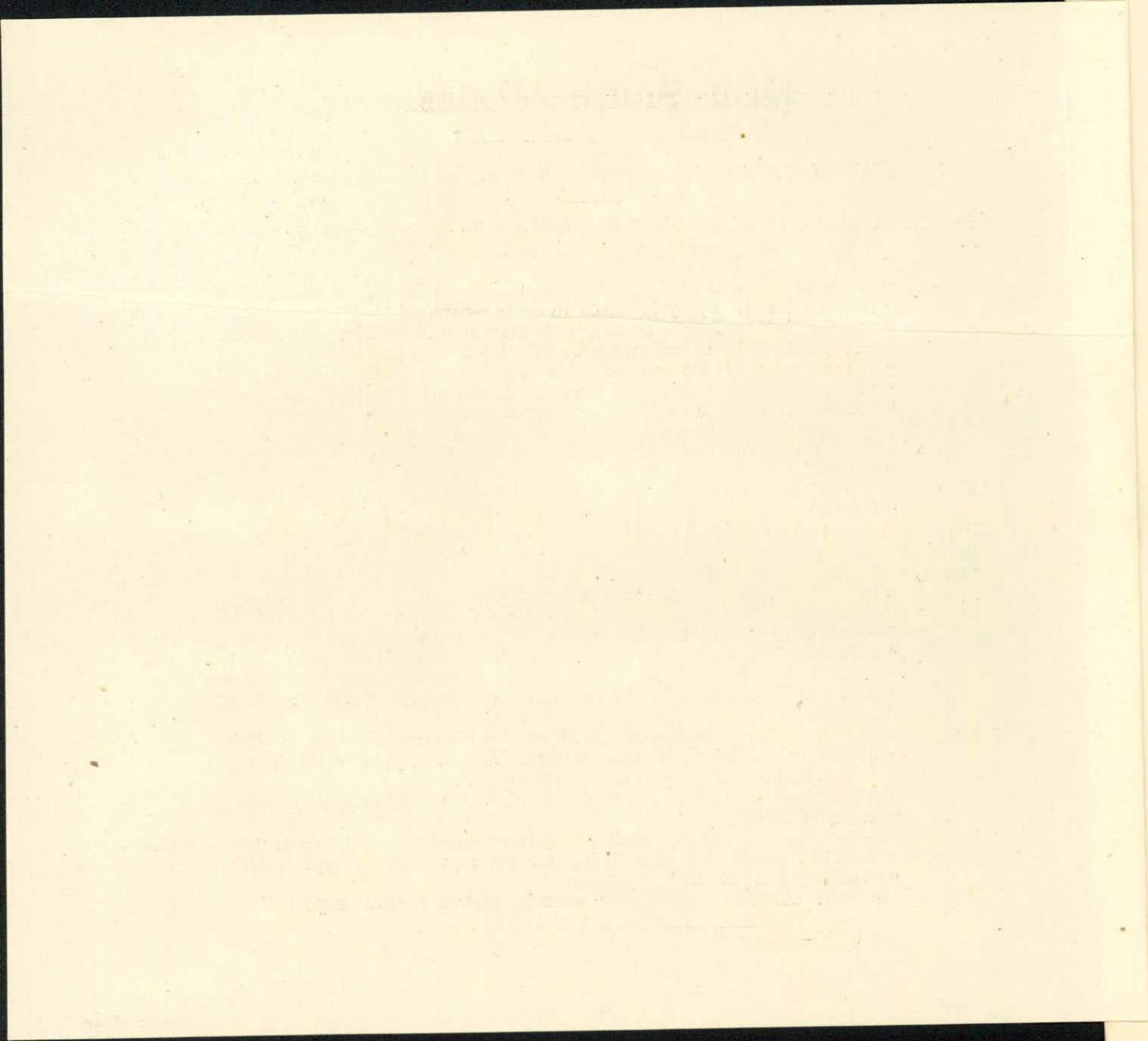


CONSPIRACY AND PROTECTION OF PROPERTY BILL.

SCHEDULE of Amendments referred to in Message of 16th May, 1893.

- Page 1, Preamble, lines 1 and 2. *Omit* "Whereas it is desirable to amend the Law relating
" to the Conspiracy and to the Protection of Property"
- Page 1, Preamble, line 2. *Omit* "therefore"
- Page 1, clause 1, line 11. *After* "crime" *insert* "Nothing in this section above
" contained shall apply to cases in which persons shall be gathered
" together in furtherance of any trade dispute in such numbers as shall,
" irrespectively of actual crime, be calculated to cause intimidation, or
" to restrain or hinder any person in the free and undisturbed disposal
" of his labour as he shall think fit, or in procuring or performing any
" lawful engagement, or doing any lawful work"
- Page 2. *After* clause 1 *insert* new clause to stand as clause 2
- Page 2, clause 2, 3, line 53. *Omit* "the destruction or serious injury of" *insert* "to
" expose"
- Page 2, clause 2, 3, lines 54 and 55. *After* "personal" *insert* "to destruction or serious
" injury"
- Page 2, clause 2, 3, line 57. *Omit* "twenty" *insert* "one hundred"
- Page 2, clause 2, 3, line 58. *Omit* "three" *insert* "twelve"
- Page 2, clause 2, 3, line 58. *After* "labour" *omit* remainder of clause *insert* "Upon the
" trial of any person under this section if the injury referred to as being
" the probable consequences of his action shall have occurred within
" twenty-four hours of the breach of contract complained of, the
" occurrence of such injury within such time shall be prima facie
" evidence that the accused knew and had reasonable cause to believe
" that the same would be the probable consequences of his breach of
" contract"
- Page 3, clause 3, 4. *After* subsection (i) *insert* the following new subsection:—" (ii)
" Persistently follows such other person about from place to place, or"
- Page 3, clause 3, 4, line 27. *After* "labour" *omit* remainder of clause
- Page 3, clause 5, 6, lines 51 and 52. *After* "recovered" *insert* "before any Stipendiary
" or Police Magistrate"
- Page 3, clause 5, 6, lines 52 and 53. *Omit* "' Summary Jurisdiction Act'" *insert* "the
" Acts in force for the time being for the regulation of appeals from
" summary convictions"
- Page 3, clause 6, 7. At end of clause *add* "whereby certain Acts are repealed"



