in such summons, and if such dealer does not then and there prove to the satisfaction of such justices how he came by such wares, or if it is proved to the satisfaction of such justices that at the time such dealer received such wares, or any of them, he had reasonable cause to believe them, or some of them, to have been stolen or unlawfully obtained, then, and in either of such cases, such dealer shall be liable to a penalty not exceeding ten pounds, or, at the discretion of such justices, to imprisonment with or without hard labour for a term not exceeding three months:

Constable may be authorised to search dealer's premises.

35 Provided always that nothing herein contained shall interfere with or affect any proceeding as for an indictable offence to which such dealer may be liable for feloniously and knowingly receiving stolen goods, but no person shall be prosecuted for an indictable offence and proceeded against under this Act upon the same facts.

40 22. In case any person who offers to any second-hand dealer, his servant, or agent by way of sale or exchange, any old wares, is unable or refuses to give a satisfactory account of himself or of the means by which he came possessed of such wares, or wilfully gives any false information to such dealer, or to his servant, or agent as to whether such wares are his own property or not, or of his name

Suspicious offering of old wares.
Cf. *Ibid.* 24.

or

Second-hand Dealers and Collectors.

or place of abode, or of the name and place of abode of the owner of the said wares, or if there is any other reason to suspect that such wares are stolen or otherwise illegally or clandestinely obtained, such dealer, or his servant, or agent to whom such wares are so offered
 5 may seize and detain such person and the said wares, and deliver such person immediately into the custody of a constable or other police officer, who shall as soon as practicable convey such person and the said wares so offered before a court near to the place where such person was apprehended; and if upon examination and inquiry, it
 10 appears to the satisfaction of the court that the said wares were stolen or illegally or clandestinely obtained, such person shall be deemed guilty of an offence under this Act.

23. All proceedings against any person accused of an offence Proceedings. against this Act may be heard and determined in a summary manner
 15 by the court before which he is brought, and any person convicted of such an offence shall be liable to a penalty not exceeding ten pounds.

24. The Governor may make regulations for prescribing— Regulations.

- (1) the form, manner, and place of registration of licenses, South Australian Act, 1899, No. 716, s. 30. renewals, cancellations and other matters requiring registration
 20 under this Act, where not specially provided for in this Act;
- (2) means for circulating throughout New South Wales generally, or any part thereof, lists of licenses and revocations and forfeitures thereof;
- 25 (3) all such observances as may not be specifically provided for in this Act and which the Governor considers it desirable that collectors should comply with in carrying on their business;
- 30 (4) the manner in which any truck used by any collector shall be painted or otherwise distinguished, and the mode of painting or otherwise marking the name and address of the owner, whether a collector or second-hand dealer, upon such truck, and of numbering and marking the number upon any truck;
- 35 (5) the maximum amount which may be taken by any second-hand dealer from a collector for the use or hire of any truck;
- 40 (6) the manner and situation in which the names of second-hand dealers shall be painted upon the premises upon which they are licensed to carry on their business as second-hand dealers;

and generally for carrying into effect the provisions of this Act.

And may in such regulations impose penalties not to exceed in any case the sum of ten pounds for any breaches thereof.

Second-hand Dealers and Collectors.

All such regulations shall be published in the Gazette, and shall within fourteen days after such publication be laid before Parliament, if then in session, and if not, then within fourteen days after the next ensuing session. Upon such publication, if not
 5 disallowed by either House of Parliament, such regulations shall have the full force of law.

SCHEDULES.

FIRST SCHEDULE.

Section 4.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

10 *Second-hand dealer's license.*

Whereas A.B., of [*address and description*], has applied to us for a license to act as a dealer: Now, we, being satisfied that the said A.B. is a fit person to have such license granted to him, do hereby authorise and empower him, the said A.B., to act as a
 15 second-hand dealer, and to carry on the business of dealing in, and buying and selling, old wares at the premises occupied by him in [*name of street and name of place*], and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the date hereof.

Given under our hand and the seal of the said court, at , the
 day of , 19 .

20 Registered No. (L.S.)
 Clerk of the court at [*name of court*].

SECOND SCHEDULE.

Section 8,
 subsection (3)

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of trucks, handcarts, carts, or vehicles lent or let out on hire.

25	Name of collector to whom truck, &c., lent or let on hire.	Date on which truck, &c., lent or let on hire.	Whether on hire or gratuitously; and if on hire, at what price.	Period for which truck, &c., is lent or let.	No. on trucks, &c., lent or let on hire.

THIRD SCHEDULE.

Section 8,
 subsection (4).

30 SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of purchases and receipts.

35	Day of purchase or receipt, and hour of day.	Description of old wares purchased or received.	Name and surname of person by or through whom purchased or received.	Name and surname of person from whom purchased or received.	Business and place of abode of person from whom purchased or received.

FOURTH

Second-hand Dealers and Collectors.

FOURTH SCHEDULE.

Section 8, subsection (5).

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of sales and dispositions.

5	Day of sale.	Description of old wares sold or disposed of.	Name and surname of person by or through whom sold or disposed of.	Name and surname of person to whom sold or disposed of.	Business and place of abode of person to whom sold or disposed of.

FIFTH SCHEDULE.

Section 10.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Application for collector's license.

I, A.B. [*address and description*], do hereby declare that I am of the full age of fourteen years, and apply for a collector's license under the above Act; and I undertake, if the said license be issued to me, to observe faithfully all the provisions of the said Act and the regulations made thereunder. Attached is the police certificate required by the said Act.

Dated the day of , 19 .

[*Signature of applicant.*]

Police certificate in support of collector's license.

I, C.D. [*here state police rank*] hereby certify that the above named [*name of applicant*] is a fit person to receive a collector's license under the above-named Act.

Dated the day of , 19 .

[*Signature.*]

SIXTH SCHEDULE.

Section 10.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Collector's license.

A.B., of [*address and description*], is authorised and empowered to act as a collector, and to carry on the business of collecting old wares within all parts of the State of New South Wales; and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the date hereof.

Granted at , this day of , 19 .

Registered No.

(L.S.)

(Signed.)

Clerk of the Court at .

This license is not to be let on hire or lent to any person.

The collector, if he change his abode, must report his new place of abode to the police officer of the station nearest to the same and to the police officer of the station nearest to his last former place of abode.

Specially notice.—This license is subject to cancellation or forfeiture if the collector be guilty of any breach of the Act or any regulation, or of any improper conduct whatever.

PROCEEDINGS OF THE COURT

Section 10

THE COURT

IN THE MATTER OF

THE ESTATE OF

Name of Debtor	Name of Creditor	Amount	Date	Particulars

Section 11

THE COURT

IN THE MATTER OF

THE ESTATE OF

I, the undersigned, Clerk of the Court, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Court.

Witness my hand and seal of office this _____ day of _____ 1900.

(Signature)

THE COURT

IN THE MATTER OF

THE ESTATE OF

I, the undersigned, Clerk of the Court, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Court.

Witness my hand and seal of office this _____ day of _____ 1900.

(Signature)

Clerk of the Court

The undersigned, Clerk of the Court, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Court.

Witness my hand and seal of office this _____ day of _____ 1900.

(Signature)

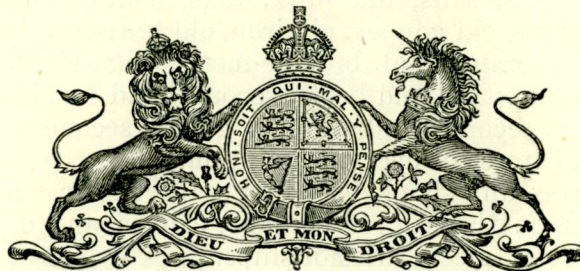
Clerk of the Court

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 20 November, 1906. }*

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO SEXTO

EDWARDI VII REGIS.

Act No. , 1906.

An Act to provide for the licensing and regulation of second-hand dealers in and collectors of certain old wares; to regulate the sale of second-hand articles and old wares; to amend the Early Closing Act, 1899, and the Early Closing (Amendment) Act, 1900; and for other purposes.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

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Preliminary.

1. This Act may be cited as the "Second-hand Dealers and Short title. Collectors Act, 1906," and shall come into force on the first day of January, one thousand nine hundred and seven.

78495

46—A

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Second-hand Dealers and Collectors.

2. In this Act, unless inconsistent with the subject-matter or Definition. context, the following terms have the meanings hereinafter respectively assigned to them (that is to say) :—

- 5 “Collector” means any person engaged in collecting old wares of Collector.
any kind, whether on his own behalf or on behalf of an employer, but shall not include a person who buys old wares at a bona fide advertised auction sale conducted by a licensed auctioneer.
- 10 “Court” means any stipendiary or police magistrate, or any two justices of the peace.
- “License” means license under this Act.
- 15 “Old wares” means partly-manufactured metal goods, second- Special wares.
hand anchors, cables, sails, old junk, rags, bones, bottles, syphons, syphon tops, old copper, old iron, old brass, old lead, old muntz metal, scrap metal, broken metal, defaced metal goods, old wearing apparel, old boots, second-hand furniture, second-hand tools, second-hand drapery goods, second-hand jewellery, and old stores of every description.
- 20 “Ship-chandler” means any shopkeeper in a seaport town whose principal business is the sale of cordage, canvas, and other furniture, and general necessaries of ships.
- “Second-hand dealer” means any person, other than a ship- Second-hand dealer.
chandler or ship-owner, who carries on the business of dealing in or buying and selling old wares of any kind, whether such person deals in any other goods or not.
- 25 “Truck” means truck, handcart, cart, barrow, or vehicle of any kind whatsoever.

