

AUCTIONEERS ORDINANCE, 1911-1934. ⁽¹⁾

An Ordinance to amend the Law relating to Auctioneers.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Auctioneers Ordinance*, 1911-1934. ⁽¹⁾

Amended by No. 2 of 1930, s. 2.

It shall come into operation on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette*. ⁽¹⁾

2. The Act 28 Victoria No. 7 (Queensland adopted) intituled "An Act to Consolidate and Amend the Laws relating to Licensed Auctioneers" is hereby repealed.

3.—(1.) No person except as hereinafter mentioned who shall exercise the trade or business of an auctioneer or seller by commission at any sale of any estate goods or effects whatever by outcry knocking down of hammer or any other mode of sale by auction or whereby the highest bidder is deemed to be the purchaser or who shall act in the capacity of an auctioneer or seller by commission as aforesaid shall deal in sell or put up to sale or resale any estate goods or effects whatsoever by public sale or by way of auction as aforesaid without previously having taken out a licence in manner and form hereinafter directed in which shall be set forth the true name and real place of abode of the person taking out the same.

Auctioneers to be licensed. Q. 28 Vic. No. 7, s. 2.

(1) The *Auctioneers Ordinance*, 1911-1934, comprises the *Auctioneers Ordinance*, 1911, as amended by the other Ordinance referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Auctioneers Ordinance</i> , 1911 (No. 11 of 1911)	16.5.1911	(a)	1.1.1912 (Papua Govt. Gaz. of 6.12.1911)
<i>Auctioneers Ordinance</i> , 1934 (No. 6 of 1934)	13.7.1934	7.11.1934	13.7.1934 (<i>Ordinances etc. of Papua</i> , 1934, p. 27)

(a) No notice of non-disallowance has been published in Papua Govt. Gaz.

AUCTIONEERS—

Sub-section (2)
substituted by
No. 6 of 1934,
s. 2.
Schedule A.

(2.) Every such licence shall be for all parts of the Territory and shall be in the form in Schedule A hereto and for which the sum of One pound shall be paid by the person taking out the same.

Sub-section (3)
substituted by
No. 6 of 1934, s. 2.

(3.) Such licence shall be in force until the first day of January next after the time the same shall have been taken out.

The sheriff,
bailiffs, &c.,
may sell
without
licence.

Q. 28 Vic.
No. 7, s. 3.

4. Provided nevertheless that the Sheriff of the Territory by himself or his deputy may sell by auction all property of whatever nature which may be taken by him in execution without taking out any such licence as aforesaid and that the bailiffs of the several courts within the Territory shall have power and authority to sell by public auction all goods and other property of whatever kind taken by them respectively in execution by virtue of process issued from the said courts respectively without taking out any such licence as aforesaid and that any Government officer or other person duly authorised in that behalf by the Lieutenant-Governor in Council⁽²⁾ may sell by auction any leases of Crown lands or any property within the Territory belonging to the Crown or to intestate estates without taking out any such licence as aforesaid.

Notice of
application
required.

Q. *Ib.* s. 4.

Amended by
No. 6 of 1934,
s. 3.

5. Every person who shall be desirous of obtaining an auctioneer's licence shall on or before the last Tuesday in any month deliver to the clerk or the person officiating as clerk of the petty sessions for the district within which such person shall reside a notice in writing of his intention to apply for such licence which notice shall be in the form or to the effect of the form in the Schedule B⁽³⁾ to this Ordinance.

Schedule B.

Lists of
applicants to
be posted.

Q. *Ib.* s. 5.

6. The clerk of such petty sessions as aforesaid or the person officiating as such shall cause a copy of such application to be posted up in some conspicuous place outside every court-house or place at which such petty sessions shall be held and the same to be kept so posted up until the application is disposed of.

Consideration
of application.

Q. *Ib.* s. 6,
altered.

7. The application notice whereof has been delivered as aforesaid shall be considered and determined by the court of such petty sessions at a sittings⁽⁴⁾ to be held on the first Tuesday of the month next following the delivery of the notice.

Adjournments.

Q. *Ib.* s. 9,
altered.

8. Any such court (or in the absence of a bench the clerk of such court) may adjourn the consideration and determination of all or any of the applications before it to such other day or days as the said justice or justices shall from time to time agree upon: Provided always that such adjournments do not on the whole exceed

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(3) The words "the Schedule B" appeared in the original Ordinance. The word "the" has now been omitted by the Second Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

(4) The word "sittings" appeared in the original Ordinance. It has now been omitted and the word "sitting" inserted in its stead by the Second Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

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one calendar month from the day appointed first for such consideration.