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 14 March, 1893.* }

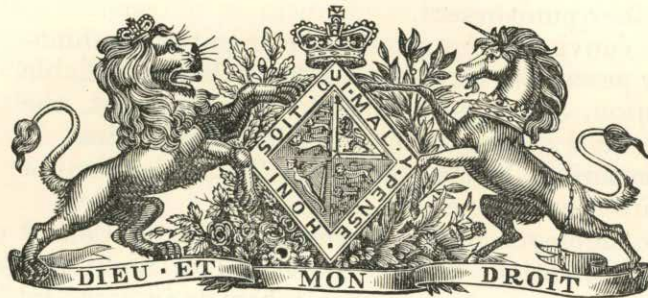
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 16th May, 1893.* }

ADOLPHUS P. CLAPIN,
Acting Clerk of the Parliaments,

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act for amending the Law relating to Conspiracy and to the Protection of Property, and to the use of violence, threats, and molestation.

~~WHEREAS it is desirable to amend the Law relating to the Conspiracy~~ ^{Preamble.}
~~and to the Protection of Property:~~ 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
5 Parliament assembled, and by the authority of the same, as follows:—

Conspiracy and Protection of Property.

1. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable
10 as a conspiracy, if such act committed by one person would not be punishable as a crime. ^{Amendment of law as to conspiracy in trade disputes.}

Nothing in this section above contained shall apply to cases in which persons shall be gathered together in furtherance of any trade dispute in such numbers as shall, irrespectively of actual crime, be
15 calculated to cause intimidation, or to restrain or hinder any person in the free and undisturbed disposal of his labour, as he shall think fit, or in procuring or performing any lawful engagement, or doing any lawful work.

682—

Nothing

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Conspiracy and Protection of Property.

Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any Act of Parliament.

Nothing in this section shall affect the law relating to riot, 5 unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

A crime for the purposes of this section means an offence punishable on indictment, or an offence which is punishable on summary conviction, and for the commission of which the offender 10 is liable under the statute making the offence punishable, to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid, to do or procure to be done an act which is punishable 15 only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

2. Where a person employed by the Government of the Colony 20 or any public body, or corporation, or any individual or municipal authority, or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty, of supplying any city, borough, town, or place, or any part thereof with gas or water, wilfully and maliciously breaks a contract of service 25 with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction 30 thereof by a Court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding one hundred pounds or to be imprisoned for a term not exceeding twelve months, with or without hard labor. Such Government or public body or corporation or individual or municipal authority, company, or con- 35 tractor as is mentioned in this section shall cause to be posted up at the gas-works or water-works, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, 40 obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch. If any public body or corporation or any individual or any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty 45 not exceeding five pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act shall be liable on summary conviction to a penalty not exceeding forty shillings.

Breach of contract by persons employed in supply of gas or water.

3. Where any person wilfully and maliciously breaks a contract 50 of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or the destruction or serious injury of to expose valuable property, whether real or personal, to destruction or serious 55 injury, he shall on conviction thereof by a Court of summary jurisdiction, or on indictment, be liable either to pay a penalty not exceeding ~~twenty~~ one hundred pounds, or to be imprisoned for a term not exceeding ~~three~~ twelve months, with or without hard labour: Provided that no person shall be convicted under this section unless 60 the injury referred to as being the probable consequences of his action shall have occurred within thirty hours of the breach of contract complained of.

Breach of contract involving injury to persons or property.

Provide.

Upon

Conspiracy and Protection of Property.

Upon the trial of any person under this section if the injury referred to as being the probable consequences of his action shall have occurred within twenty-four hours of the breach of contract complained of the occurrence of such injury within such time shall be prima facie evidence that the accused knew and had reasonable cause to believe that the same would be the probable consequences of his breach of contract.

3. 4. Every person who, with a view to compel any other person to abstain from doing or to do any act which such person has a legal right to do or abstain from doing, wrongfully and without legal authority,—

- Penalty for intimidation or annoyance by violence or otherwise.
- (i) Uses violence to or intimidates such other person, or his wife or children, or injures his property; or
- (ii) Persistently follows such other person about from place to place, or
- (iii) Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (iv) Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or
- (v) Follows such other person with two or more other persons in a disorderly manner in or through any street or road,
- shall, on conviction thereof by a Court of summary jurisdiction, or on indictment, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

Following a person or attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information shall not be an offence either at Common Law or under this Act.