PART I.

Second-hand dealers.

- 30 3. Any person who carries on business as a second-hand dealer Dealers must be licensed.
without being licensed so to do shall be guilty of an offence under this Act. South Australian Act 1899, No. 716, s. 8.
- 35 4. A second-hand dealer's license, in the Form in the First Application for dealer's license or transfer.
Schedule hereto, may be granted and issued, and a transfer thereof to Ibid. s. 9.
any person or premises may be permitted by the court nearest to the premises in respect of which the license is applied for or was granted.
- Such license, unless sooner cancelled, shall remain in force for one year from the date on which it was issued, but may, on application to a court in the prescribed manner, be renewed from year to year
- 40 as the court thinks fit. The sum of one pound shall be paid for every such license, and for every renewal thereof. 5.

Second-hand Dealers and Collectors.

5. No second-hand dealer's license shall be granted or issued, nor shall any transfer thereof be permitted, unless the applicant therefor, ten days at the least before his application, gives or sends by registered letter to the clerk of the court at which he intends to apply, and to the superintendent or inspector of police of the police district in which his premises are situated or in which he resides, a notice in writing signed by him of his intention to apply for the same, setting forth his name and address and the place where his business is intended to be carried on. Such superintendent or inspector, or any person authorised by him, may show cause against the granting of any such application.
6. Every application for permission to transfer a second-hand dealer's license to any person shall be made by the proposed transferee.
7. When the transfer of a second-hand dealer's license to any person or premises is permitted, the fact and date of such permission, and the name and description of the person to whom, or description of the premises to which, the license is permitted to be transferred, shall be indorsed upon such license, and the person named as the transferee, or the premises described in such indorsement, shall thereupon and thenceforth for all purposes be deemed to be the person to whom or the premises in respect of which the license was granted.
8. If any licensed second-hand dealer does not—
- (1) cause to be painted and kept painted in such manner as may be prescribed his name in full, and the words "licensed dealer in old wares" upon some conspicuous part of the outside of the premises in respect of which his license is granted; and
 - (2) enter in a book, in the form in the Second Schedule to this Act, the name of every person to whom he shall lend or let on hire, whether gratuitously or otherwise, any truck, and the date when and the period for which such truck was lent or let on hire, and the amount (if any) charged for such lending or hire; and
 - (3) keep a book in the form of the Third Schedule hereto, and enter correctly therein all particulars mentioned in such Schedule; and
 - (4) keep a book, in the form of the Fourth Schedule hereto, and enter correctly therein all particulars mentioned in such Schedule; and
 - (5) produce to any member of the police force, whenever requested, the book or books by this Act required to be kept by him, and any old wares purchased or received by him then in his possession; and
 - (6) without delay give notice to the officer on duty at the police station nearest to any place where he carries on business of any article which may come into his possession answering the

Notice of application for license or transfer thereof.

South Australian Act, 1899, No. 716, s. 10.

Police may show cause.

Proposed transferee to be applicant. *Ibid.* s. 11.

Indorsement of permission to transfer. *Ibid.* s. 12.

Name, &c., to be painted on outside of premises. *Ibid.* s. 13.

Entry to be made on letting truck.

Book to be kept showing old wares purchased or received.

Book to be kept showing old wares sold or disposed of.

Dealer to inform police when articles supposed to be stolen come into his possession.

Second-hand Dealers and Collectors.

- the description of any article described as having been stolen, embezzled, or fraudulently obtained, in any written or printed or verbal information given to him by any member of the police force; and
- 5 (7) keep all old wares purchased or received by him without changing the form in which they were when so purchased, or disposing of the same in any way for a period of five days after such wares have been purchased or received, he shall be guilty of an offence under this Act.
- 10 9. If any licensed second-hand dealer—
- (1) carries on the business of a second-hand dealer upon any other premises than those to which his license applies; or
- (2) at any time upon demand made to him, upon any part of the premises upon which he carries on the business of a second-hand dealer, by any member of the police force, refuses or, without reasonable excuse, fails to produce and show his license in force at the time of such demand; or
- 15 (3) lends or lets on hire any truck to any person other than a licensed collector; or
- 20 (4) charges for the use or hire of any truck any sum exceeding the maximum amount prescribed; or
- (5) by himself or any other person on his behalf purchases or receives any old wares from any person apparently under the age of fourteen years; or
- 25 (6) by himself or any other person on his behalf carries on business before the hour of seven o'clock in the morning, he shall be guilty of an offence under this Act.

Form of old wares not to be changed for five days.

Dealer to carry on business on licensed premises only.

Dealer to produce license.

South Australian Act, 1899, No. 716, s. 14.

Trucks to be lent to licensed collectors only.

Not to make excessive charge for use of trucks.

Old wares not to be purchased from persons under fourteen.

Restriction on purchase or receipt of special wares.

Second-hand Dealers and Collectors.

PART II.

Collectors.

- 10 (1) Any person carrying on the business of a collector and wishing to obtain a collector's license shall deliver to the clerk of a court within the police district in which he resides an application in form contained in the Fifth Schedule hereto, together with a certificate signed by an officer of police of or above the rank of sergeant stationed in the said district, in the form contained in the Fifth Schedule.
- 15 (2) Upon such application the court may issue a license in the form of the Sixth Schedule hereto: Provided always that no such license shall be issued to any person under the age of fourteen years.
- 15 (3) Such license shall entitle the holder thereof to carry on the business of collector in all parts of the state, and unless sooner cancelled shall continue in force for one year from the date on which it was issued, but may, on a similar application and with a like certificate, be renewed from year to year as the court thinks fit.
- 15 (4) There shall be payable in respect of every such license, and of every annual renewal thereof, the fee of one shilling.
- 20 11. If any collector shall not—
- (1) within seven days after being licensed, leave the address of his place of abode in writing, signed by him, with the officer in charge of the police station nearest to the place of such address, and also within the same period, report himself and exhibit his license to such police officer; and
- 25 (2) whenever and so often as he changes his place of abode, notify by writing, signed by him, such change to the officer in charge of the police station at which he had left his address in compliance with the last preceding subsection within seven days after having so changed his abode; and
- 30 (3) at any time, upon demand, produce his license to any member of the police force, or to any person from whom he has within twenty-four hours previously bought or offered to buy, or collected or offered to collect, any old wares without reasonable excuse; and
- 35 (4) unless he shall sooner sell the same to a licensed dealer, keep all old wares other than bottles purchased or received by him in the same state and condition as they were in when so purchased or received for four days at least next after such purchase or receipt, or if he sell the same within the said period, deliver the same to the licensed dealer purchasing the same in the same state and condition as when purchased or received,
- 40 he shall be guilty of an offence under this Act.

Collectors to be licensed.
South Australian Act, 1899, No. 716, s. 3.

No license to be issued to persons under the age of fourteen years.

Effect and duration of license.

Fee.

Collector to leave address with police officer and report himself.

Ibid. s. 5.

Change of address to be notified to police.

License to be produced on demand.

Special wares to be kept for four days.

Second-hand Dealers and Collectors.

12. If any collector—

- (1) lends or lets out on hire his license to any person whomsoever, whether licensed or not ; or Licenses not to be let out. South Australian Act, 1899, No. 716, s. 6.
- 5 (2) sells or otherwise disposes of any old wares other than bottles, syphons, or syphon tops to any person other than a licensed second-hand dealer ; or Collectors to sell to licensed dealers only.
- (3) sells or otherwise disposes of bottles, syphons, or syphon tops which bear a registered trade mark to any person other than a licensed second-hand dealer or the owner of such registered trade mark or his agent ; or
- 10 (4) carries on his business of collecting old wares or of buying or selling the same before seven o'clock in the morning, or after six o'clock at night ; or Collectors to observe certain hours.
- 15 (5) uses any truck for the purposes of his business which shall not have painted or marked upon it in such manner, and with such letters, as may be prescribed, a number, and also the name in full and the address of the owner thereof, whether the collector using the truck shall be the owner or not ; or Trucks to have address on them.
- 20 (6) allows any person other than a licensed collector, or allows more than one licensed collector, to accompany him when using a truck in the business of collecting old wares ; or Two persons only to attend truck.
- (7) enters any premises without the permission of the owner or occupier thereof ; or Collectors not to enter premises without permission.
- 25 (8) having entered upon any premises, with or without the permission of the owner or occupier thereof, neglects or refuses to immediately leave such premises when directed to do so by such owner or occupier or his servant or agent ; or To depart when directed.
- 30 (9) uses insulting or offensive language, or is guilty of insulting behaviour, whilst in pursuit of his occupation as a collector in any place, whether private or public, Not to use offensive language or behaviour.

he shall be guilty of an offence under this Act.

