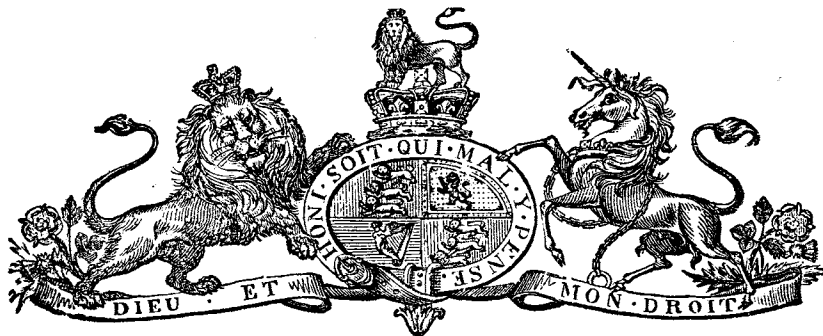


T A S M A N I A.



1859.

ANNO VICESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 17.



AN ACT for the further Prevention of Sheep and Cattle stealing. [23 September, 1859.]

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

1 In the construction and for the purposes of this Act, and of all proceedings under this Act, the following expressions shall have the meanings hereunder assigned to them :— Interpretation.

“Tanner” shall mean and include Fellmonger and Dealer in Skins : “Tanner.”

“Hawker” and “Carrier” shall mean a person licensed as such by virtue of the provisions of the Act of Council of the 6th *William* the 4th, No. 7 : “Hawker” “Carrier.”

“Liquor” shall mean ale, beer, and any other malt liquor, and wine, cider, brandy, gin, rum, whiskey, and any other spirituous or fermented liquor, except ginger-beer and spruce beer, and any mixed liquor part of which is malt liquor or fermented or spirituous liquor : “Liquor.”

“Skin” shall mean and include the skins of sheep and cattle. “Skin.”

2 It shall not be lawful for the same person to be licensed both as a Hawker and Carrier : Provided, that nothing herein contained shall in any manner affect any Licence issued before the commencement of this Act. Same person not to be both Hawker and Carrier.

Hawkers not to carry Wool, Skins, or Liquor.

3 No Hawker, when absent from his usual residence, shall, under any pretence or for any purpose whatsoever, have in his possession, or carry about, any Wool or Skins, or Liquor in any quantity exceeding One Quart, under a penalty not exceeding Fifty Pounds.

Hawkers' Packs, &c., may be searched for Wool, &c., unlawfully carried.

4 It shall be lawful for any Justice of the Peace or for any Constable, and for every person acting in the aid of any such Justice or Constable, to detain and search the vehicle or pack of any Hawker for Wool, Skins, or Liquor which he may suspect to be in the possession of or to be carried about by such Hawker contrary to the provisions of this Act, without any Warrant or other authority than this Act for so doing; and if any Wool, Skin, or Liquor is found in the possession of or carried about by such Hawker contrary to this Act, it shall be lawful for such Justice or Constable forthwith to apprehend such Hawker and to keep him in safe custody, and to seize and detain such Wool, Skin, or Liquor so by him unlawfully had in possession or carried about, and the vehicle, if any, in which the same may be, and the animals drawing such vehicle, or the animal, if any, carrying such pack, as the case may be, in order that such Hawker may be brought before any Two or more Justices of the Peace to answer for such offence; and if any person molests or obstructs any such Justice or Constable, or any person acting in his aid, in detaining or searching any such vehicle or pack, or in apprehending such Hawker, or in seizing or detaining any such Wool, Skins, or Liquor, or vehicle or animal, he shall incur a penalty not exceeding Fifty Pounds, and may be immediately apprehended and kept in safe custody until he can be brought before any Two or more Justices of the Peace to be dealt with according to Law.

Wool, &c. unlawfully carried to be forfeited.

5 All Wool, Skins, or Liquor proved to have been unlawfully in the possession of or carried about by any Hawker shall be adjudged by the convicting Justices to be forfeited, and the same shall be sold by public auction, by any Constable or other person directed so to do by such Justices, and the proceeds thereof shall be applied in aid of the General Revenue.

Coasters, River-craft, and vehicles may be searched for stolen Wool and Skins.

6 It shall be lawful for any Justice of the Peace, or for any Constable above the rank of a Petty Constable, who has reason to suspect that any stolen Wool or Skin is on board of any vessel employed in the Coasting or River trade, or in any vehicle, or in any pack on any animal, and for every person acting in the aid of such Justice or Constable, to detain and search such vessel, vehicle, or pack, without any Warrant or other authority than this Act for so doing; and if any Wool or Skin which is suspected to have been stolen, or any Skin from which the brand or mark has been obliterated, cut out, or removed, or having the brand or mark thereon in any manner defaced, injured, or altered, is found on board such vessel, or in such vehicle or pack, it shall be lawful for such Justice or Constable to seize and detain such Wool or Skin, and, if necessary for removing the same to some secure place, to seize and employ any such vehicle and the animals drawing the same, or the animal carrying any such pack, as the case may be, for such purpose; and such Wool or Skin shall forthwith be taken before some Justice of the Peace, and, if such Justice so directs, shall be detained until it is ascertained to whom the same belongs; and if any person molests or obstructs any such Justice or Constable, or any person acting in his aid, in detaining or searching any such vessel, vehicle, or pack, or in seizing, detaining, or removing any such Wool or Skin, or seizing or employing any such vehicle or animal, he shall incur a penalty not exceeding Fifty Pounds.