Provided that no person shall be liable to any punishment for doing or conspiring to do any act on the ground that such act restrains, or tends to restrain, the free course of trade, unless such act is one of the acts hereinbefore specified in this section, and is done with the object of coercing as hereinbefore mentioned.

Legal Proceedings.

4. 5. Where a person is accused before a Court of summary jurisdiction of an offence made punishable by this Act, and for which a penalty amounting to twenty pounds, or imprisonment, is imposed, the accused may, on appearing before the Court of summary jurisdiction, declare that he objects to being tried for such offence by a Court of summary jurisdiction, and thereupon the Court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence, and not an offence punishable on summary conviction; and the offence may be prosecuted on indictment accordingly.

5. 6. Every offence under this Act which is made punishable on conviction by a Court of summary jurisdiction or on summary conviction, and every penalty under this Act recoverable on summary conviction, may be prosecuted and recovered before any Stipendiary or Police Magistrate, and appealed from in manner provided by "~~Summary Jurisdiction Act~~" the Acts in force for the time being for the regulation of appeals from summary convictions.

6. 7. The Act Sixth George the Fourth, chapter one hundred and twenty-nine, is hereby repealed, except sections two, four, and five thereof, whereby certain Acts are repealed.

7. 8. This Act may be cited as the "Conspiracy and Protection of Property Act, 1893."

CONSPIRACY AND PROTECTION OF PROPERTY BILL.

SCHEDULE of Amendments referred to in Message of 16th May, 1893.

- Page 1, Preamble, lines 1 and 2. *Omit* "Whereas it is desirable to amend the Law relating
" to the Conspiracy and to the Protection of Property"
- Page 1, Preamble, line 2. *Omit* "therefore"
- Page 1, clause 1, line 11. *After* "crime" *insert* "Nothing in this section above
" contained shall apply to cases in which persons shall be gathered
" together in furtherance of any trade dispute in such numbers as shall,
" irrespectively of actual crime, be calculated to cause intimidation, or
" to restrain or hinder any person in the free and undisturbed disposal
" of his labour as he shall think fit, or in procuring or performing any
" lawful engagement, or doing any lawful work"
- Page 2. *After* clause 1 *insert* new clause to stand as clause 2
- Page 2, clause 2, 3, line 53. *Omit* "the destruction or serious injury of" *insert* "to
" expose"
- Page 2, clause 2, 3, lines 54 and 55. *After* "personal" *insert* "to destruction or serious
" injury"
- Page 2, clause 2, 3, line 57. *Omit* "twenty" *insert* "one hundred"
- Page 2, clause 2, 3, line 58. *Omit* "three" *insert* "twelve"
- Page 2, clause 2, 3, line 58. *After* "labour" *omit* remainder of clause *insert* "Upon the
" trial of any person under this section if the injury referred to as being
" the probable consequences of his action shall have occurred within
" twenty-four hours of the breach of contract complained of, the
" occurrence of such injury within such time shall be prima facie
" evidence that the accused knew and had reasonable cause to believe
" that the same would be the probable consequences of his breach of
" contract"
- Page 3, clause 3, 4. *After* subsection (i) *insert* the following new subsection :—" (ii)
" Persistently follows such other person about from place to place, or"
- Page 3, clause 3, 4, line 27. *After* "labour" *omit* remainder of clause
- Page 3, clause 5, 6, lines 51 and 52. *After* "recovered" *insert* "before any Stipendiary
" or Police Magistrate"
- Page 3, clause 5, 6, lines 52 and 53. *Omit* "'Summary Jurisdiction Act'" *insert* "the
" Acts in force for the time being for the regulation of appeals from
" summary convictions"
- Page 3, clause 6, 7. At end of clause *add* "whereby certain Acts are repealed"

1875

1875

1875

1875

1875

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 14 March, 1893.* }

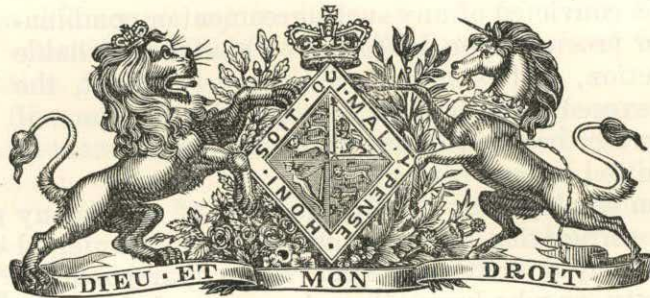
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 16th May, 1893.* }

ADOLPHUS P. CLAPIN,
Acting Clerk of the Parliaments,

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act for amending the Law relating to Conspiracy and to the Protection of Property, and to the use of violence, threats, and molestation.

~~WHEREAS it is desirable to amend the Law relating to the Conspiracy~~ ^{Preamble.} ~~and to the Protection of Property:~~ 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 5 Parliament assembled, and by the authority of the same, as follows:—

Conspiracy and Protection of Property.

1. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable 10 as a conspiracy, if such act committed by one person would not be punishable as a crime.

Amendment of law as to conspiracy in trade disputes.