On a second conviction for any offence against subsection one of this section the offender's license shall be from thenceforth forfeited and void, and he shall be thenceforth incapable of holding a collector's license. License to be void on second conviction.

Any person may, without warrant, arrest any offender against any of the provisions of subsections seven and eight of this section and deliver him into the custody of any member of the police force, who shall then apprehend such offender and take him in due course before any court to be dealt with for his offence. May be arrested without warrant.

13. If any person—

- (1) acts as a collector without being licensed so to do ; or Collectors to be licensed. Ibid. s. 7.
- (2)

Second-hand Dealers and Collectors.

- (2) hires or borrows or acts as a collector with or under colour of any license issued to any other person, or of any license in which his own real name is not inserted as the name of the person to whom the same is granted ; or
- 5 (3) not being a licensed second-hand dealer, purchases or receives from any collector any old wares other than bottles, syphons, or syphon tops ; or
- (4) not being a licensed collector, accompanies any truck then being used in the business of collecting old wares,
- 10 he shall be guilty of an offence under this Act.
- License not to be borrowed.
- Dealers only to purchase old wares.
- No one but a licensed collector to accompany truck.

PART III.

Miscellaneous.

14. Every person ceases to be licensed on the expiration, cancellation, or forfeiture of his license.
- 15 15. 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 until the contrary be proved by the production of a license or otherwise.
- 20 16. Old wares shall be deemed to be in the possession of a second-hand dealer when they are placed in any house, outhouse, yard, garden, or place occupied by him, or have been removed with his knowledge and permission to any other place without a bona fide sale of such old wares having been made by him.
- 25 17. Every entry in any book kept or belonging to any second-hand dealer, or found on his licensed premises, shall be deemed, unless the contrary be shown, to have been made by or with the authority of such dealer.
- 30 18. Any stipendiary or police magistrate or two justices of the peace sitting in open court may, on the complaint of any person that any licensed person has been guilty of any violation of any of the provisions of this Act, or of any regulations, or that such person is in any other respect unfit to hold any license, cancel such license by any order under his or their hands and seals.
- 35 19. The clerk of any court at which any license is granted, permitted to be transferred, or cancelled, shall enter particulars of the same in a register to be kept in such court, and shall send a copy of such
- Ceasing to be licensed. South Australian Act, 1899, No. 716, s. 15.
- Presumption that persons unlicensed. *Ibid.* s. 17.
- Presumption of possession of old wares. *Ibid.* s. 18.
- Entries in dealer's books deemed made by him. *Ibid.* s. 19.
- Licenses may be revoked. *Ibid.* s. 20.
- Register to be kept. *Ibid.* s. 21.

Second-hand Dealers and Collectors.

such entries to the senior officer of the police district in which such court is situated, who shall cause the same to be entered in a register to be kept at his office and at any other place which may be prescribed.

20. Any officer of the police force above the rank of senior
5 constable, may, at any time by day or night, demand entrance into
the place of business of any second-hand dealer, or the appurtenances
thereof, and inspect the old wares and books of any such dealer
therein, and may record in the books by this Act required to be
kept the day and hour of his visit, and write his initials or name
10 opposite the entry relating to any article examined by him.

Inspectors, &c., to
visit dealers'
premises.
South Australian
Act, 1899, No. 716,
s. 22.

If, after demand, admittance be refused or be delayed for such time as shall make it appear that wilful delay was intended, the offender shall be guilty of an offence under this Act, and such officer of the police force may break into such place of business or the
15 appurtenances thereof.

21. Any justice of the peace, upon complaint made before him
by any person that the complainant has reason to believe, and does
believe, that any old wares stolen or unlawfully obtained are kept
in any house, shop, room, or place by any second-dealer, may, by
20 warrant, authorise any member of the police force, with such assistance
as may be necessary, to enter such house, shop, room, or place, either by
day or night, and to search for and seize all such old wares there found,
and to carry the same before the same or some other justice, and such
justice shall thereupon issue a summons requiring such dealer to
25 appear before such justices as may be present at a time and place to
be named in such summons, and if such dealer does not then and
there prove to the satisfaction of such justices how he came by such
wares, or if it is proved to the satisfaction of such justices that
at the time such dealer received such wares, or any of them, he had
30 reasonable cause to believe them, or some of them, to have been stolen
or unlawfully obtained, then, and in either of such cases, such dealer
shall be liable to a penalty not exceeding ten pounds, or, at the
discretion of such justices, to imprisonment with or without hard
labour for a term not exceeding three months :

Constable may be
authorised to search
dealer's premises.

35 Provided always that nothing herein contained shall interfere
with or affect any proceeding as for an indictable offence to which
such dealer may be liable for feloniously and knowingly receiving
stolen goods, but no person shall be prosecuted for an indictable offence
and proceeded against under this Act upon the same facts.

40 22. In case any person who offers to any second-hand dealer,
his servant, or agent by way of sale or exchange, any old wares,
is unable or refuses to give a satisfactory account of himself or
of the means by which he came possessed of such wares, or wilfully
gives any false information to such dealer, or to his servant, or agent
45 as to whether such wares are his own property or not, or of his name

Suspicious offering
of old wares.
Cf. *Ibid.* 24.

OR

Second-hand Dealers and Collectors.

or place of abode, or of the name and place of abode of the owner of the said wares, or if there is any other reason to suspect that such wares are stolen or otherwise illegally or clandestinely obtained, such dealer, or his servant, or agent to whom such wares are so offered
 5 may seize and detain such person and the said wares, and deliver such person immediately into the custody of a constable or other police officer, who shall as soon as practicable convey such person and the said wares so offered before a court near to the place where such person was apprehended; and if upon examination and inquiry, it
 10 appears to the satisfaction of the court that the said wares were stolen or illegally or clandestinely obtained, such person shall be deemed guilty of an offence under this Act.

23. All proceedings against any person accused of an offence
 against this Act may be heard and determined in a summary manner
 15 by the court before which he is brought, and any person convicted of such an offence shall be liable to a penalty not exceeding ten pounds.

24. The Governor may make regulations for prescribing—

- Regulations.
 South Australian
 Act, 1899, No. 716,
 s. 30.
- 20 (1) the form, manner, and place of registration of licenses, renewals, cancellations and other matters requiring registration under this Act, where not specially provided for in this Act;
- (2) means for circulating throughout New South Wales generally, or any part thereof, lists of licenses and revocations and forfeitures thereof;
- 25 (3) all such observances as may not be specifically provided for in this Act and which the Governor considers it desirable that collectors should comply with in carrying on their business;
- 30 (4) the manner in which any truck used by any collector shall be painted or otherwise distinguished, and the mode of painting or otherwise marking the name and address of the owner, whether a collector or second-hand dealer, upon such truck, and of numbering and marking the number upon any truck;
- 35 (5) the maximum amount which may be taken by any second-hand dealer from a collector for the use or hire of any truck;
- 40 (6) the manner and situation in which the names of second-hand dealers shall be painted upon the premises upon which they are licensed to carry on their business as second-hand dealers;

and generally for carrying into effect the provisions of this Act.

And may in such regulations impose penalties not to exceed in any case the sum of ten pounds for any breaches thereof.

Second-hand Dealers and Collectors.

All such regulations shall be published in the Gazette, and shall within fourteen days after such publication be laid before Parliament, if then in session, and if not, then within fourteen days after the next ensuing session. Upon such publication, if not
 5 disallowed by either House of Parliament, such regulations shall have the full force of law.

SCHEDULES.

FIRST SCHEDULE.

Section 4.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Second-hand dealer's license.

10

Whereas A.B., of [*address and description*], has applied to us for a license to act as a dealer: Now, we, being satisfied that the said A.B. is a fit person to have such license granted to him, do hereby authorise and empower him, the said A.B., to act as a second-hand dealer, and to carry on the business of dealing in, and buying and selling,
 15 old wares at the premises occupied by him in [*name of street and name of place*], and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the date hereof.

Given under our hand and the seal of the said court, at _____, the
 day of _____, 19 _____.

20

Registered No. _____ (L.S.)
 Clerk of the court at [*name of court*].

SECOND SCHEDULE.

Section 8,
 subsection (3)

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of trucks, handcarts, carts, or vehicles lent or let out on hire.

25	Name of collector to whom truck, &c., lent or let on hire.	Date on which truck, &c., lent or let on hire.	Whether on hire or gratuitously; and if on hire, at what price.	Period for which truck, &c., is lent or let.	No. on trucks, &c., lent or let on hire.

THIRD SCHEDULE.

Section 8,
 subsection (4).

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of purchases and receipts.

35	Day of purchase or receipt, and hour of day.	Description of old wares purchased or received.	Name and surname of person by or through whom purchased or received.	Name and surname of person from whom purchased or received.	Business and place of abode of person from whom purchased or received.

