

A BILL

To provide for the Registration of Brands on Wool Bales.

[MR. COX ;—25 August, 1870.]

WHEREAS it is expedient to provide for the Registration of Preamble.

Brands used in branding Wool-bales Be it therefore enacted by the Queen'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. The following terms in inverted commas shall for the pur- Interpretation.
poses of this Act bear the meanings set against them respectively unless the context otherwise indicate—

10 “Wool-bale”—Any package containing wool.

“Register”—The register book containing a list of the brands on wool-bales registered with the Registrar of Brands.

“Proprietor”—The registered proprietor of any brand.

15 “Brand”—The impression of any letter sign or character placed on any wool-bale.

“Fees”—Any fees rates or charges which any person may be liable to pay under this Act or the regulations made in pursuance thereof.

“Justice”—Any Justice of the Peace.

20 2. The Registrar General shall be Registrar of Brands and shall Registrar General to be Registrar of Brands. possess the powers and perform the duties belonging to such office for the whole Colony.

3. The Registrar of Brands shall keep a register for the Register to be kept. registration of the brands of wool-bales and all brands registered with him shall be entered therein with the names and addresses of their proprietors and such book shall be named and known as the Wool Register for the Colony and shall be ruled and marked in the form of Schedule hereto annexed marked A.

4. Every person intending to register his brand shall forward Mode of registration. to the Registrar of Brands an application in the form of the Schedule annexed hereto marked B along with the fee of *five shillings* And in

every case where more than one person has not made an application to register a similar brand such Registrar shall cause the name and residence of the applicant and a description of his brand to be notified at least three times in the *Gazette* and if within two months from the date of the first notification of such brand no objection be made by any 5 other person on account of his owning a similar brand the brand so notified shall be deemed to be the brand of such applicant and shall be registered accordingly Provided that in cases where two or more applications as aforesaid by different persons are made to register similar brands or where applications are made by persons to register brands 10 similar to brands already registered such applicants shall receive notice thereof from such Registrar and on receipt of such notice such applicants shall arrange a modification of or addition to their brand and if within three months after such notice as aforesaid no such modification or addition shall have been communicated to such Registrar he shall 15 make such alterations of or additions to such brands as he may deem necessary and such modified brands shall be and be deemed to be the brands of such applicants and shall be registered accordingly Provided also that any person using a sign or character other than letters or numerals as a brand or part of a brand shall defray the expense of 20 procuring a type or block for the purpose of advertising.

Penalty for using registered brands.

5. Every person who shall use or permit to be used a brand registered by any other person one month after the date of this Act coming into operation shall on conviction for every such offence in a summary way forfeit and pay any sum not exceeding *fifty pounds*. 25

Quarterly returns of brands to be published.

6. At the end of each quarter of the year the Registrar of Brands shall prepare an alphabetical list in the form of Schedule A hereto annexed of the brands and of the names and residences of their respective proprietors thus registered during the preceding quarter as aforesaid and shall publish the same in the *Gazette*. 30

Annual return of brands,

7. Immediately after the thirty-first day of December in each year the Registrar of Brands shall compile and publish a Brand Directory for the Colony containing a correct and complete list of all brands and of the names and residences of their respective proprietors so registered by him up to that date in the form of Schedule C hereto 35 annexed.

Mode of transferring brands.

8. When any brand which has been registered under this Act is intended to be transferred the registered proprietor thereof and the intended transferee shall execute a joint memorandum in the form of Schedule D hereto annexed and on the receipt of such memorandum 40 along

along with the fee of *five shillings* the Registrar of Brands shall cancel the existing registration of such brand by the transferor and register the same in the name of the transferee and such transferee shall thereupon be held to be the registered proprietor of such brand.

5 9. All fees payable under this Act shall be paid to the Registrar ^{Fees how disposed of.} of Brands who shall pay the same to the Colonial Treasurer and all such fees shall be carried over to the Consolidated Revenue Fund.

10 10. Where by any provision of this Act it may be necessary to ^{Services of notices.} give any notice to any person such notice may be communicated or sent to such person either by registered letter or left at his usual place of abode or business.

11. Every penalty for any offence against this Act shall be recov- ^{Recovery of penal-} ered in a summary way before two Justices of the Peace who may hear and determine the matter and the penalty inflicted by such Justices shall 15 be levied by distress and sale of the offenders' goods and chattels and in failure of distress shall be imprisoned for any period not exceeding

And all fines levied or paid under this Act shall go and be distributed after deduction of the expenses and costs incurred one half thereof to the informer or prosecutor and the other half to the 20 Colonial Treasurer to be by him carried over to the Consolidated Revenue Fund.

12. This Act may be cited as the "Registration of Brands on ^{Commencement and title.} Woolbales Act of 187 ."

SCHEDULES.

A.

Brand of Wool-bales Register and List for Gazette.

No. of ap- plication.	Date.	Brand.	Former Brand.	Name and Address of Applicant.	Date of publication in <i>Gazette.</i>	

B.

Application to Register Brand.

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To the Registrar of Brands Sydney.

SIR,

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enclose the authorized fee for the registration of the brand belonging to
as mentioned in the Schedule below and have to request that you will register
such brand accordingly.

A or B.

Brand.	Former Brand.	Name and Address of Applicant.	5/0	10

C.

Brand Directory.

Brand.	Former Brand.	Name.	Address.

D.

Memorandum of Transfer.

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To the Registrar of Brands Sydney.

being the registered proprietor of the brand mentioned on the margin
hereof having transferred the same to do hereby request that you will make the
necessary transfer to of such brand in your register and enclose herewith the 20
sum of *five shillings* as the authorized fee for such transfer.

Proprietor.

Transferee.