Nothing in this section above contained shall apply to cases in which persons shall be gathered together in furtherance of any trade dispute in such numbers as shall, irrespectively of actual crime, be 15 calculated to cause intimidation, or to restrain or hinder any person in the free and undisturbed disposal of his labour, as he shall think fit, or in procuring or performing any lawful engagement, or doing any lawful work.

682—

Nothing

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Conspiracy and Protection of Property.

Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any Act of Parliament.

Nothing in this section shall affect the law relating to riot, 5 unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

A crime for the purposes of this section means an offence punishable on indictment, or an offence which is punishable on summary conviction, and for the commission of which the offender 10 is liable under the statute making the offence punishable, to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid, to do or procure to be done an act which is punishable 15 only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

2. Where a person employed by the Government of the Colony 20 or any public body, or corporation, or any individual or municipal authority, or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty, of supplying any city, borough, town, or place, or any part thereof with gas or water, wilfully and maliciously breaks a contract of service 25 with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction 30 thereof by a Court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding one hundred pounds or to be imprisoned for a term not exceeding twelve months, with or without hard labor. Such Government or public body or corporation or individual or municipal authority, company, or con- 35 tractor as is mentioned in this section shall cause to be posted up at the gas-works or water-works, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, 40 obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch. If any public body or corporation or any individual or any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty 45 not exceeding five pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act shall be liable on summary conviction to a penalty not exceeding forty shillings.

2. 3. Where any person wilfully and maliciously breaks a contract 50 of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or ~~the destruction or serious injury of~~ to expose valuable property, whether real or personal, to destruction or serious 55 injury, he shall on conviction thereof by a Court of summary jurisdiction, or on indictment, be liable either to pay a penalty not exceeding ~~twenty~~ ^{one} hundred pounds, or to be imprisoned for a term not exceeding ~~three~~ ^{twelve} months, with or without hard labour: Provided that no person shall be convicted under this section unless 60 the injury referred to as being the probable consequences of his action shall have occurred within thirty hours of the breach of contract complained of.

Breach of contract by persons employed in supply of gas or water.

Breach of contract involving injury to persons or property.

Proviso.

Upon

Conspiracy and Protection of Property.

Upon the trial of any person under this section if the injury referred to as being the probable consequences of his action shall have occurred within twenty-four hours of the breach of contract complained of the occurrence of such injury within such time shall be prima facie evidence that the accused knew and had reasonable cause to believe that the same would be the probable consequences of his breach of contract.

3. 4. Every person who, with a view to compel any other person to abstain from doing or to do any act which such person has a legal right to do or abstain from doing, wrongfully and without legal authority,—

- (i) Uses violence to or intimidates such other person, or his wife or children, or injures his property; or
- (ii) Persistently follows such other person about from place to place, or
- (iii) Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (iv) Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or
- (v) Follows such other person with two or more other persons in a disorderly manner in or through any street or road,
- shall, on conviction thereof by a Court of summary jurisdiction, or on indictment, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

Following a person or attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information shall not be an offence either at Common Law or under this Act.

Provided that no person shall be liable to any punishment for doing or conspiring to do any act on the ground that such act restrains, or tends to restrain, the free course of trade, unless such act is one of the acts hereinbefore specified in this section, and is done with the object of coercing as hereinbefore mentioned.

Legal Proceedings.

4. 5. Where a person is accused before a Court of summary jurisdiction of an offence made punishable by this Act, and for which a penalty amounting to twenty pounds, or imprisonment, is imposed, the accused may, on appearing before the Court of summary jurisdiction, declare that he objects to being tried for such offence by a Court of summary jurisdiction, and thereupon the Court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence, and not an offence punishable on summary conviction; and the offence may be prosecuted on indictment accordingly.

5. 6. Every offence under this Act which is made punishable on conviction by a Court of summary jurisdiction or on summary conviction, and every penalty under this Act recoverable on summary conviction, may be prosecuted and recovered before any Stipendiary or Police Magistrate, and appealed from in manner provided by "Summary Jurisdiction Act" the Acts in force for the time being for the regulation of appeals from summary convictions.

6. 7. The Act Sixth George the Fourth, chapter one hundred and twenty-nine, is hereby repealed, except sections two, four, and five thereof, whereby certain Acts are repealed.

7. 8. This Act may be cited as the "Conspiracy and Protection of Property Act, 1893."

1893.

Legislative Council.

CONSPIRACY AND PROTECTION OF PROPERTY BILL.

(New Clause and Amendment to be proposed in Committee of the Whole by MR. W. H. SUTTON.)

