

Mr. Houston.

PEDLARS AND HAWKERS.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Certain person deemed pedlar and hawker.</p> <p>4. Pedlar, hawker, and commercial traveller.</p> <p>5. Licenses.</p> <p>6. Certificate of character.</p> <p>7. Form of license.</p> <p>8. Fees for license.</p> <p>9. Local authority may grant license.</p> <p>10. Term of license.</p>	<p>11. Constable may arrest in certain cases without warrant.</p> <p>12. Penalty.</p> <p>13. Fines to be paid to local authority.</p> <p>14. Penalty for hawking liquor.</p> <p>15. Penalties for soliciting order from person not engaged in trade.</p> <p>16. Licenses to extend only within district issuing same.</p> <p>Schedules.</p>
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A BILL INTITULED

AN ACT to provide for the Licensing of Pedlars and Hawkers. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. The Short Title of this Act is "The Pedlars and Hawkers Act, 1901," and it shall come into force on the first day of January, one thousand nine hundred and two. Short Title.

2. In the interpretation hereof the following words and expressions shall respectively have the meanings herein assigned to them :— Interpretation.

15 "Pedlars and hawkers" shall mean every person who travels through the country, either with or without goods or samples of goods, whether representing a wholesale or retail business, and soliciting orders from private individuals or from those not engaged in the trade, and shall also mean and include any person who vends any goods or chattels from any building held under any tenancy of not less than six months' duration:

20 "Commercial traveller" shall mean every person who travels through the country, either with or without goods or samples of goods, as the representative of a wholesale house, and soliciting orders from those engaged in trade only:

25 "Wholesale house" shall mean a house or firm that disposes of their goods only to those engaged in trade:

	“Engaged in trade” shall mean every person engaged in the manufacture of any goods for sale, or in carrying on the business of storekeeper for the sale of goods:	
	“Conveyance” shall mean any vehicle, vessel, or other contrivance of any sort whatsoever, which may be used for the carriage of goods either by land or water:	5
	“Local authority” shall mean the Council or Board of any borough, or town, or county:	
	“Magistrate” shall mean any Stipendiary Magistrate appointed under “The Magistrates’ Courts Act, 1893.”	10
Certain person deemed pedlar and hawker.	3. Every person who carries on business by the sale of goods hawked or carried about in any manner for sale shall be deemed to be a pedlar and hawker under this Act.	
Pedlar, hawker, and commercial traveller.	4. From and after the first day of January, one thousand nine hundred and two, it shall not be lawful for any person in any way to carry on the business of pedlar and hawker, or commercial traveller, except pursuant to the authority of a license issued to him under this Act, and within the district for which license is issued.	15
Licenses.	5. Licenses under this Act shall be of one class, called “local license,” and shall be issued to British subjects only who shall have resided in New Zealand not less than twelve months prior to the date on which the application is lodged with the local authority.	20
Certificate of character.	6. Every applicant for a license under this Act must lodge with the Clerk of the local authority a certificate of character signed by four ratepayers as set forth in <i>First</i> Schedule hereto.	25
Form of license.	7. The license shall be in the form set forth in the <i>Third</i> Schedule hereto, and shall bear the seal of the local authority, and be signed by the Clerk and the Chairman.	
Fees for license.	8. The fees payable for a license under this Act shall be those set forth in the <i>Second</i> Schedule to this Act, and shall be paid to the local authority issuing the license.	30
Local authority may grant license.	9. If the local authority is satisfied that the applicant is a qualified person and of good character, and also that the application has been duly lodged, it may grant the license on payment of the prescribed fee.	
Term of license.	10. Every license shall be in force from the first day of January in each year to the thirty-first day of December in the same year, and shall be renewed on payment of the original fees by the Clerk of the local authority which issued the original license; such renewal to be indorsed on the license.	35
Constable may arrest in certain cases without warrant.	11. Any constable may, without warrant, seize and detain any person not being a licensee under this Act who is found carrying on the business of hawker or commercial traveller, and detain him till the following day for the purpose of proceeding against him for such offence, unless the same can be sooner disposed of.	40
Penalty.	12. Every person found guilty of a breach of this Act shall be liable to a penalty of a sum not exceeding <i>two pounds</i> for a first offence, and for every subsequent offence not less than <i>five pounds</i> .	45
Fines to be paid to local authority.	13. All fines and penalties under this Act shall be paid to the local authority of the district wherein the offence is committed.	
Penalty for hawking liquor.	14. If fermented or spirituous liquor is at any time being hawked or carried about by any one holding a license under this Act, such	50

person shall, on conviction, be liable to a penalty not exceeding *twenty pounds* or *three months'* imprisonment with or without hard labour, and his license shall be declared null and void.

15. If any commercial traveller solicits orders from any one not engaged in trade, he shall, on conviction, be liable to a fine of *five pounds* for the first offence, and *ten pounds* for every succeeding offence, and his license shall be declared null and void.

Penalties for soliciting order from person not engaged in trade.

16. The license issued by each local authority shall only extend to the district issuing the license, and not to any other district.

License to extend only within district issuing same.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

APPLICATION FOR LICENSE.

To the Clerk [*Mention name of the local authority*].

I HEREBY apply for a pedlar's and hawker's [*or commercial traveller's*] license under "The Pedlars and Hawkers Act, 1901," and I enclose the necessary fee with certificate of character as prescribed by the Act.

A. B.

We certify that we have resided in the district for not less than twelve months, and that we are well acquainted with A. B., the above applicant, and know him to be a respectable person and fit to be intrusted with a pedlar's and hawker's [*or commercial traveller's*] license.

C. D.
E. F.
G. H.
I. J.

SECOND SCHEDULE.

THE fees payable under this Act shall, in the case of Town Boards or Boroughs, be: For a pedlar and hawker travelling on foot, £1; if using horse or conveyance, £2; and, in the case of Counties, if travelling on foot, £2; if using a horse or conveyance, £4; and in the case of commercial travellers, 10s. per annum.

THIRD SCHEDULE.

WHEREAS A. B., of _____, has duly applied to the [*Mention name of local authority*] for a pedlar's and hawker's [*or commercial traveller's*] license under "The Pedlars and Hawkers Act, 1901": And whereas the said A. B., has this day paid into this office the sum of £ _____ as the fee for such license: Now, therefore, this pedlar's and hawker's [*or commercial traveller's, as the case may be*] license is hereby issued to the said A. B. for the [*Mention name of the local body*] and under the authority hereof is hereby licensed to hawk or carry about goods on foot [*or with horse or conveyance, as the case may be*] [*or as a commercial traveller*] within the [*Mention the local body district*].

This license, unless sooner forfeited, shall continue in force until the 31st day of December ensuing next after the date hereof and no longer, but may thereafter be renewed from year to year in manner prescribed by the above-mentioned Act.

C. D.,
Chairman, Local Body.
E. F.,
Clerk of Local Body.

(Seal of Local Body.)

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