7 If the owner of any Wool or Skin which is so seized and detained as last aforesaid does not, within Three months after such seizure, claim such Wool or Skin, and establish his right thereto, the same shall be sold by public auction by any Constable or other person in that behalf authorised by any Justice of the Peace; and the proceeds of every such sale shall be applied in aid of the General Revenue: Provided, that no such Wool or Skin shall be directed to be so sold unless a notice of the seizure, specifying the quantity of Wool or Skins seized, and also, if possible, any distinctive marks or brands thereon, has been published in Two consecutive numbers of the *Gazette*.

Wool and Skins seized may be sold if not claimed.

8 Every person who carries on the business of a Tanner without having obtained a Tanner's Licence in manner hereinafter directed shall incur a penalty not exceeding Twenty Pounds.

Tanners to be licensed.

9 Every such Tanner's Licence shall be granted by the Inspector of Police under his hand, and may be in the form contained in the Schedule; and shall, without reference to the time when the same is granted, be in force until the First day of *January* next ensuing the granting thereof and no longer; and the Inspector of Police is hereby authorised to charge and receive for every such Licence the sum of Five Shillings, which sum shall be applied in aid of the General Revenue.

Mode of obtaining Tanner's Licence.

10 Every person holding a Tanner's Licence under this Act shall keep a Book in which shall be entered in the order of receipt an account of the quantity, marks, and brands of all Skins and Skin Wool received by such person, the name of the person from whom such Skins or Skin Wool were received, and the date of such receipt, which Book shall be open to the inspection of any Justice of the Peace or Constable above the rank of a Petty Constable at all reasonable times; and if any person holding any such Licence as aforesaid neglects to keep such Book as aforesaid, or to make any such entry in manner aforesaid, or wilfully or knowingly makes any false entry in such Book, or refuses or neglects to produce such Book to any Justice or other Constable as aforesaid when required so to do at any reasonable time, or in any manner obstructs such Justice or Constable in making any extract therefrom, such person so offending shall incur a penalty not exceeding Twenty Pounds.

Skins and Wool received by Tanners to be entered in a Book.

11 It shall be lawful for any Justice of the Peace, or any Constable above the rank of a Petty Constable, either alone or attended by any Constables or other persons, to enter and search the house or premises in or on which the business of any person holding a Tanner's Licence under this Act is carried on, at any hour by day, without Warrant; and if any person refuses to admit or wilfully delays admitting any such Justice of the Peace or Constable above the rank of a Petty Constable, or other Constable or person as aforesaid, he shall incur a penalty not exceeding Twenty Pounds.

Tanners' premises may be searched.

12 All offences against this Act shall be heard and determined in a summary way by and before any Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*; and any person aggrieved by any summary conviction under this Act may appeal therefrom in the manner provided by *The Appeals Regulation Act*.

Recovery of penalties.
19 Vict. No. 8.
Appeal.
19 Vict. No. 10.

13 In any proceeding against a Hawker for any offence against the said recited Act of the 6th *William* the 4th, No. 7, or the Act of Council of the 10th *Victoria*, No. 15, or this Act, it shall be lawful for the Court, in addition to any other punishment which such Hawker

Convicting Justices may cancel Hawker's Licence.

may have incurred by reason of such offence, to order and adjudge that his Licence shall be cancelled, in which event such Licence shall thereupon become and be absolutely void.

In default of payment of penalty offender liable to imprisonment.

14 In case of the non-payment of the penalty imposed for any offence against this Act, the person offending shall be liable to be imprisoned, with or without hard labour, for any term not exceeding Six months, unless such penalty and all costs are sooner paid.

Protection of persons executing Act.

15 No Action shall lie against any person for any thing done in pursuance of this Act unless notice in writing of such Action, and of the cause thereof, is given to the Defendant One month at least before the commencement of the Action, and such Action is commenced within Three months after the cause of Action has accrued; and in any such Action the Defendant may plead the general issue, and give this Act and the special matter in evidence; and the Plaintiff shall not recover in any such Action if tender of sufficient amends has been made before Action brought, or if a sufficient sum of money has been paid into Court after Action brought; and if a verdict passes for the Defendant, or the Plaintiff becomes nonsuit or discontinues such Action, or if upon demurrer or otherwise judgment is given against the Plaintiff, the Defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any defendant has by Law in other cases; and though a verdict is given for the Plaintiff in any such Action, such Plaintiff shall not have costs against the Defendant unless the Judge before whom the case is tried certifies his approbation of the Action, and of the verdict.

Commencement of Act.

16 This Act shall commence and take effect on the First day of *November*, 1859.

Short title.

17 In referring to this Act it shall be sufficient to use the expression *The Sheep and Cattle stealing Prevention Act, 1859.*

S C H E D U L E.

TANNER'S LICENCE.

WHEREAS *A.B.* of _____ has applied to me for a Tanner's Licence, and has paid to me the Fee payable in respect of such Licence: I do therefore hereby grant to the said *A.B.* license to carry on the business of a Tanner, at or near _____

Dated this _____ day of _____ 185 .

J. F.,
Inspector of Police.