After clause 1 insert the following new clause :—

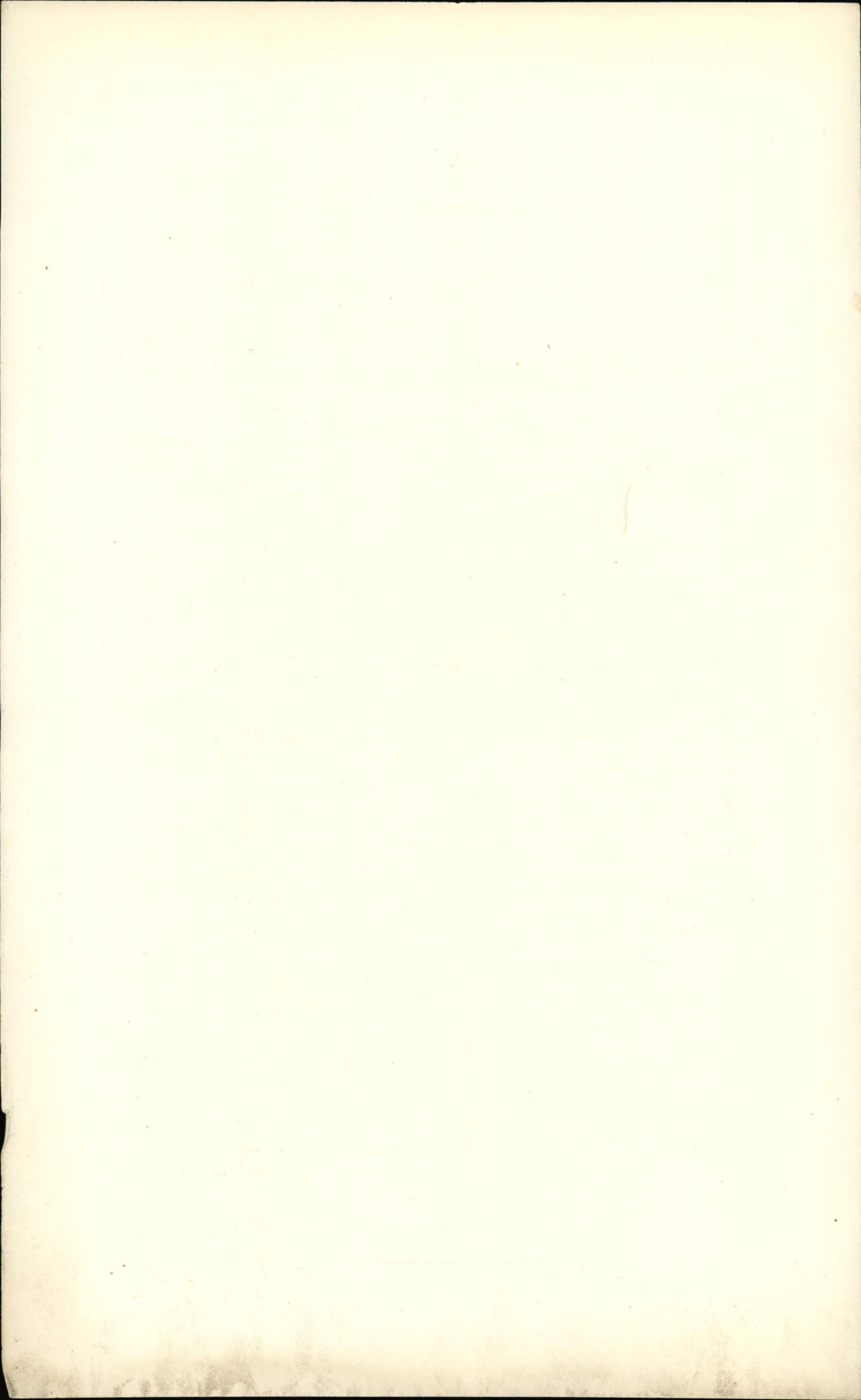
Where a person employed by a municipal authority or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty, of supplying any city, borough, town, or any part thereof with gas or water, wilfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding *twenty* pounds or to be imprisoned for a term not exceeding *three* months, with or without hard labor. Every such municipal authority, company, or contractor as is mentioned in this section shall cause to be posted up at the gas-works or water-works, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch. If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty not exceeding *five* pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act shall be liable on summary conviction to a penalty not exceeding *forty* shillings.

Breach of contract
by persons employed
in supply of gas or
water.

Page 2, clause 2, line 27. After "labour" omit remainder of clause insert "Upon the trial of any person under this section if the
" injury referred to as being the probable consequences of his
" action shall have occurred within twenty-four hours of the
" breach of contract complained of the occurrence of such
" injury within such time shall be *prima facie* evidence that
" the accused knew and had reasonable cause to believe that
" the same would be the probable consequences of his breach
" of contract; but if such injury shall not have occurred
" within twenty-four hours of the said breach of contract,
" extrinsic evidence of the knowledge and belief of the
" accused shall be necessary to any conviction under this
" section."

Page 2, clause 3, line 37. After "or" third occurring insert "per-
" sistently follows such other person about from place to
" place"

Page 2, clause 3, line 56. After "act" first occurring insert in
" contemplation or furtherance of any trade dispute between
" employers and workmen"



1893.

Legislative Council.

CONSPIRACY AND PROTECTION OF PROPERTY BILL.

(New Clause and Amendment to be proposed in Committee of the Whole by MR. W. H. SUTTON.)

