ANNO SEXAGESIMO PRIMO ET SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.
A.D. 1898-9.

*****************************************************************************

No. 716.

An Act relating to Collectors of and Dealers in Marine Stores.

[Assented to, January 28th, 1899.]

Be it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

1. This Act may be cited as “The Marine Stores Act, 1898-9,” short title. and shall come into operation on a day to be fixed by the Governor by Proclamation to be published in the Government Gazette.

2. In this Act and in all proceedings thereunder the following terms in inverted commas shall have the meanings stated, except where some other meaning is clearly intended:—

“Collector” means any person engaged in collecting or carrying on the business of collecting marine stores of any kind:

“Dealer” means any person other than a ship-chandler or ship-owner dealing in or buying and selling marine stores of any kind, whether such person deals in any other goods or not:

“Licensed” means licensed under this Act:

“Marine stores” means partly-manufactured metal goods, second-hand anchors, cables, sails, old junk, rags, bones, bottles, and marine stores of every description, copper, iron, brass, lead, Muntz metal, scrap metal, broken metal, or defaced metal goods:

“Prescribed” means prescribed by regulations:

“Regulations”
“Regulations” mean regulations under this Act:

“Ship-chandler” means any shopkeeper in a seaport town whose principal business is the sale of cordage, canvas, and other furniture, and general necessaries of ships:

“Truck” means truck, handcart, cart, barrow, or vehicle of any kind whatsoever.

PART I.

COLLECTORS.

Licences to be issued by Commissioner of Police.

3. A collector’s licence, in the form in the Second Schedule hereto, may be granted and issued by the Commissioner of Police to any person: Provided always that no such licence shall be issued to any person—

i. Under the age of sixteen years; or

ii. Who shall have been twice convicted of a felony or of a misdemeanor.

The sum of One Shilling shall be paid for every collector’s licence.

Every collector’s licence shall entitle the holder thereof to carry on the business of a collector in all parts of the said province.

Applications for licences to be in the form in schedule.

4. Every application for a collector’s licence by any person then unlicensed shall be made in the form in the First Schedule hereto, signed by the applicant, and shall be accompanied by a certificate, in the form in the said First Schedule, signed by two reputable householders residing within the said province.

5. If any collector shall not—

i. Within seven days after being licensed leave his address in writing, signed by him, with the officer in charge of the police station nearest to the place of such address, and also within the same period report himself and exhibit his licence to such police officer; or

ii. Whenever and so often as he changes his place of abode notify by writing, signed by him, such change to the officer in charge of the police station at which he had left his address in compliance with the last preceding sub-section within seven days after having so changed his abode; or

iii. At any time, upon demand, produce his licence to any justice or constable, or to any person from whom he has within twenty-four hours previously bought or offered to buy, or collected or offered to collect, any marine stores; or

iv. Unless he shall sooner sell the same to a licensed dealer, keep all marine stores other than glass bottles purchased or received by him in the same state and condition as they were
were in when so purchased or received for four days at least next after such purchase or receipt, or if he sell the same within the said period deliver the same to the licensed dealer purchasing the same in the same state and condition as when purchased or received; or

v. Wear such badge as may be prescribed; or

vi. Show such badge when and so often as may be prescribed; or

vii. Within one week after he ceases to be licensed deliver up his badge to the officer in charge of the police station nearest to the place where he resides at the time he ceases to be licensed:

he shall be guilty of an offence against this Act, and shall for every offence forfeit and pay a penalty not exceeding Five Pounds or be imprisoned for any term not exceeding one calendar month.

6. If any collector shall—

1. Lend or let out on hire his licence to any person, whomsoever, whether licensed or not; or

11. Sell or otherwise dispose of any marine stores other than glass bottles to any person other than a licensed dealer; or

111. Carry on his business of collecting marine stores or of buying or selling the same before eight o'clock in the morning, or after five o'clock at night; or

iv. Use any truck for the purposes of his business which shall not have painted or marked upon it in such manner, and with such letters, as may be prescribed, a number, and also the name in full and the address of the owner thereof, whether the collector using the truck shall be the owner or not; or

v. Allow any person other than a licensed collector, or allow more than one licensed collector to accompany him when using a truck in the business of collecting marine stores; or

vi. Enter any premises without the permission of the owner or occupier thereof; or

vii. Having entered upon any premises, with or without the permission of the owner or occupier thereof, neglect or refuse to immediately leave such premises when directed to do so by such owner or occupier or his servant or agent; or

viii. Use insulting or offensive language, or be guilty of rude or insulting behavior, whilst in pursuit of his occupation as a collector in any place, whether private or public:

he shall be guilty of an offence against this Act, and shall forfeit and pay a penalty not exceeding Ten Pounds, or be imprisoned for any term not exceeding two calendar months.