FOURTH

Second-hand Dealers and Collectors.

FOURTH SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Section 8, subsection (5).

Entry of sales and dispositions.

5	Day of sale.	Description of old wares sold or disposed of.	Name and surname of person by or through whom sold or disposed of.	Name and surname of person to whom sold or disposed of.	Business and place of abode of person to whom sold or disposed of.

FIFTH SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Section 10.

10

Application for collector's license.

I, A.B. [*address and description*], do hereby declare that I am of the full age of fourteen years, and apply for a collector's license under the above Act; and I undertake, if the said license be issued to me, to observe faithfully all the provisions of the said Act and the regulations made thereunder. Attached is the police certificate required by the said Act.

Dated the day of , 19 .

[*Signature of applicant.*]*Police certificate in support of collector's license.*

20 I, C.D. [*here state police rank*] hereby certify that the above named [*name of applicant*] is a fit person to receive a collector's license under the above-named Act.

Dated the day of , 19 .

[*Signature.*]

SIXTH SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Section 10.

25

Collector's license.

A.B., of [*address and description*], is authorised and empowered to act as a collector, and to carry on the business of collecting old wares within all parts of the State of New South Wales; and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the date hereof.

Granted at , this day of , 19 .

Registered No.

(L.S.)

(Signed.)

Clerk of the Court at .

35

This license is not to be let on hire or lent to any person.

The collector, if he change his abode, must report his new place of abode to the police officer of the station nearest to the same and to the police officer of the station nearest to his last former place of abode.

40 *Specially notice.*—This license is subject to cancellation or forfeiture if the collector be guilty of any breach of the Act or any regulation, or of any improper conduct whatever.

THE BOARD OF DIRECTORS

Section 3

ARTICLE III

THE BOARD OF DIRECTORS

Section 4

The Board of Directors shall consist of not less than five nor more than fifteen members, who shall be elected by the stockholders at the annual meeting of the corporation, and shall hold office until the next annual meeting.

Section 5

ARTICLE III

THE BOARD OF DIRECTORS

Section 6

The Board of Directors may elect one or more of its members to act as President, Vice-President, Secretary and Treasurer, and may also elect such other officers and agents as it may deem proper.

Section 7

ARTICLE III

THE BOARD OF DIRECTORS

Section 8

The Board of Directors may, in its discretion, cause a copy of the minutes of its meetings to be printed and distributed to the stockholders, and may also cause a copy of the same to be printed and distributed to the public.

Chairman of the Board

New South Wales.



ANNO SEXTO

EDWARDI VII REGIS.

Act No. 30, 1906.

An Act to provide for the licensing and regulation of second-hand dealers in and collectors of certain old wares; to regulate the sale of second-hand articles and old wares; to amend the Early Closing Act, 1899, and the Early Closing (Amendment) Act, 1900; and for other purposes. [Assented to, 12th December, 1906.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the "Second-hand Dealers and Short title. Collectors Act, 1906," and shall come into force on the first day of January, one thousand nine hundred and seven,

A

2.

Second-hand Dealers and Collectors.

Definition.	2. In this Act, unless inconsistent with the subject-matter or context, the following terms have the meanings hereinafter respectively assigned to them (that is to say) :—
Collector.	“Collector” means any person engaged in collecting old wares of any kind, whether on his own behalf or on behalf of an employer, for the purposes of sale or trade, but shall not include a person who buys old wares at a bona fide advertised auction sale conducted by a licensed auctioneer.
	“Court” means any stipendiary or police magistrate, or any two justices of the peace.
	“License” means license under this Act.
Special wares.	“Old wares” means partly-manufactured metal goods, second-hand anchors, cables, sails, old junk, rags, bones, bottles, syphons, syphon tops, old copper, old iron, old brass, old lead, old muntz metal, scrap metal, broken metal, defaced metal goods, old wearing apparel, old boots, second-hand furniture, second-hand tools, second-hand drapery goods, second-hand jewellery, and old stores of every description.
	“Ship-chandler” means any shopkeeper in a seaport town whose principal business is the sale of cordage, canvas, and other furniture, and general necessaries of ships.
Second-hand dealer.	“Second-hand dealer” means any person, other than a ship-chandler or ship-owner, who carries on the business of dealing in or buying and selling old wares of any kind, whether such person deals in any other goods or not.
	“Truck” means truck, handcart, cart, barrow, or vehicle of any kind whatsoever.

PART I.

Second-hand dealers.

Dealers must be licensed.
 South Australian Act 1899, No. 716, s. .
 Application for dealer's license or transfer.
Ibid. s. 9.

3. Any person who carries on business as a second-hand dealer without being licensed so to do shall be guilty of an offence under this Act.

4. A second-hand dealer's license, in the Form in the First Schedule hereto, may be granted and issued, and a transfer thereof to any person or premises may be permitted by the court nearest to the premises in respect of which the license is applied for or was granted.

Such license, unless sooner cancelled, shall remain in force for one year from the date on which it was issued, but may, on application to a court in the prescribed manner, be renewed from year to year as the court thinks fit. The sum of one pound shall be paid for every such license, and for every renewal thereof.

5.

Second-hand Dealers and Collectors.

5. No second-hand dealer's license shall be granted or issued, nor shall any transfer thereof be permitted, unless the applicant therefor, ten days at the least before his application, gives or sends by registered letter to the clerk of the court at which he intends to apply, and to the senior officer of the police district in which his premises are situated or in which he resides, a notice in writing signed by him of his intention to apply for the same, setting forth his name and address and the place where his business is intended to be carried on. Such officer or any person authorised by him, may show cause against the granting of any such application.

Notice of application for license or transfer thereof.
South Australian Act, 1899, No. 716, s. 10.

Police may show cause.

6. Every application for permission to transfer a second-hand dealer's license to any person shall be made by the proposed transferee.

Proposed transferee to be applicant.
Ibid. s. 11.

7. When the transfer of a second-hand dealer's license to any person or premises is permitted, the fact and date of such permission, and the name and description of the person to whom, or description of the premises to which, the license is permitted to be transferred, shall be indorsed upon such license, and the person named as the transferee, or the premises described in such indorsement, shall thereupon and thenceforth for all purposes be deemed to be the person to whom or the premises in respect of which the license was granted.

Indorsement of permission to transfer.
Ibid. s. 12.

8. If any licensed second-hand dealer does not—

- (1) cause to be painted and kept painted in such manner as may be prescribed his name in full, and the words "licensed dealer in old wares" upon some conspicuous part of the outside of the premises in respect of which his license is granted; and
- (2) enter in a book, in the form in the Second Schedule to this Act, the name of every person to whom he shall lend or let on hire, whether gratuitously or otherwise, any truck, and the date when and the period for which such truck was lent or let on hire, and the amount (if any) charged for such lending or hire; and
- (3) keep a book in the form of the Third Schedule hereto, and enter correctly therein all particulars mentioned in such Schedule; and
- (4) keep a book, in the form of the Fourth Schedule hereto, and enter correctly therein all particulars mentioned in such Schedule; and
- (5) produce to any member of the police force, whenever requested, the book or books by this Act required to be kept by him, and any old wares purchased or received by him then in his possession; and
- (6) without delay give notice to the officer on duty at the police station nearest to any place where he carries on business of any article which may come into his possession answering the

Name, &c., to be painted on outside of premises.

Ibid. s. 13.

Entry to be made on letting truck.

Book to be kept showing old wares purchased or received.

Book to be kept showing old wares sold or disposed of.

Dealer to inform police when articles supposed to be stolen come into his possession.

Second-hand Dealers and Collectors.

the description of any article described as having been stolen, embezzled, or fraudulently obtained, in any written or printed or verbal information given to him by any member of the police force; and

Form of old wares not to be changed for five days.

- (7) keep all old wares purchased or received by him, excepting old wares purchased from a licensed auctioneer, without changing the form in which they were when so purchased, or disposing of the same in any way for a period of five days after such wares have been purchased or received,

he shall be guilty of an offence under this Act.

Dealer to carry on business on licensed premises only.

9. If any licensed second-hand dealer—

Dealer to produce license.

South Australian Act, 1899, No. 716, s. 14.

- (1) carries on the business of a second-hand dealer upon any other premises than those to which his license applies; or
 (2) at any time upon demand made to him, upon any part of the premises upon which he carries on the business of a second-hand dealer, by any member of the police force, refuses or, without reasonable excuse, fails to produce and show his license in force at the time of such demand; or

Trucks to be lent to licensed collectors only.

Not to make excessive charge for use of trucks.

- (3) lends or lets on hire any truck to any person other than a licensed collector; or

Old wares not to be purchased from persons under fourteen.

- (4) charges for the use or hire of any truck any sum exceeding the maximum amount prescribed; or
 (5) by himself or any other person on his behalf purchases or receives any old wares from any person apparently under the age of fourteen years; or

Restriction on purchase or receipt of special wares.

- (6) by himself or any other person on his behalf carries on business before the hour of seven o'clock in the morning,

he shall be guilty of an offence under this Act.