After clause 1 insert the following new clause:—

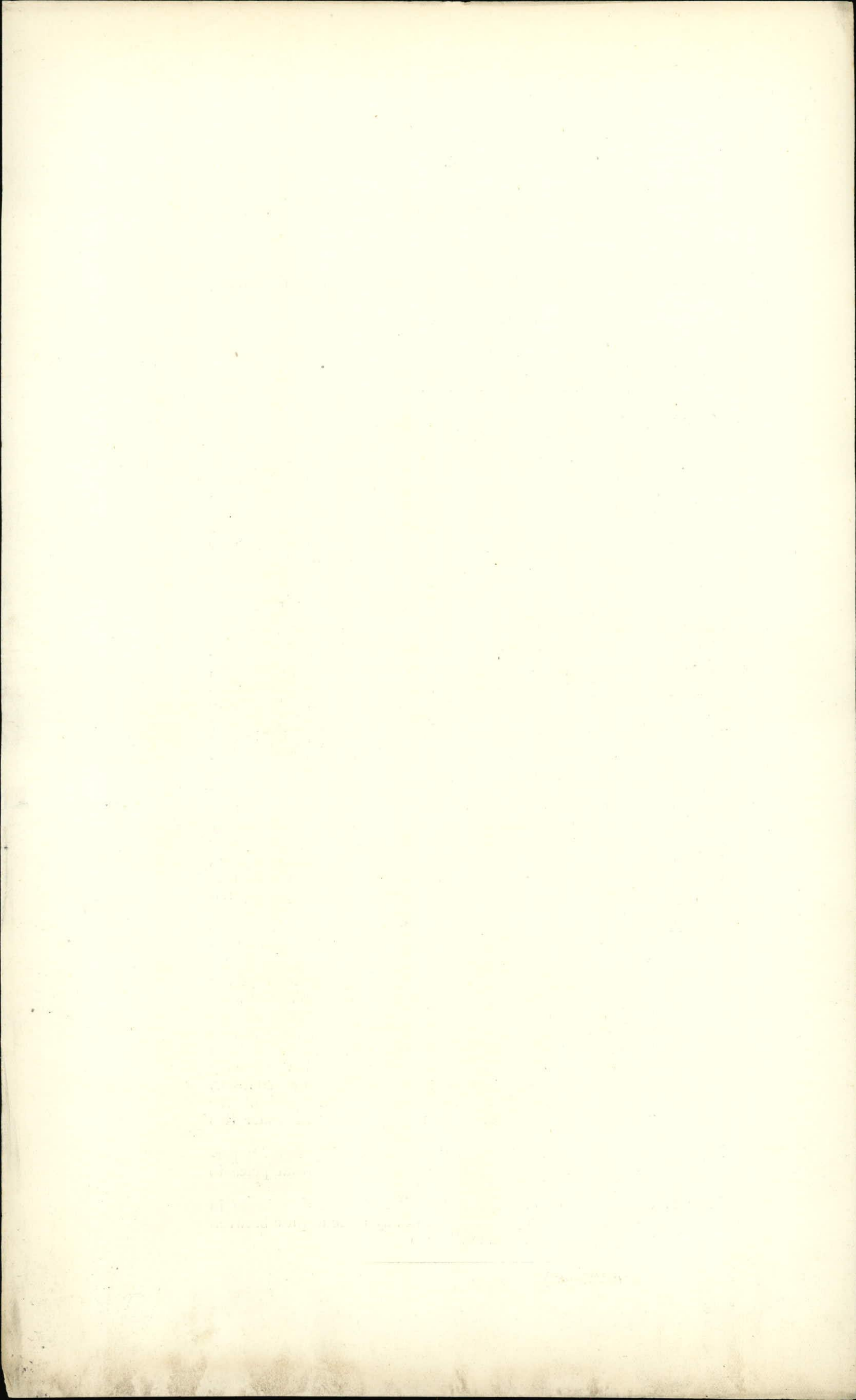
Where a person employed by a municipal authority or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty, of supplying any city, borough, town, or any part thereof with gas or water, wilfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding *twenty* pounds or to be imprisoned for a term not exceeding *three* months, with or without hard labor. Every such municipal authority, company, or contractor as is mentioned in this section shall cause to be posted up at the gas-works or water-works, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch. If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty not exceeding *five* pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act shall be liable on summary conviction to a penalty not exceeding *forty* shillings.

Breach of contract
by persons employed
in supply of gas or
water.

Page 2, clause 2, line 27. After "labour" omit remainder of clause insert "Upon the trial of any person under this section if the
" injury referred to as being the probable consequences of his
" action shall have occurred within twenty-four hours of the
" breach of contract complained of the occurrence of such
" injury within such time shall be *prima facie* evidence that
" the accused knew and had reasonable cause to believe that
" the same would be the probable consequences of his breach
" of contract; but if such injury shall not have occurred
" within twenty-four hours of the said breach of contract,
" extrinsic evidence of the knowledge and belief of the
" accused shall be necessary to any conviction under this
" section."

Page 2, clause 3, line 37. After "or" third occurring insert "per-
" sistently follows such other person about from place to
" place "

Page 2, clause 3, line 56. After "act" first occurring insert in
" contemplation or furtherance of any trade dispute between
" employers and workmen "



1893.

Legislative Council.

CONSPIRACY AND PROTECTION OF PROPERTY BILL.

(New Clause and Amendment to be proposed in Committee of the
Whole by MR. W. H. SUTTON.)

After clause 1 insert the following new clause :—

Where a person employed by a municipal authority or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty, of supplying any city, borough, town, or any part thereof with gas or water, wilfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding *twenty* pounds or to be imprisoned for a term not exceeding *three* months, with or without hard labor. Every such municipal authority, company, or contractor as is mentioned in this section shall cause to be posted up at the gas-works or water-works, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch. If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty not exceeding *five* pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act shall be liable on summary conviction to a penalty not exceeding *forty* shillings.

