

352

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1918.

A BILL

To provide for the disposal of certain unclaimed goods and articles left with tradesmen for storage or repair ; and for purposes consequential thereon or incidental thereto.

BE 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 "Unclaimed Goods Short title. Act, 1918."

38833 148—(3)

2.

Unclaimed Goods.

2. (1) This Act shall apply to the tradesmen mentioned in the Schedule hereto, provided that the Governor may by proclamation in the Gazette add to or, in any way he thinks desirable, alter such Schedule.

Application of Act.

(2) For the purposes of this Act a "tradesman" means any tradesman now mentioned in or hereafter added to such Schedule.

3. Every tradesman shall at the time he receives any goods or any article for storage or repair enter in a book to be kept by him for that purpose a description of such goods or article, the date on which the deposit was made, and an approximate amount to be charged for such storage or repair. He shall at the same time give the depositor a ticket on which shall be written or printed, or partly written and partly printed, a duplicate of such entry and the period within which such goods or article may be claimed without forfeiture; such ticket shall be signed by the tradesman giving it.

Goods received to be entered in book and ticket given to depositor.

4. (1) Any goods or articles so deposited, not claimed and the amount due upon them not paid within, in the case of goods or articles so deposited with any tradesman mentioned in Part One of the Schedule hereto, twelve months, and in the case of goods or articles so deposited with any tradesman mentioned in Part Two of such Schedule, six months, shall be deemed to be forfeited and may be sold by the tradesman with whom they were so deposited.

Unclaimed goods liable to forfeiture and sale.

(2) Such sale shall be by public auction: notice thereof, containing a description of the goods or articles, shall be published in a newspaper circulating in the district in which the sale is to take place, at least four days before the proposed date of sale.

Mode of sale.

(3) A tradesman with whom any goods or articles have been deposited for storage or repair shall not purchase any such goods or articles at any such sale.

(4) If any such goods or articles are sold at such sale for more than the full amount of the principal money, and interest thereon, which was due to the tradesman at the time of the sale, the surplus (after deducting the necessary charges in connection with such sale) shall, if claimed within twelve months after such sale,

sale,

sale, be paid by the tradesman to the depositor or his agents or assigns, or (in case of the death of the depositor) to his executor or administrator.

Any such surplus not claimed within such time shall become the absolute property of the tradesman.

5. (1) The tradesman offering such goods or articles for sale shall make an entry in a book to be kept by him for that purpose of all such goods or articles so sold, the name of the purchaser, the price paid, and any other particulars which may be prescribed. Description of goods offered for sale to be entered in a book.

(2) The depositor of any such goods or articles so sold, or his agents or assigns, or in case of his death his executor or administrator, shall be permitted to inspect any such entry.

Any tradesman who refuses to produce the book containing such entry and permit such inspection shall be liable to a penalty not exceeding *fifty* pounds.

6. Any person failing to comply with any provision of this Act for the breach of which a penalty has not been specifically imposed, shall be liable to a penalty not exceeding *fifty* pounds. Any penalty imposed by this Act or the regulations hereunder may be recovered in a summary way before a stipendiary or police magistrate, or any two justices in petty sessions. Penalties.

7. (1) The Governor may make regulations prescribing any forms necessary under, and generally for carrying out the provisions of, this Act, and in such regulations may impose penalties not exceeding *twenty* pounds for any breach thereof. Regulations.

(2) Such regulations shall—

- (i) be published in the Gazette ;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations ; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session. If either House of Parliament

355

Unclaimed Goods.

Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

SCHEDULE.

PART ONE.

Watchmakers and Jewellers.
Musical Instrument Manufacturers or Importers.

PART TWO.

Cleaners and Dyers.
