

ORDINANCES
OF THE COLONY OF THE
FALKLAND ISLANDS.

AUCTIONEERS.

Ordinance No. 5 of 1853.

As amended by No. 2 of 1858.

[23rd July, 1853.]

Be it enacted by the Governor of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows :—

1. It shall be lawful for the Governor, or any person duly authorised by the Governor, to grant to any person or company a licence in the Form A set out in the Schedule hereto to carry on the business of an auctioneer on his or their own account, or by his or their agent, as the case may be, upon payment to the Governor or other person as aforesaid of five pounds, such licence to be in force for the period of twelve months from the day of its date :

Power to grant
licences.

As amended by
No. 2 of 1858.

Provided that persons in partnership carrying on business by one agent as auctioneer shall not be obliged to take out more than one licence in one year, and it shall be lawful for the Governor, or other person as aforesaid, from time to time, at discretion, to transfer any such licence, or a transfer thereof, to any other agent, to sell on account of the same person or company for the residue of the term, by an endorsement to that effect on the back of such licence or transfer.

Partners.

Licences may
be transferred.

Who to be
deemed an
auctioneer.

2. Any person who carries on the business of an auctioneer, or who acts in such capacity at any sale, and any person who sells, or offers for sale, any goods or chattels, lands, tenements, or hereditaments, or any interest therein, at any sale where any person or persons become the purchaser of the same by competition, and being the highest bidder, either by being the single bidder, or increasing upon the biddings made by others, or decreasing on sums named by the auctioneer, or person acting as auctioneer, or other person at such sale, or by any other mode of sale by competition, shall be deemed to carry on the business of an auctioneer; and if any person shall carry on the business of an auctioneer, without having a licence or transfer (except as hereinafter mentioned), he shall pay for any such offence a fine of one hundred pounds.

Penalty for
selling without
a licence.

Auction duty.

3. There shall be levied and paid upon the proceeds of any sale by auction of fermented or spirituous liquors a duty at the rate of five pounds per cent., and of any sale of any other goods or chattels, or any lands, tenements, hereditaments, or interest therein (with the exceptions hereinafter mentioned), a duty at the rate of two pounds ten shillings per cent., which duty immediately upon the knocking down of the hammer, or other closing of the bidding, shall be a charge upon the auctioneer, and shall be paid by him, and may be retained by him out of the proceeds of any such sale, or recovered by him by action at law, from the person by whom he shall have been employed; and any agreement or condition of sale that the purchaser shall pay the duty shall be void :

Exceptions.

Provided always, that no auction duty shall be payable on the sale of implements used on grazing or agricultural farms, or in horticulture, or on biscuit, flour, wheat, maize, pulse, grain, seeds, or plants of any kind, or on cattle, sheep, horses, or any description of live animal.

No duty if a lot
bought in, and
the reserve
price publicly
stated.

4. If before any lot shall be put up for sale at any such auction the auctioneer shall publicly declare the reserved price, and the lot shall be bought in at or under such price, and the auctioneer, at the fall of the hammer, shall publicly state that the lot was

bought in, the Governor, on the facts and fairness of the transaction being proved to his satisfaction, shall make an allowance to the auctioneer of the duty in such case on the passing of his accounts.

5. If any licensed auctioneer shall not send the Governor a catalogue, or shall not cause to be placed a true and correct copy of such catalogue on the *Government Gazette* boards, at the store yard and market-place respectively, of any sale by auction, intended to be holden by him in Stanley, at least twenty-four hours previous to the commencement of such sale, and if elsewhere, twenty-four hours' additional notice for every twenty miles' distance, or if such catalogue shall not fully state the conditions, or place, or hour of sale, or contents of each lot, as near as can be stated, for any such offence he shall pay a fine of fifty pounds.

Catalogue and conditions of sale to be sent to the Governor.

6. If any licensed auctioneer shall not, within seven days, or such further time as the Governor, at discretion, shall grant after any such sale by auction, render to the Governor, or other person as aforesaid, a full and true account, in writing, of the price at which every article or lot shall have been sold by such auctioneer at such sale, together with a statement of the time and place of such sale, and shall not duly pay all sums of money which may be payable by him in respect of such auction duty as hereinbefore mentioned, he shall, for any such offence, pay a fine of one hundred pounds; and upon a second conviction of any such offence he for ever after disqualified to hold any licence under the provisions of this Ordinance.

Account of sales.

7. If any licensed auctioneer shall hold any auction on board of any vessel, without permission of the Governor in writing, unless the vessel shall be attached to a wharf, or on shore, and into and from which the public shall have free access by a jetty, or a gangway from on shore, he shall pay a fine of one hundred pounds.

Auctioneer selling on board of a vessel.

8. Any auction duty as aforesaid shall and may be sued for and recovered in the name of any person

Duties how recovered.

appointed by the Governor, by warrant in the Form B set out in the Schedule hereto, by action, of debt, plaint, or information in any Court in this Colony having jurisdiction to the amount sought to be recovered, or by information before two or more Justices.

Fines how recovered.

9. None of the aforesaid fines shall be sued for, except on the information of some person appointed by the Governor by warrant under his signature, in the Form C set out in the Schedule hereto.

Excepted cases.

10. Nothing herein contained shall extend to any sale by order of the Governor, or of any Officer of Customs, or to any sale of any vessel, or the apparel or stores or cargo of any vessel which may be taken and condemned as a prize and sold for the benefit of the captors, or to any sale by the judicial order of any Justice or Court, or to any sale under a distress for rent, or to any sale of fresh fruit or fish or poultry by the owners, or to the person selling as auctioneer in any such excepted case without a licence.

No licensed persons to act as Justice.

11. No Justice holding a licence under this Ordinance shall act as a Justice under any of the provisions of this Ordinance.

Short title and commencement.

12. This Ordinance may be cited as "The Auctioneers Ordinance, 1853," and shall take effect and come into operation on the 1st day of August, 1853.

SCHEDULE.

FORM A.

Form of licence.

[*Person or Company*] of [*residence*] is [*or are*] hereby licensed to carry on the business of an Auctioneer on his own account [*or by his or their agent on his or their account*] from the day of next for the term of one year, the said having this day paid the sum of five pounds.

Dated

(Signed)

Governor.

FORM B.

I do hereby appoint you
to sue for certain duties
which it has been represented to me are due to the Crown by
of under the
provisions of the Auctioneers' Ordinance.

Form of
appointment to
recover duties.

(Signed)

Governor.

FORM C.

I do hereby appoint you
to prefer an information
against for the recovery of a
certain fine which it has been represented to me that he is liable
to under the provisions of the Auctioneers' Ordinance.

Form of
appointment
to recover
penalties.

(Signed)

Governor.

DOG LICENCES.

Ordinance No. 6 of 1853.

[1st August, 1853.]

Be it enacted by the Governor of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows :—

1. If any person in Stanley shall keep any dog above the age of three months without having obtained a licence for the same, he shall pay a fine of two pounds, one-half of which shall be paid to the informer for his own use, and upon the hearing of any information against any person for keeping a dog without having obtained a licence, the dog shall be taken to be unlicensed, and above the age of three months, unless the contrary is proved by the defendant.

Penalty for
keeping a dog
without having
obtained a
licence.

2. The Stipendiary Magistrate shall, upon the payment of eight shillings for a dog and twelve shillings for a bitch, grant to the keeper thereof a

Licences to be
granted by the
Stipendiary
Magistrate.