Breach of contract
by persons employed
in supply of gas or
water.

Page 2, clause 2, line 27. After "labour" omit remainder of clause insert "Upon the trial of any person under this section if the
" injury referred to as being the probable consequences of his
" action shall have occurred within twenty-four hours of the
" breach of contract complained of the occurrence of such
" injury within such time shall be *prima facie* evidence that
" the accused knew and had reasonable cause to believe that
" the same would be the probable consequences of his breach
" of contract; but if such injury shall not have occurred
" within twenty-four hours of the said breach of contract,
" extrinsic evidence of the knowledge and belief of the
" accused shall be necessary to any conviction under this
" section."

The first part of the report is devoted to a description of the
 methods used in the investigation. The second part contains the
 results of the experiments and a discussion of the factors which
 influence the rate of reaction. The third part is a summary of
 the work done during the course of the investigation.

The first part of the report is devoted to a description of the
 methods used in the investigation. The second part contains the
 results of the experiments and a discussion of the factors which
 influence the rate of reaction. The third part is a summary of
 the work done during the course of the investigation.

The first part of the report is devoted to a description of the
 methods used in the investigation. The second part contains the
 results of the experiments and a discussion of the factors which
 influence the rate of reaction. The third part is a summary of
 the work done during the course of the investigation.

1893.

Legislative Council.

CONSPIRACY AND PROTECTION OF PROPERTY BILL.

(New Clause and Amendment to be proposed in Committee of the Whole by MR. W. H. SUTTON.)

After clause 1 insert the following new clause:—

Where a person employed by a municipal authority or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty, of supplying any city, borough, town, or any part thereof with gas or water, wilfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding *twenty* pounds or to be imprisoned for a term not exceeding *three* months, with or without hard labor. Every such municipal authority, company, or contractor as is mentioned in this section shall cause to be posted up at the gas-works or water-works, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch. If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty not exceeding *five* pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act shall be liable on summary conviction to a penalty not exceeding *forty* shillings.

Breach of contract
by persons employed
in supply of gas or
water.

Page 2, clause 2, line 27. After "labour" omit remainder of clause insert " Upon the trial of any person under this section if the
" injury referred to as being the probable consequences of his
" action shall have occurred within twenty-four hours of the
" breach of contract complained of the occurrence of such
" injury within such time shall be *prima facie* evidence that
" the accused knew and had reasonable cause to believe that
" the same would be the probable consequences of his breach
" of contract; but if such injury shall not have occurred
" within twenty-four hours of the said breach of contract,
" extrinsic evidence of the knowledge and belief of the
" accused shall be necessary to any conviction under this
" section."

1871

...

...

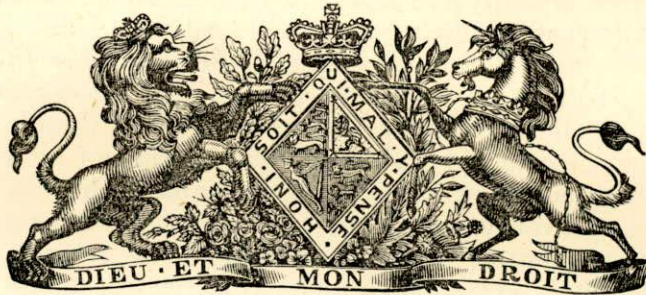
...

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 14 March, 1893.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act for amending the Law relating to Conspiracy and to the Protection of Property, and to the use of violence, threats, and molestation.

WHEREAS it is desirable to amend the Law relating to Con-^{Preamble.}spiracy and to the Protection of Property: 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:—

Conspiracy and Protection of Property.

1. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy, if such act committed by one person would not be punishable as a crime.

Amendment of law as to conspiracy in trade disputes.

Conspiracy and Protection of Property.

Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any Act of Parliament.

Nothing in this section shall affect the law relating to riot, 5 unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

A crime for the purposes of this section means an offence punishable on indictment, or an offence which is punishable on summary conviction, and for the commission of which the offender 10 is liable under the statute making the offence punishable, to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid, to do or procure to be done an act which is punishable 15 only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

2. Where any person wilfully and maliciously breaks a contract 20 of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or the destruction or serious injury of valuable property, whether real or personal, he shall on conviction thereof by a 25 court of summary jurisdiction, or on indictment, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour: Provided that no person shall be convicted under this section unless 30 the injury referred to as being the probable consequences of his action shall have occurred within thirty hours of the breach of contract complained of.

Breach of contract involving injury to persons or property.

Proviso.

3. Every person who, with a view to compel any other person 35 to abstain from doing or to do any act which such person has a legal right to do or abstain from doing, wrongfully and without legal authority,—

Penalty for intimidation or annoyance by violence or otherwise.

- (I) Uses violence to or intimidates such other person, or his wife or children, or injures his property; or
- (II) Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the 40 use thereof; or
- (III) Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or
- (IV) Follows such other person with two or more other persons in 45 a disorderly manner in or through any street or road,
- shall, on conviction thereof by a Court of summary jurisdiction, or on indictment, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

50 Following a person or attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information shall not be an offence either at Common Law or under this Act.