9. The hearing of such application and every adjournment thereof shall be held in open court and every consideration of any application thereat shall be deemed and taken to be a judicial proceeding and it shall be the duty of the court to refuse a licence to any applicant of bad or doubtful character.

Hearing in open court.
Q. 28 Vic. No. 7, s. 11.

10. When any application for a licence is granted the magistrate presiding at the court granting the same shall give to the person applying therefor a certificate authorizing such licence as aforesaid in the form in the Schedule C⁽⁵⁾ hereto.

Certificate to approved applicant.
Q. *Ib.* s. 12, altered.
Schedule C.
Amended by No. 6 of 1934, s. 4.

11. The clerk of the court of petty sessions by which any such certificates as aforesaid shall be granted shall within fourteen days after the granting thereof transmit to the Treasurer or some officer appointed by him in the petty sessions district wherein the certificate was granted a list signed by such clerk specifying the names and residences of all the persons to whom any such certificates shall have been so granted.

List of certificates to be sent to Treasurer.
Q. *Ib.* s. 13, altered.

12. Every such certificate as aforesaid shall be null and void unless the same and the sum required to be paid for such licence be lodged in the office of the Treasurer or such officer as aforesaid within six weeks after the certificate was granted and the said Treasurer or such officer as aforesaid shall and he is hereby authorised and required forthwith after the receipt of every such certificate to issue and register in his office a licence as aforesaid upon payment being made to the said Treasurer or such officer as aforesaid of the licence fee.

Certificate to be lodged.
Q. *Ib.* s. 14.
Amended by No. 6 of 1934, s. 5.

13. The Treasurer shall cause a list of the names of all persons duly licensed under the authority of this Ordinance together with their places of abode respectively to be published in the *Gazette* within one month after such person or persons shall be so duly licensed.

List of auctioneers to be published.
Q. *Ib.* s. 16.
Amended by No. 6 of 1934, s. 6.

14. If any person save as hereinbefore excepted shall vend or offer to vend or sell by way of auction as aforesaid without having obtained a licence in manner aforesaid or contrary to the tenor of such licence such person shall forfeit and pay for every such offence not less than fifteen pounds nor more than fifty.

Penalty for selling without licence.
Q. *Ib.* s. 18.

(5) The words "the Schedule C" appeared in the original Ordinance. The word "the" has now been omitted by the Second Schedule of the *Ordinances Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

AUCTIONEERS—

SCHEDULES.

Section 3 (2.).
Amended by
No. 6 of 1934,
s. 7.

SCHEDULE A.

(Auctioneers Ordinance, 1911.)

AUCTIONEER'S LICENCE.

A.B., of _____, is hereby licensed to act as an Auctioneer for all parts of the Territory of Papua. This licence shall continue in force until the first day of January next.

Dated the _____ day of _____, 19 ____.
Treasurer.

Substituted by
No. 6 of 1934,
s. 8.

SCHEDULE B.

(Auctioneers Ordinance, 1911-1934.)

NOTICE OF APPLICATION FOR AN AUCTIONEER'S LICENCE.

To the Court of Petty Sessions
District _____

I _____ now residing at _____ hereby give notice that it is my intention to apply at the next sittings of the above-named Court to be held on the first Tuesday of next month for an Auctioneer's Licence.

Dated the _____ day of _____, 19 ____.
Applicant.

Substituted by
No. 6 of 1934,
s. 9.

SCHEDULE C.

(Auctioneers Ordinance, 1911-1934.)

CERTIFICATE TO AUTHORIZE THE ISSUE OF A LICENCE.

At the Sittings (or adjourned Sittings) of the Court of Petty Sessions for the _____ District, holden at _____ on the _____ day of _____ 19 ____, the said Court granted the application of _____ of _____ for, and I, as the Magistrate then presiding at the said Court, hereby authorize the issue to the said _____ of an Auctioneer's Licence for the year ending the thirty-first day of December, 19 ____.

Dated the _____ day of _____, 19 ____.
Resident Magistrate
(or Assistant Resident Magistrate).

Schedule D
repealed by No.
6 of 1934, s. 10.

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