**PART I.**

License to be void on second conviction.

May be arrested without warrant.

Collectors to be licensed.

Licence not to be borrowed.

Dealers only to purchase marine stores

No one but a licensed collector to accompany truck.

**7. If any person shall—**

1. Act as a collector without being licensed so to do; or

2. Hire or borrow or act as a collector with or under color of any licence issued to any other person, or of any licence in which his own real name is not inserted as the name of the person to whom the same is granted; or

3. Not being a licensed dealer, purchase or receive from any collector any marine stores other than glass bottles; or

4. Not being a licensed collector, accompany any truck then being used in the business of collecting marine stores; or

5. Not being a licensed collector, wear, for the purpose of passing as a licensed collector, or for the purpose of engaging in or assisting in carrying on the business of a collector, any badge prescribed:

he shall be guilty of an offence against this Act, and shall forfeit and pay a penalty not exceeding Ten Pounds, or be imprisoned for any term not exceeding two calendar months.

On a second conviction for any offence against sub-section 11. of this section the person so convicted shall be rendered incapable of being licensed as a collector.

**PART II.**

DEALERS.

8. If any person shall act as a dealer without being licensed so to do he shall be guilty of an offence against this Act, and shall forfeit and pay a penalty not exceeding Ten Pounds or be imprisoned for any term not exceeding two calendar months.

9. A
9. A dealer's licence, in the form in the Third Schedule hereto, may be granted and issued, and a transfer thereof to any person or premises may be permitted by the Special Magistrate presiding at the Local Court nearest to the premises in respect of which the licence is applied for or was granted.

10. No dealer's licence shall be granted or issued or any transfer thereof permitted unless the applicant therefor shall, ten days at the least before his application, give or send by registered letter to the clerk of the Local Court and to the Commissioner of Police a notice in writing signed by him of his intention to apply for the same, setting forth his name and address and the place where his business is intended to be carried on. The Commissioner of Police or any person authorised by him may show cause against the granting of any such application. The sum of One Pound shall be paid for every dealer's licence.

11. Every application for permission to transfer a dealer's licence to any person shall be made by the proposed transferee.

12. When the transfer of a dealer's licence to any person or premises is permitted the fact and date of such permission, and the name and description of the person to whom or description of the premises to which the licence is permitted to be transferred, shall be indorsed upon such licence, and the person named as the transferee or the premises described in such indorsement shall thereupon and thenceforth for all purposes be deemed to be the person to whom or the premises in respect of which the licence was granted.

13. If any licensed dealer shall not—

i. Cause to be painted and kept painted in such manner as may be prescribed his name in full, and the words "licensed dealer in marine stores" upon some conspicuous part of the outside of the premises in respect of which his licence is granted; or

ii. Keep every part of his business premises closed during the whole of every Sunday and public holiday, and between the hours of six o'clock in the afternoon of every day except Saturday and Sunday and eight o'clock on the following morning, and also from two o'clock in the afternoon of every Saturday and eight o'clock on the following Monday morning; or

iii. Enter in a book, in the form in the Fourth Schedule to this Act, the name of every person to whom he shall lend or let on hire, whether gratuitously or otherwise, any truck, and the date when and the period for which such truck shall be lent or let on hire, and the amount (if any) charged for such lending or hire; or

iv. Keep
The Marine Stores Act.—1898-9.

**PART II.**

<table>
<thead>
<tr>
<th>Book to be kept showing marine stores purchased or received.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Book to be kept showing marine stores sold or disposed of.</td>
</tr>
<tr>
<td>Dealer to inform police when articles supposed to be stolen come into his possession.</td>
</tr>
<tr>
<td>Form of marine stores not to be changed for seven days.</td>
</tr>
<tr>
<td>Dealer to carry on business on licensed premises only.</td>
</tr>
<tr>
<td>Dealer to produce licence.</td>
</tr>
<tr>
<td>Trucks to be lent to licensed collectors only.</td>
</tr>
</tbody>
</table>

**IV.** Keep a book fairly, in the form set forth in the Fifth Schedule hereto, and enter therein an account of all such marine stores as he may from time to time become possessed of, stating in respect of each article the day and hour upon and at which, and the person by or through whom and the person from whom he purchased or received the same, adding a true description of the business and place of abode of such last-mentioned person; or

**V.** Keep a book, in the form set forth in the Sixth Schedule hereto, and enter therein an account of all such marine stores as he may from time to time sell or dispose of, stating in respect of each article the day upon which and the name of the person by or through whom and the person to whom he sold or disposed of the same, adding a true description, if known to him, of the business and place of abode of such last-mentioned person; or