Second-hand Dealers and Collectors.

PART II.

Collectors.

10. (1) Any person carrying on the business of a collector and wishing to obtain a collector's license shall deliver to the clerk of a court within the police district in which he resides an application in form contained in the Fifth Schedule hereto, together with a certificate signed by an officer of police of or above the rank of sergeant stationed in the said district, in the form contained in the Fifth Schedule.

Collectors to be licensed.
South Australian Act, 1899, No. 716, s. 3.

(2) Upon such application the court may issue a license in the form of the Sixth Schedule hereto: Provided always that no such license shall be issued to any person under the age of fourteen years.

No license to be issued to persons under the age of fourteen years.

(3) Such license shall entitle the holder thereof to carry on the business of collector in all parts of the state, and unless sooner cancelled shall continue in force for one year from the date on which it was issued, but may, on a similar application and with a like certificate, be renewed from year to year as the court thinks fit.

Effect and duration of license.

(4) There shall be payable in respect of every such license, and of every annual renewal thereof, the fee of one shilling.

Fee.

11. If any collector shall not—

(1) within seven days after being licensed, leave the address of his place of abode in writing, signed by him, with the officer in charge of the police station nearest to the place of such address, and also within the same period, report himself and exhibit his license to such police officer; and

Collector to leave address with police officer and report himself.

Ibid. s. 5.

(2) whenever and so often as he changes his place of abode, notify by writing, signed by him, such change to the officer in charge of the police station at which he had left his address in compliance with the last preceding subsection within seven days after having so changed his abode; and

Change of address to be notified to police.

(3) at any time, upon demand, produce his license to any member of the police force, or to any person from whom he has within twenty-four hours previously bought or offered to buy, or collected or offered to collect, any old wares without reasonable excuse; and

License to be produced on demand.

(4) unless he shall sooner sell the same to a licensed dealer, keep all old wares other than bottles purchased or received by him, or old wares purchased from a licensed auctioneer, in the same state and condition as they were in when so purchased or received for four days at least next after such purchase or receipt, or if he sell the same within the said period, deliver the same to the licensed dealer purchasing the same in the same state and condition as when purchased or received,

Special wares to be kept for four days.

he shall be guilty of an offence under this Act.

12.

*Second-hand Dealers and Collectors.***12.** If any collector—

- Licenses not to be let out.
South Australian Act, 1899, No. 716, s. 6.
Collectors to sell to licensed dealers only.
- Collectors to observe certain hours.
- Trucks to have address on them.
- Two persons only to attend truck.
- Collectors not to enter premises without permission.
- To depart when directed.
- Not to use offensive language or behaviour.
- (1) lends or lets out on hire his license to any person whomsoever, whether licensed or not ; or
 - (2) sells or otherwise disposes of any old wares other than bottles, syphons, or syphon tops to any person other than a licensed second-hand dealer ; or
 - (3) sells or otherwise disposes of bottles, syphons, or syphon tops which bear a registered trade mark to any person other than a licensed second-hand dealer or the owner of such registered trade mark or his agent ; or
 - (4) carries on his business of collecting old wares or of buying or selling the same before seven o'clock in the morning, or after six o'clock at night ; or
 - (5) uses any truck for the purposes of his business which shall not have painted or marked upon it in such manner, and with such letters, as may be prescribed, a number, and also the name in full and the address of the owner thereof, whether the collector using the truck shall be the owner or not ; or
 - (6) allows any person other than a licensed collector, or allows more than one licensed collector, to accompany him when using a truck in the business of collecting old wares ; or
 - (7) enters any premises without the permission of the owner or occupier thereof ; or
 - (8) having entered upon any premises, with or without the permission of the owner or occupier thereof, neglects or refuses to immediately leave such premises when directed to do so by such owner or occupier or his servant or agent ; or
 - (9) uses insulting or offensive language, or is guilty of insulting behaviour, whilst in pursuit of his occupation as a collector in any place, whether private or public,

he shall be guilty of an offence under this Act.

Licenses to be void on second conviction.

On a second conviction for any offence against subsection one of this section the offender's license shall be from thenceforth forfeited and void, and he shall be thenceforth incapable of holding a collector's license.

May be arrested without warrant.

Any person may, without warrant, arrest any offender against any of the provisions of subsections seven and eight of this section and deliver him into the custody of any member of the police force, who shall then apprehend such offender and take him in due course before any court to be dealt with for his offence.

13. If any person—

Collectors to be licensed.
Ibid. s. 7.

- (1) acts as a collector without being licensed so to do ; or

(2)

Second-hand Dealers and Collectors.

- (2) hires or borrows or acts as a collector with or under colour of any license issued to any other person, or of any license in which his own real name is not inserted as the name of the person to whom the same is granted ; or
- (3) not being a licensed second-hand dealer, purchases or receives from any collector any old wares other than bottles, syphons, or syphon tops ; or
- (4) not being a licensed collector, accompanies any truck then being used in the business of collecting old wares,
- he shall be guilty of an offence under this Act.
- License not to be borrowed.
- Dealers only to purchase old wares.
- No one but a licensed collector to accompany truck.

PART III.

Miscellaneous.

14. Every person ceases to be licensed on the expiration, cancellation, or forfeiture of his license.
15. 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 until the contrary be proved by the production of a license or otherwise.
16. Old wares shall be deemed to be in the possession of a second-hand dealer when they are placed in any house, outhouse, yard, garden, or place occupied by him, or have been removed with his knowledge and permission to any other place without a bona fide sale of such old wares having been made by him.
17. Every entry in any book kept or belonging to any second-hand dealer, or found on his licensed premises, shall be deemed, unless the contrary be shown, to have been made by or with the authority of such dealer.
18. Any stipendiary or police magistrate or two justices of the peace sitting in open court may, on the complaint of any person that any licensed person has been guilty of any violation of any of the provisions of this Act, or of any regulations, or that such person is in any other respect unfit to hold any license, cancel such license by any order under his or their hands and seals.
19. The clerk of any court at which any license is granted, permitted to be transferred, or cancelled, shall enter particulars of the same in a register to be kept in such court, and shall send a copy of such
- Ceasing to be licensed. South Australian Act, 1899, No. 716, s. 15.
- Presumption that persons unlicensed. *Ibid.* s. 17.
- Presumption of possession of old wares. *Ibid.* s. 18.
- Entries in dealer's books deemed made by him. *Ibid.* s. 19.
- Licenses may be revoked. *Ibid.* s. 20.
- Register to be kept. *Ibid.* s. 21.

Second-hand Dealers and Collectors.

such entries to the senior officer of the police district in which such court is situated, who shall cause the same to be entered in a register to be kept at his office and at any other place which may be prescribed.

Inspectors, &c., to
visit dealers'
premises.

South Australian
Act, 1899, No. 716
s. 22.

20. Any officer of the police force above the rank of senior constable, may, at any time by day or night, demand entrance into the place of business of any second-hand dealer, or the appurtenances thereof, and inspect the old wares and books of any such dealer therein, and may record in the books by this Act required to be kept the day and hour of his visit, and write his initials or name opposite the entry relating to any article examined by him.

If, after demand, admittance be refused or be delayed for such time as shall make it appear that wilful delay was intended, the offender shall be guilty of an offence under this Act, and such officer of the police force may break into such place of business or the appurtenances thereof.

Constable may be
authorised to search
dealer's premises.

21. Any justice of the peace, upon complaint made before him by any person that the complainant has reason to believe, and does believe, that any old wares stolen or unlawfully obtained are kept in any house, shop, room, or place by any second-dealer, may, by warrant, authorise any member of the police force, with such assistance as may be necessary, to enter such house, shop, room, or place, either by day or night, and to search for and seize all such old wares there found, and to carry the same before the same or some other justice, and such justice shall thereupon issue a summons requiring such dealer to appear before such justices as may be present at a time and place to be named in such summons, and if such dealer does not then and there prove to the satisfaction of such justices how he came by such wares, or if it is proved to the satisfaction of such justices that at the time such dealer received such wares, or any of them, he had reasonable cause to believe them, or some of them, to have been stolen or unlawfully obtained, then, and in either of such cases, such dealer shall be liable to a penalty not exceeding ten pounds, or, at the discretion of such justices, to imprisonment with or without hard labour for a term not exceeding three months:

Provided always that nothing herein contained shall interfere with or affect any proceeding as for an indictable offence to which such dealer may be liable for feloniously and knowingly receiving stolen goods, but no person shall be prosecuted for an indictable offence and proceeded against under this Act upon the same facts.

Suspicious offering
of old wares.
Cf. *Ibid.* 24.