55 Provided that no person shall be liable to any punishment for doing or conspiring to do any act on the ground that such act restrains, or tends to restrain, the free course of trade, unless such act is one of the acts hereinbefore specified in this section, and is done with the object of coercing as hereinbefore mentioned.

Legal

Conspiracy and Protection of Property.

Legal Proceedings.

4. Where a person is accused before a Court of summary jurisdiction of an offence made punishable by this Act, and for which a penalty amounting to twenty pounds, or imprisonment, is imposed, the accused may, on appearing before the Court of summary jurisdiction, declare that he objects to being tried for such offence by a Court of summary jurisdiction, and thereupon the Court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence, and not an offence punishable on summary conviction; and the offence may be prosecuted on indictment accordingly.
5. Every offence under this Act which is made punishable on conviction by a Court of summary jurisdiction or on summary conviction, and every penalty under this Act recoverable on summary conviction, may be prosecuted and recovered and appealed from in manner provided by "Summary Jurisdiction Act."
6. The Act Sixth George the Fourth, chapter one hundred and twenty-nine, is hereby repealed, except sections two, four, and five thereof.
7. This Act may be cited as the "Conspiracy and Protection of Property Act, 1893."

Power for offender under this Act to be tried on indictment and not by Court of summary jurisdiction.

Proceedings before Court of summary jurisdiction.

Repeal of 6 George IV, c. 129.

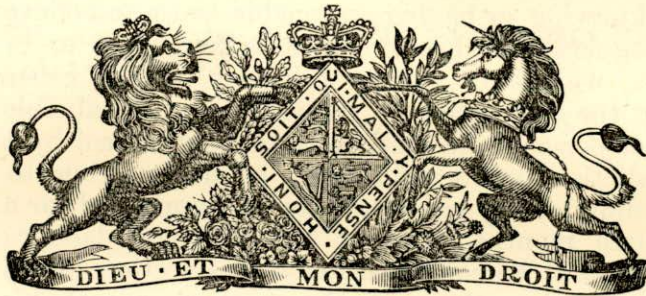
Short title.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 14 March, 1893.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act for amending the Law relating to Conspiracy and to the Protection of Property, and to the use of violence, threats, and molestation.

WHEREAS it is desirable to amend the Law relating to Con-^{Preamble.}spiracy and to the Protection of Property: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative
5 Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Conspiracy and Protection of Property.

1. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a
10 trade dispute between employers and workmen shall not be indictable as a conspiracy, if such act committed by one person would not be punishable as a crime.

Amendment of law as to conspiracy in trade disputes.

Conspiracy and Protection of Property.

Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any Act of Parliament.

Nothing in this section shall affect the law relating to riot, 5 unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

A crime for the purposes of this section means an offence punishable on indictment, or an offence which is punishable on summary conviction, and for the commission of which the offender 10 is liable under the statute making the offence punishable, to be imprisoned either absolutely or at the discretion of the Court as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid, to do or procure to be done an act which is punishable 15 only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

2. Where any person wilfully and maliciously breaks a contract 20 of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or the destruction or serious injury of valuable property, whether real or personal, he shall on conviction thereof by a 25 court of summary jurisdiction, or on indictment, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour: Provided that no person shall be convicted under this section unless 30 the injury referred to as being the probable consequences of his action shall have occurred within thirty hours of the breach of contract complained of.

3. Every person who, with a view to compel any other person 35 to abstain from doing or to do any act which such person has a legal right to do or abstain from doing, wrongfully and without legal authority,—

- (I) Uses violence to or intimidates such other person, or his wife or children, or injures his property; or
 - (II) Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the 40 use thereof; or
 - (III) Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or
 - (IV) Follows such other person with two or more other persons in 45 a disorderly manner in or through any street or road,
- shall, on conviction thereof by a Court of summary jurisdiction, or on indictment, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

50 Following a person or attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information shall not be an offence either at Common Law or under this Act.

55 Provided that no person shall be liable to any punishment for doing or conspiring to do any act on the ground that such act restrains, or tends to restrain, the free course of trade, unless such act is one of the acts hereinbefore specified in this section, and is done with the object of coercing as hereinbefore mentioned.

Legal

Conspiracy and Protection of Property.

Legal Proceedings.

4. Where a person is accused before a Court of summary jurisdiction of an offence made punishable by this Act, and for which a penalty amounting to twenty pounds, or imprisonment, is imposed, the accused may, on appearing before the Court of summary jurisdiction, declare that he objects to being tried for such offence by a Court of summary jurisdiction, and thereupon the Court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence, and not an offence punishable on summary conviction; and the offence may be prosecuted on indictment accordingly.
5. Every offence under this Act which is made punishable on conviction by a Court of summary jurisdiction or on summary conviction, and every penalty under this Act recoverable on summary conviction, may be prosecuted and recovered and appealed from in manner provided by "Summary Jurisdiction Act."
6. The Act Sixth George the Fourth, chapter one hundred and twenty-nine, is hereby repealed, except sections two, four, and five thereof.
7. This Act may be cited as the "Conspiracy and Protection of Property Act, 1893."

Power for offender under this Act to be tried on indictment and not by Court of summary jurisdiction.

Proceedings before Court of summary jurisdiction.

Repeal of 6 George IV, c. 129.

Short title.