**VI.** Produce to any police constable, whenever thereto requested, the book or books by this Act required to be kept by him, and any marine stores purchased or received by him then in his possession; or

**VII.** Without delay give notice to the officer on duty at the police station nearest to any place where he carries on business of any article which may come into his possession answering the description of any article described as having been stolen, embezzled, or fraudulently obtained, in any written or printed information given to him by any member of the Police Force; or

**VIII.** Keep all marine stores purchased or received by him without changing the form in which they were when so purchased, or disposing of the same in any way for a period of seven days after such marine stores have been purchased or received:

he shall be guilty of an offence against this Act, and forfeit and pay a penalty not exceeding Ten Pounds or be imprisoned for any term not exceeding two calendar months.

**14.** If any licensed dealer shall—

i. Carry on the business of a dealer upon any other premises than those to which his licence applies; or

ii. At any time upon demand made to him upon any part of the premises upon which he carries on the business of a dealer by any Justice of the Peace or member of the Police Force refuse or fail to produce and show to such Justice of the Peace or member of the Police Force his licence in force at the time of such demand; or

iii. Lend or let on hire any truck to any person other than a licensed collector; or

iv. Charge
The Marine Stores Act.—1898-9.

<table>
<thead>
<tr>
<th>PART II.</th>
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<tbody>
<tr>
<td>iv. Charge for the use or hire of any truck any sum exceeding the maximum amount prescribed; or</td>
</tr>
<tr>
<td>v. By himself or any other person on his behalf purchase or receive any marine stores from any person apparently under the age of sixteen years; or</td>
</tr>
<tr>
<td>vi. By himself or any other person on his behalf purchase or receive any marine stores of any description before the hour of nine o'clock in the morning or after the hour of six o'clock in the evening, or employ any person under the age of eighteen years to purchase or receive marine stores of any description:</td>
</tr>
<tr>
<td>he shall be guilty of an offence against this Act, and shall forfeit and pay a penalty not exceeding Ten Pounds or be imprisoned for any term not exceeding two calendar months.</td>
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</table>

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<thead>
<tr>
<th>PART III.</th>
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</thead>
<tbody>
<tr>
<td>MISCELLANEOUS.</td>
</tr>
<tr>
<td>15. Every person ceases to be licensed on the expiration, revocation, or forfeiture of his licence.</td>
</tr>
<tr>
<td>16. Every licence issued under this Act, unless sooner revoked or forfeited, shall be in force from the day following the date thereof until the thirty-first day of December then next following.</td>
</tr>
<tr>
<td>No person shall hold both a collector's and a dealer's licence.</td>
</tr>
<tr>
<td>17. In any prosecution under this Act any allegation in any information that any person is unlicensed need not be proved, and such person shall be deemed to be unlicensed until the contrary be proved by the production of a licence or otherwise.</td>
</tr>
<tr>
<td>18. Marine stores shall be deemed to be in the possession of a dealer when they are placed in any house, outhouse, yard, garden, or place occupied by him, or shall have been removed with his knowledge and permission to any other place without a bonâ fide sale of such marine stores having been made by him.</td>
</tr>
<tr>
<td>19. Every entry in any book kept or belonging to any dealer, or found on his licensed premises, shall be deemed, unless the contrary be shown, to have been made by or with the authority of such dealer.</td>
</tr>
<tr>
<td>20. Any Special Magistrate or two Justices sitting in open Court may on the complaint of any person that any licensed person has been guilty of any violation of any of the provisions of this Act or of any regulations, or that such person is in any other respect unfit to hold any licence, revoke such licence by any order under his or their hands and seals.</td>
</tr>
</tbody>
</table>

21. The
PART III.

Register to be kept.

Inspectors, &c., to visit dealers' premises.

Constable may be authorised to search dealer's premises.

Suspicious offering of marine stores.

21. The clerk of any Court at which any licence is granted, permitted to be transferred, or revoked shall enter particulars of the same in a register to be kept in such Court, and shall send a copy of such entries to the Commissioner of Police, who shall cause the same to be entered in a register to be kept at his office and at any other place which may be prescribed.

22. Any justice or commissioner, inspector, or sub-inspector of police, may, or any sergeant or constable of police authorised by the same in writing, may, at any time by day or night, demand entrance into the place of business of any dealer, or the appurtenances thereof, and inspect the marine stores and books of any dealer therein, and may record in the books by this Act required to be kept the day and hour of his visit and write his initials or name opposite the entry relating to any article examined by him.

If, after demand, admittance be refused or be delayed for such time as shall make it appear that wilful delay was intended, the offender shall forfeit and pay a sum not exceeding Fifty Pounds, and such Justice, commissioner, inspector, sub-inspector, sergeant, or constable may break into such place of business or the appurtenances thereof.