22. In case any person who offers to any second-hand dealer, his servant, or agent by way of sale or exchange, any old wares, is unable or refuses to give a satisfactory account of himself or of the means by which he came possessed of such wares, or wilfully gives any false information to such dealer, or to his servant, or agent as to whether such wares are his own property or not, or of his name

or

Second-hand Dealers and Collectors.

or place of abode, or of the name and place of abode of the owner of the said wares, or if there is any other reason to suspect that such wares are stolen or otherwise illegally or clandestinely obtained, such dealer, or his servant, or agent to whom such wares are so offered may seize and detain such person and the said wares, and deliver such person immediately into the custody of a constable or other police officer, who shall as soon as practicable convey such person and the said wares so offered before a court near to the place where such person was apprehended; and if upon examination and inquiry, it appears to the satisfaction of the court that the said wares were stolen or illegally or clandestinely obtained, such person shall be deemed guilty of an offence under this Act.

23. All proceedings against any person accused of an offence against this Act may be heard and determined in a summary manner by the court before which he is brought, and any person convicted of such an offence shall be liable to a penalty not exceeding ten pounds. Proceedings.

24. The Governor may make regulations for prescribing— Regulations.

- (1) the form, manner, and place of registration of licenses, renewals, cancellations and other matters requiring registration under this Act, where not specially provided for in this Act; South Australian Act, 1899, No. 716, s. 30.
- (2) means for circulating throughout New South Wales generally, or any part thereof, lists of licenses and revocations and forfeitures thereof;
- (3) all such observances as may not be specifically provided for in this Act and which the Governor considers it desirable that collectors should comply with in carrying on their business;
- (4) the manner in which any truck used by any collector shall be painted or otherwise distinguished, and the mode of painting or otherwise marking the name and address of the owner, whether a collector or second-hand dealer, upon such truck, and of numbering and marking the number upon any truck;
- (5) the maximum amount which may be taken by any second-hand dealer from a collector for the use or hire of any truck;
- (6) the manner and situation in which the names of second-hand dealers shall be painted upon the premises upon which they are licensed to carry on their business as second-hand dealers;

and generally for carrying into effect the provisions of this Act.

And may in such regulations impose penalties not to exceed in any case the sum of ten pounds for any breaches thereof.

Second-hand Dealers and Collectors.

All such regulations shall be published in the Gazette, and shall within fourteen days after such publication be laid before Parliament, if then in session, and if not, then within fourteen days after the next ensuing session. Upon such publication, if not disallowed by either House of Parliament, such regulations shall have the full force of law.

SCHEDULES.

Section 4.

FIRST SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Second-hand dealer's license.

Whereas A.B., of [*address and description*], has applied to us for a license to act as a dealer: Now, we, being satisfied that the said A.B. is a fit person to have such license granted to him, do hereby authorise and empower him, the said A.B., to act as a second-hand dealer, and to carry on the business of dealing in, and buying and selling, old wares at the premises occupied by him in [*name of street and name of place*], and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the date hereof.

Given under our hand and the seal of the said court, at _____, the
day of _____, 19 _____.

Registered No. _____ (L.S.)
Clerk of the court at [*name of court.*]

Section 8,
subsection (3).

SECOND SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of trucks, handcarts, carts, or vehicles lent or let out on hire.

Name of collector to whom truck, &c., lent or let on hire.	Date on which truck, &c., lent or let on hire.	Whether on hire or gratuitously; and if on hire, at what price.	Period for which truck, &c., is lent or let.	No. on trucks, &c., lent or let on hire.

Section 8,
subsection (4).

THIRD SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of purchases and receipts.

Day of purchase or receipt, and hour of day.	Description of old wares purchased or received.	Name and surname of person by or through whom purchased or received.	Name and surname of person from whom purchased or received.	Business and place of abode of person from whom purchased or received.

FOURTH

Second-hand Dealers and Collectors.

FOURTH SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Section 8, subsection (5).

Entry of sales and dispositions.

Day of sale.	Description of old wares sold or disposed of.	Name and surname of person by or through whom sold or disposed of.	Name and surname of person to whom sold or disposed of.	Business and place of abode of person to whom sold or disposed of.

FIFTH SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Section 10.

Application for collector's license.

I, A.B. [*address and description*], do hereby declare that I am of the full age of fourteen years, and apply for a collector's license under the above Act; and I undertake, if the said license be issued to me, to observe faithfully all the provisions of the said Act and the regulations made thereunder. Attached is the police certificate required by the said Act.

Dated the day of , 19 .

[*Signature of applicant.*]

Police certificate in support of collector's license.

I, C.D. [*here state police rank*] hereby certify that the above named [*name of applicant*] is a fit person to receive a collector's license under the above-named Act.

Dated the day of , 19 .

[*Signature.*]

SIXTH SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Section 10.

Collector's license.

A.B., of [*address and description*], is authorised and empowered to act as a collector, and to carry on the business of collecting old wares within all parts of the State of New South Wales; and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the date hereof.

Granted at , this day of , 19 .

Registered No.

(L.S.)

(Signed.)

Clerk of the Court at .

This license is not to be let on hire or lent to any person.

The collector, if he change his abode, must report his new place of abode to the police officer of the station nearest to the same and to the police officer of the station nearest to his last former place of abode.

Specially notice.—This license is subject to cancellation or forfeiture if the collector be guilty of any breach of the Act or any regulation, or of any improper conduct whatever.

By Authority: WILLIAM APPEGATE GULLICK, Government Printer, Sydney, 1906.

[9d.]

Secretary's Report and Comments

Section 1

THE YEAR 1900

During the year 1900 the following...

Work of the year...

The following table shows the results of the work...

Section 2

THE YEAR 1900

During the year 1900 the following...

Work of the year...

The following table shows the results of the work...

[Signature]

Section 3

THE YEAR 1900

During the year 1900 the following...

Work of the year...

The following table shows the results of the work...

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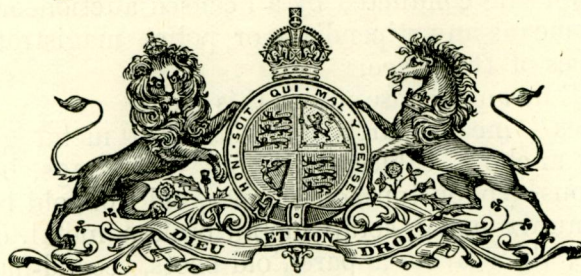
This report is not to be taken as a statement of the work...

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 7 December, 1906. }*

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO SEXTO

EDWARDI VII REGIS.

Act No. 30, 1906.

An Act to provide for the licensing and regulation of second-hand dealers in and collectors of certain old wares; to regulate the sale of second-hand articles and old wares; to amend the Early Closing Act, 1899, and the Early Closing (Amendment) Act, 1900; and for other purposes. [Assented to, 12th December, 1906.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the "Second-hand Dealers and Short title. Collectors Act, 1906," and shall come into force on the first day of January, one thousand nine hundred and seven. **2.**

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. H. WOOD,
Chairman of Committees of the Legislative Assembly.

Second-hand Dealers and Collectors.

Definition.

2. In this Act, unless inconsistent with the subject-matter or context, the following terms have the meanings hereinafter respectively assigned to them (that is to say) :—

Collector.

“Collector” means any person engaged in collecting old wares of any kind, whether on his own behalf or on behalf of an employer, for the purposes of sale or trade, but shall not include a person who buys old wares at a bona fide advertised auction sale conducted by a licensed auctioneer.

“Court” means any stipendiary or police magistrate, or any two justices of the peace.

“License” means license under this Act.

Special wares.

“Old wares” means partly-manufactured metal goods, second-hand anchors, cables, sails, old junk, rags, bones, bottles, syphons, syphon tops, old copper, old iron, old brass, old lead, old muntz metal, scrap metal, broken metal, defaced metal goods, old wearing apparel, old boots, second-hand furniture, second-hand tools, second-hand drapery goods, second-hand jewellery, and old stores of every description.

“Ship-chandler” means any shopkeeper in a seaport town whose principal business is the sale of cordage, canvas, and other furniture, and general necessaries of ships.

Second-hand dealer.

“Second-hand dealer” means any person, other than a ship-chandler or ship-owner, who carries on the business of dealing in or buying and selling old wares of any kind, whether such person deals in any other goods or not.

“Truck” means truck, handcart, cart, barrow, or vehicle of any kind whatsoever.

PART I.

Second-hand dealers.

Dealers must be licensed.

South Australian Act 1899, No. 716, s. .

Application for dealer's license or transfer.

Ibid. s. 9.

3. Any person who carries on business as a second-hand dealer without being licensed so to do shall be guilty of an offence under this Act.

4. A second-hand dealer's license, in the Form in the First Schedule hereto, may be granted and issued, and a transfer thereof to any person or premises may be permitted by the court nearest to the premises in respect of which the license is applied for or was granted.

Such license, unless sooner cancelled, shall remain in force for one year from the date on which it was issued, but may, on application to a court in the prescribed manner, be renewed from year to year as the court thinks fit. The sum of one pound shall be paid for every such license, and for every renewal thereof.

5.

Second-hand Dealers and Collectors.

5. No second-hand dealer's license shall be granted or issued, nor shall any transfer thereof be permitted, unless the applicant therefor, ten days at the least before his application, gives or sends by registered letter to the clerk of the court at which he intends to apply, and to the senior officer of the police district in which his premises are situated or in which he resides, a notice in writing signed by him of his intention to apply for the same, setting forth his name and address and the place where his business is intended to be carried on. Such officer or any person authorised by him, may show cause against the granting of any such application.

