

212

No. , 1919.

---

---

## A BILL

To provide for the marking of His Majesty's stores; to prohibit the use of certain marks on stores by private persons; and for purposes consequent thereon or incidental thereto.

---

---

**B**E 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:—

**1.** This Act may be cited as the "Public Stores Short title. Act, 1919."

59507

342—(2)

**2.**

213

**2.** In this Act the term "stores" includes all goods and chattels.

**3.** This Act shall apply to all stores under the care, superintendence, or control of a Minister of the Crown, or any public department or office, or of any person in the service of His Majesty, and such stores are in this Act referred to as His Majesty's stores. The Minister of the Crown, public department, office, or person having the care, superintendence, or control of such stores are hereinafter in this Act included in the expression "public department."

Stores to which the Act applies.

**4.** The marks described in the First Schedule to this Act may be applied in or on stores therein described in order to denote His Majesty's property in stores so marked; and it shall be lawful for any public department, and the contractors, officers, and workmen of such department, to apply those marks, or any of them, in or on any such stores; and if any person without lawful authority (proof of which authority shall lie on the party accused) applies any of those marks in or on any such stores he shall be guilty of a misdemeanour, and shall on conviction thereof be liable to be imprisoned for any term not exceeding *two* years with or without hard labour.

Marks in Schedule appropriated for public stores.

**5.** If any person with intent to conceal His Majesty's property in any stores takes out, destroys, or obliterates, wholly or in part, or attempts to take out, destroy, or obliterate any such mark as aforesaid, or any mark whatsoever denoting the property of His Majesty in any stores he shall be guilty of felony, and shall on conviction thereof be liable, in the discretion of the court before which he is convicted, to be kept in penal servitude for any term not exceeding *five* years, or to be imprisoned for any term not exceeding *two* years with or without hard labour.

Obliteration with intent to concealment.

**6.** Any police constable may stop, search, and detain any vessel, boat, or vehicle in or on which there is reason to suspect that any of His Majesty's stores stolen or unlawfully obtained may be found, or any person reasonably suspected of having or conveying in any manner any of His Majesty's stores stolen or unlawfully obtained.

Power to stop suspected boats, persons, &c.

**7.**

214

7. If any person is brought before a court of summary jurisdiction charged with conveying, or with having in his possession, or keeping any of His Majesty's stores reasonably suspected of being stolen or unlawfully obtained, and does not give an account to the satisfaction of the court how he came by the same, he shall be deemed guilty of a misdemeanour and shall be liable, on summary conviction, to a penalty not exceeding *five* pounds, or, in the discretion of the court, to be imprisoned for any term not exceeding *two* months, with or without hard labour.

Unlawful possession of His Majesty's stores.

8. It shall not be lawful for any person, without permission in writing from a public department, or from some person authorised by a public department in that behalf (proof of which permission shall lie on the party accused), to gather or search for stores, or to creep, sweep, or dredge in the sea or any tidal water, within one hundred yards from any vessel belonging to His Majesty, or in His Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any moorings belonging to His Majesty, or from any of His Majesty's wharves or dock, victualling, or factory yards.

Prohibition of sweeping, &c., near dockyards, artillery ranges, &c.

If any person acts in contravention of this provision he shall be liable on summary conviction to a penalty not exceeding *five* pounds, or, in the discretion of the court, to be imprisoned for any term not exceeding *two* months, with or without hard labour.

Penalty.

9. If stores are found in the possession or keeping of a person being in His Majesty's service, or in the service of a public department, or being a collector or dealer in old wares, or a pawnbroker (within the meaning of any enactments for the time being in force relating to such collectors, dealers, or pawnbrokers), and he is taken or summoned before a court of summary jurisdiction and the court sees reasonable grounds for believing the stores found to be, or to have been, His Majesty's property, then if such person does not satisfy the court that he came lawfully by the stores so found, he shall be liable on summary conviction to a penalty not exceeding *five* pounds.

Penalty on dealer, &c., found in possession of stores and not accounting for them.

10.

215

**10.** For the purpose of this Act stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

**11.** A conviction under this Act of a collector or second-hand dealer licensed under the Second-hand Dealers Act, 1906, shall for the purpose of cancellation of a license under that Act be equivalent to a conviction under that Act.

**12.** Nothing in this Act shall prevent any person from being indicted under this Act or otherwise for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

Not to prevent persons being indicted.

**13.** Whenever any public department sells or disposes of any stores which are marked with any of the marks set out in the First Schedule to this Act it shall mark such stores with the mark set out in the Second Schedule.

**14.** If any person without lawful authority (proof of which authority shall be on the party accused) applies to any stores the marks set out in the Second Schedule or is found without lawful authority (proof of which authority shall lie on the party accused) in possession of any die or other thing capable of being used for the purpose of applying such mark to stores he shall be guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any term not exceeding *two* years with or without hard labour.

---

SCHEDULES.

216

SCHEDULES.

THE FIRST SCHEDULE.

Marks appropriated for use in or on His Majesty's Stores.

Stores.	Marks.
Cordage or rope manufactured from hemp, flax, cotton, or wire, or any combination of those materials.	A blue strand laid up with the yarns and the wire respectively.
Canvas, duck, calico, and other fabrics manufactured from cotton, flax, jute, or hemp.	A blue line in a serpentine form.
Timber, metal, and any stores not before enumerated whether similar to the above or not.	The name of His Majesty, his predecessors, his heirs or successors, or of any public department, or any branch thereof, or the broad arrow or a crown, or His Majesty's arms whether such broad arrow, crown, or arms be alone or be in combination with any such name as aforesaid, or with any letters denoting any such name.

Provided that the letters N.S.W.G.R., with or without any addition, upon any stores whatever, shall indicate that the stores so marked are the property of the Railway Commissioners for New South Wales.

THE SECOND SCHEDULE.