Notice of application for license or transfer thereof.
South Australian Act, 1899, No. 716, s. 10.

Police may show cause.

6. Every application for permission to transfer a second-hand dealer's license to any person shall be made by the proposed transferee.

Proposed transferee to be applicant.
Ibid. s. 11.

7. When the transfer of a second-hand dealer's license to any person or premises is permitted, the fact and date of such permission, and the name and description of the person to whom, or description of the premises to which, the license is permitted to be transferred, shall be indorsed upon such license, and the person named as the transferee, or the premises described in such indorsement, shall thereupon and thenceforth for all purposes be deemed to be the person to whom or the premises in respect of which the license was granted.

Indorsement of permission to transfer.
Ibid. s. 12.

8. If any licensed second-hand dealer does not—

- (1) cause to be painted and kept painted in such manner as may be prescribed his name in full, and the words "licensed dealer in old wares" upon some conspicuous part of the outside of the premises in respect of which his license is granted; and
- (2) enter in a book, in the form in the Second Schedule to this Act, the name of every person to whom he shall lend or let on hire, whether gratuitously or otherwise, any truck, and the date when and the period for which such truck was lent or let on hire, and the amount (if any) charged for such lending or hire; and
- (3) keep a book in the form of the Third Schedule hereto, and enter correctly therein all particulars mentioned in such Schedule; and
- (4) keep a book, in the form of the Fourth Schedule hereto, and enter correctly therein all particulars mentioned in such Schedule; and
- (5) produce to any member of the police force, whenever requested, the book or books by this Act required to be kept by him, and any old wares purchased or received by him then in his possession; and
- (6) without delay give notice to the officer on duty at the police station nearest to any place where he carries on business of any article which may come into his possession answering

Name, &c., to be painted on outside of premises.

Ibid. s. 13.

Entry to be made on letting truck.

Book to be kept showing old wares purchased or received.

Book to be kept showing old wares sold or disposed of.

Dealer to inform police when articles supposed to be stolen come into his possession.

the

Second-hand Dealers and Collectors.

the description of any article described as having been stolen, embezzled, or fraudulently obtained, in any written or printed or verbal information given to him by any member of the police force; and

Form of old wares not to be changed for five days.

- (7) keep all old wares purchased or received by him, excepting old wares purchased from a licensed auctioneer, without changing the form in which they were when so purchased, or disposing of the same in any way for a period of five days after such wares have been purchased or received,

he shall be guilty of an offence under this Act.

Dealer to carry on business on licensed premises only.

9. If any licensed second-hand dealer—

Dealer to produce license.

- (1) carries on the business of a second-hand dealer upon any other premises than those to which his license applies; or
 (2) at any time upon demand made to him, upon any part of the premises upon which he carries on the business of a second-hand dealer, by any member of the police force, refuses or, without reasonable excuse, fails to produce and show his license in force at the time of such demand; or

South Australian Act, 1899, No. 716, s. 14.

Trucks to be lent to licensed collectors only.

- (3) lends or lets on hire any truck to any person other than a licensed collector; or

Not to make excessive charge for use of trucks.

- (4) charges for the use or hire of any truck any sum exceeding the maximum amount prescribed; or

Old wares not to be purchased from persons under fourteen.

- (5) by himself or any other person on his behalf purchases or receives any old wares from any person apparently under the age of fourteen years; or

Restriction on purchase or receipt of special wares.

- (6) by himself or any other person on his behalf carries on business before the hour of seven o'clock in the morning,

he shall be guilty of an offence under this Act.

Second-hand Dealers and Collectors.

PART II.

Collectors.

10. (1) Any person carrying on the business of a collector and wishing to obtain a collector's license shall deliver to the clerk of a court within the police district in which he resides an application in form contained in the Fifth Schedule hereto, together with a certificate signed by an officer of police of or above the rank of sergeant stationed in the said district, in the form contained in the Fifth Schedule.

Collectors to be licensed.
South Australian Act, 1899, No. 716, s. 3.

(2) Upon such application the court may issue a license in the form of the Sixth Schedule hereto: Provided always that no such license shall be issued to any person under the age of fourteen years.

No license to be issued to persons under the age of fourteen years.

(3) Such license shall entitle the holder thereof to carry on the business of collector in all parts of the state, and unless sooner cancelled shall continue in force for one year from the date on which it was issued, but may, on a similar application and with a like certificate, be renewed from year to year as the court thinks fit.

Effect and duration of license.

(4) There shall be payable in respect of every such license, and of every annual renewal thereof, the fee of one shilling.

Fee.

11. If any collector shall not—

- (1) within seven days after being licensed, leave the address of his place of abode in writing, signed by him, with the officer in charge of the police station nearest to the place of such address, and also within the same period, report himself and exhibit his license to such police officer; and
- (2) whenever and so often as he changes his place of abode, notify by writing, signed by him, such change to the officer in charge of the police station at which he had left his address in compliance with the last preceding subsection within seven days after having so changed his abode; and
- (3) at any time, upon demand, produce his license to any member of the police force, or to any person from whom he has within twenty-four hours previously bought or offered to buy, or collected or offered to collect, any old wares without reasonable excuse; and
- (4) unless he shall sooner sell the same to a licensed dealer, keep all old wares other than bottles purchased or received by him, or old wares purchased from a licensed auctioneer, in the same state and condition as they were in when so purchased or received for four days at least next after such purchase or receipt, or if he sell the same within the said period, deliver the same to the licensed dealer purchasing the same in the same state and condition as when purchased or received,

Collector to leave address with police officer and report himself.

Ibid. s. 5.

Change of address to be notified to police.

License to be produced on demand.

Special wares to be kept for four days.

he shall be guilty of an offence under this Act.

12.

Second-hand Dealers and Collectors.

Licenses not to be let out.
South Australian Act, 1899, No. 716, s. 6.
Collectors to sell to licensed dealers only.

Collectors to observe certain hours.

Trucks to have address on them.

Two persons only to attend truck.

Collectors not to enter premises without permission.

To depart when directed.

Not to use offensive language or behaviour.

License to be void on second conviction.

May be arrested without warrant.

Collectors to be licensed. *Ibid.* s. 7.

12. If any collector—

- (1) lends or lets out on hire his license to any person whomsoever, whether licensed or not; or
- (2) sells or otherwise disposes of any old wares other than bottles, syphons, or syphon tops to any person other than a licensed second-hand dealer; or
- (3) sells or otherwise disposes of bottles, syphons, or syphon tops which bear a registered trade mark to any person other than a licensed second-hand dealer or the owner of such registered trade mark or his agent; or
- (4) carries on his business of collecting old wares or of buying or selling the same before seven o'clock in the morning, or after six o'clock at night; or
- (5) uses any truck for the purposes of his business which shall not have painted or marked upon it in such manner, and with such letters, as may be prescribed, a number, and also the name in full and the address of the owner thereof, whether the collector using the truck shall be the owner or not; or
- (6) allows any person other than a licensed collector, or allows more than one licensed collector, to accompany him when using a truck in the business of collecting old wares; or
- (7) enters any premises without the permission of the owner or occupier thereof; or
- (8) having entered upon any premises, with or without the permission of the owner or occupier thereof, neglects or refuses to immediately leave such premises when directed to do so by such owner or occupier or his servant or agent; or
- (9) uses insulting or offensive language, or is guilty of insulting behaviour, whilst in pursuit of his occupation as a collector in any place, whether private or public,
he shall be guilty of an offence under this Act.

On a second conviction for any offence against subsection one of this section the offender's license shall be from thenceforth forfeited and void, and he shall be thenceforth incapable of holding a collector's license.

Any person may, without warrant, arrest any offender against any of the provisions of subsections seven and eight of this section and deliver him into the custody of any member of the police force, who shall then apprehend such offender and take him in due course before any court to be dealt with for his offence.

13. If any person—

- (1) acts as a collector without being licensed so to do; or

(2)

Second-hand Dealers and Collectors.

- (2) hires or borrows or acts as a collector with or under colour of any license issued to any other person, or of any license in which his own real name is not inserted as the name of the person to whom the same is granted; or License not to be borrowed.
- (3) not being a licensed second-hand dealer, purchases or receives from any collector any old wares other than bottles, syphons, or syphon tops; or Dealers only to purchase old wares.
- (4) not being a licensed collector, accompanies any truck then being used in the business of collecting old wares, he shall be guilty of an offence under this Act. No one but a licensed collector to accompany truck.

PART III.

Miscellaneous.

14. Every person ceases to be licensed on the expiration, cancellation, or forfeiture of his license. Ceasing to be licensed. South Australian Act, 1899, No. 716, s. 15.

15. 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 until the contrary be proved by the production of a license or otherwise. Presumption that persons unlicensed. Ibid. s. 17.

16. Old wares shall be deemed to be in the possession of a second-hand dealer when they are placed in any house, outhouse, yard, garden, or place occupied by him, or have been removed with his knowledge and permission to any other place without a bona fide sale of such old wares having been made by him. Presumption of possession of old wares. Ibid. s. 18.

17. Every entry in any book kept or belonging to any second-hand dealer, or found on his licensed premises, shall be deemed, unless the contrary be shown, to have been made by or with the authority of such dealer. Entries in dealer's books deemed made by him. Ibid. s. 19.

18. Any stipendiary or police magistrate or two justices of the peace sitting in open court may, on the complaint of any person that any licensed person has been guilty of any violation of any of the provisions of this Act, or of any regulations, or that such person is in any other respect unfit to hold any license, cancel such license by any order under his or their hands and seals. Licenses may be revoked. Ibid. s. 20.

19. The clerk of any court at which any license is granted, permitted to be transferred, or cancelled, shall enter particulars of the same in a register to be kept in such court, and shall send a copy of such Register to be kept. Ibid. s. 21.

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such entries to the senior officer of the police district in which such court is situated, who shall cause the same to be entered in a register to be kept at his office and at any other place which may be prescribed.

Inspectors, &c., to
visit dealers'
premises.
South Australian
Act, 1899, No. 716
s. 22.

20. Any officer of the police force above the rank of senior constable, may, at any time by day or night, demand entrance into the place of business of any second-hand dealer, or the appurtenances thereof, and inspect the old wares and books of any such dealer therein, and may record in the books by this Act required to be kept the day and hour of his visit, and write his initials or name opposite the entry relating to any article examined by him.

If, after demand, admittance be refused or be delayed for such time as shall make it appear that wilful delay was intended, the offender shall be guilty of an offence under this Act, and such officer of the police force may break into such place of business or the appurtenances thereof.

Constable may be
authorised to search
dealer's premises.

21. Any justice of the peace, upon complaint made before him by any person that the complainant has reason to believe, and does believe, that any old wares stolen or unlawfully obtained are kept in any house, shop, room, or place by any second-dealer, may, by warrant, authorise any member of the police force, with such assistance as may be necessary, to enter such house, shop, room, or place, either by day or night, and to search for and seize all such old wares there found, and to carry the same before the same or some other justice, and such justice shall thereupon issue a summons requiring such dealer to appear before such justices as may be present at a time and place to be named in such summons, and if such dealer does not then and there prove to the satisfaction of such justices how he came by such wares, or if it is proved to the satisfaction of such justices that at the time such dealer received such wares, or any of them, he had reasonable cause to believe them, or some of them, to have been stolen or unlawfully obtained, then, and in either of such cases, such dealer shall be liable to a penalty not exceeding ten pounds, or, at the discretion of such justices, to imprisonment with or without hard labour for a term not exceeding three months:

Provided always that nothing herein contained shall interfere with or affect any proceeding as for an indictable offence to which such dealer may be liable for feloniously and knowingly receiving stolen goods, but no person shall be prosecuted for an indictable offence and proceeded against under this Act upon the same facts.

Suspicious offering
of old wares.
Cf. *Ibid.* 24.

22. In case any person who offers to any second-hand dealer, his servant, or agent by way of sale or exchange, any old wares, is unable or refuses to give a satisfactory account of himself or of the means by which he came possessed of such wares, or wilfully gives any false information to such dealer, or to his servant, or agent as to whether such wares are his own property or not, or of his name

or

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or place of abode, or of the name and place of abode of the owner of the said wares, or if there is any other reason to suspect that such wares are stolen or otherwise illegally or clandestinely obtained, such dealer, or his servant, or agent to whom such wares are so offered may seize and detain such person and the said wares, and deliver such person immediately into the custody of a constable or other police officer, who shall as soon as practicable convey such person and the said wares so offered before a court near to the place where such person was apprehended; and if upon examination and inquiry, it appears to the satisfaction of the court that the said wares were stolen or illegally or clandestinely obtained, such person shall be deemed guilty of an offence under this Act.

23. All proceedings against any person accused of an offence against this Act may be heard and determined in a summary manner by the court before which he is brought, and any person convicted of such an offence shall be liable to a penalty not exceeding ten pounds. Proceedings.

- 24.** The Governor may make regulations for prescribing— Regulations.
- (1) the form, manner, and place of registration of licenses, renewals, cancellations and other matters requiring registration under this Act, where not specially provided for in this Act; South Australian Act, 1899, No. 716, s. 80.
 - (2) means for circulating throughout New South Wales generally, or any part thereof, lists of licenses and revocations and forfeitures thereof;
 - (3) all such observances as may not be specifically provided for in this Act and which the Governor considers it desirable that collectors should comply with in carrying on their business;
 - (4) the manner in which any truck used by any collector shall be painted or otherwise distinguished, and the mode of painting or otherwise marking the name and address of the owner, whether a collector or second-hand dealer, upon such truck, and of numbering and marking the number upon any truck;
 - (5) the maximum amount which may be taken by any second-hand dealer from a collector for the use or hire of any truck;
 - (6) the manner and situation in which the names of second-hand dealers shall be painted upon the premises upon which they are licensed to carry on their business as second-hand dealers;

and generally for carrying into effect the provisions of this Act.

And may in such regulations impose penalties not to exceed in any case the sum of ten pounds for any breaches thereof.

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All such regulations shall be published in the Gazette, and shall within fourteen days after such publication be laid before Parliament, if then in session, and if not, then within fourteen days after the next ensuing session. Upon such publication, if not disallowed by either House of Parliament, such regulations shall have the full force of law.

SCHEDULES.

Section 4.

FIRST SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Second-hand dealer's license.

Whereas A.B., of [address and description], has applied to us for a license to act as a dealer: Now, we, being satisfied that the said A.B. is a fit person to have such license granted to him, do hereby authorise and empower him, the said A.B., to act as a second-hand dealer, and to carry on the business of dealing in, and buying and selling, old wares at the premises occupied by him in [name of street and name of place], and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the date hereof.

Given under our hand and the seal of the said court, at _____, the
day of _____, 19 _____.

Registered No. _____

(L.S.)

Clerk of the court at [name of court].

Section 8, subsection (3).

SECOND SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of trucks, handcarts, carts, or vehicles lent or let out on hire.

Name of collector to whom truck, &c., lent or let on hire.	Date on which truck, &c., lent or let on hire.	Whether on hire or gratuitously; and if on hire, at what price.	Period for which truck, &c., is lent or let.	No. on trucks, &c., lent or let on hire.

Section 8, subsection (4).

THIRD SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of purchases and receipts.

Day of purchase or receipt, and hour of day.	Description of old wares purchased or received.	Name and surname of person by or through whom purchased or received.	Name and surname of person from whom purchased or received.	Business and place of abode of person from whom purchased or received.

FOURTH

Second-hand Dealers and Collectors.

FOURTH SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Entry of sales and dispositions.

Section 8, subsection (5).

Day of sale.	Description of old wares sold or disposed of.	Name and surname of person by or through whom sold or disposed of.	Name and surname of person to whom sold or disposed of.	Business and place of abode of person to whom sold or disposed of.

FIFTH SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Application for collector's license.

Section 10.

I, A.B. [*address and description*], do hereby declare that I am of the full age of fourteen years, and apply for a collector's license under the above Act; and I undertake, if the said license be issued to me, to observe faithfully all the provisions of the said Act and the regulations made thereunder. Attached is the police certificate required by the said Act.

Dated the _____ day of _____, 19 .

[*Signature of applicant.*]*Police certificate in support of collector's license.*

I, C.D. [*here state police rank*] hereby certify that the above named [*name of applicant*] is a fit person to receive a collector's license under the above-named Act.

Dated the _____ day of _____, 19 .

[*Signature.*]

SIXTH SCHEDULE.

SECOND-HAND DEALERS AND COLLECTORS ACT, 1905.

Collector's license.

Section 10.

A.B., of [*address and description*], is authorised and empowered to act as a collector, and to carry on the business of collecting old wares within all parts of the State of New South Wales; and this license shall (unless the same be sooner cancelled or forfeited) be and continue in force for one year from the date hereof.

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

Registered No. _____ (L.S.)

(Signed.)

Clerk of the Court at _____

This license is not to be let on hire or lent to any person.

The collector, if he change his abode, must report his new place of abode to the police officer of the station nearest to the same and to the police officer of the station nearest to his last former place of abode.

Specially notice.—This license is subject to cancellation or forfeiture if the collector be guilty of any breach of the Act or any regulation, or of any improper conduct whatever.

In the name and on the behalf of His Majesty I assent to this Act.

HARRY H. RAWSON,
Governor.

State Government House,
Sydney, 12th December, 1906.

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Section 10

Section 10
Section 10

Name and address of person or persons at disposal of	Name and address of person to whom disposed of	Date of disposal	Description of goods disposed of

Section 10

FIFTH SCHEDULE

SECOND-BAND DEALERS AND COLLECTORS ACT, 1906

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SIXTH SCHEDULE

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HARRY J. LAWSON
Governor

State Government Building
Savannah, 12th December, 1906