23. Any Justice of the Peace, upon complaint made before him by any person that the complainant has reason to believe and does believe that any marine stores stolen or unlawfully obtained are kept in any house, shop, room, or place by any dealer may, by warrant, authorise any constable, with such assistance as may be necessary, to enter such house, shop, room, or place, either by day or night, and to search for and seize all such marine stores there found, and to carry the same before the same or some other Justice, and such Justice shall thereupon issue a summons requiring such dealer to appear before such Justices as may be present at a time and place to be named in such summons, and if such dealer shall not then and there prove to the satisfaction of such Justices how he came by such marine stores, or if it shall be proved to the satisfaction of such Justices that at the time such dealer received such marine stores, or any of them, he had reasonable cause to believe them or some of them to have been stolen or unlawfully obtained, then, and in either of such cases, such dealer shall be liable to a penalty not exceeding Ten Pounds, or, at the discretion of such Justices, to imprisonment with or without hard labor for a term not exceeding three calendar months.

24. In case any person who shall offer to any dealer, his servant, or agent, by way of sale or exchange, any marine stores shall refuse or not be able to give a satisfactory account of himself or of the means by which he became possessed thereof, or shall wilfully give any false information to the dealer or to his servant or agent as to whether such marine stores are his property or not, or of his name or place of abode, or of the name or place of abode of the owner of the said marine stores, or if there shall be any other reason to suspect
suspect that such marine stores are stolen or otherwise illegally or clandestinely obtained, it shall be lawful for any dealer or his servant or agent to whom such marine stores shall be so offered to seize and detain such person and the said marine stores and to deliver such person immediately into the custody of a constable or other peace officer, who shall and is hereby required as soon as may be to convey such person and the said marine stores so offered before some Justice near to the place where such person may be apprehended, and if such Justice shall, upon examination and inquiry, have cause to suspect that the said marine stores were stolen or illegally or clandestinely obtained, it shall be lawful for such Justice to commit such person into safe custody for such reasonable time as shall be necessary for obtaining proper information on the subject in order to be further examined; and if upon either of the said examinations it shall appear to the satisfaction of such Justice that any of the said marine stores so offered were stolen or illegally or clandestinely obtained, the said Justice is hereby authorised and required to commit the person offending for trial at the Supreme Court where the offence is one in respect of which a person might be so committed, or otherwise to order such person to be imprisoned, with or without hard labor, for any term not exceeding three calendar months.

25. All complaints and informations for offences and proceedings for the forfeiture or revocation of any licence under this Act shall, except where otherwise provided, be heard and determined in a summary way before a Special Magistrate or any two or more Justices.

26. There shall be an appeal from any decision of any Special Magistrate or Justice or Justices to the Local Court of Adelaide of Full Jurisdiction.

Such appeal shall be regulated by Ordinance No. 6 of 1850, and "The Justices Procedure Amendment Act, 1883-4."

27. Such Local Court may make any order as to costs as it shall think fit.

28. Such Local Court may state a special case for the opinion of the Supreme Court.

29. The Supreme Court shall deal with such special case according to the practice of the Supreme Court on special cases, and may make any order as to the costs of the proceedings in that Court and in the Court below.

30. The Governor may make regulations for prescribing—

1. The form, manner, and place of registration of licences, renewals, revocations and other matters requiring registration under this Act, where not specially provided for in this Act;

2. Means
PART III.

11. Means for circulating throughout the said province lists of licences and revocations and forfeitures thereof:

111. The badges to be used or worn by collectors, and the position and manner in which the same shall be worn:

1111. The mode by which collectors shall make known their approach, whether by bell or otherwise:

v. All such observances as may not be specifically provided for in this Act and which the Governor considers it desirable that collectors should comply with in carrying on their business:

vi. The manner in which any truck used by any collector shall be painted or otherwise distinguished, and the mode of painting or otherwise marking the name and address of the owner, whether a collector or dealer, upon such truck and of numbering and marking the number upon any truck:

vii. The maximum amount which may be taken by any dealer from a collector for the use or hire of any truck:

viii. The manner and situation in which the names of dealers shall be painted upon the premises upon which they are licensed to carry on their business as dealers:

And generally for carrying into effect the provisions of this Act.

All such regulations upon being published in the Government Gazette and laid before both Houses of Parliament for thirty days, if not disallowed by either House of Parliament, shall be valid in law as if the same were enacted by this Act, and shall be judicially noticed, and any collector, dealer, or person who is guilty of any breach of any of such regulations whether by the omission of any act directed to be performed or by the commission of any act forbidden to be done shall, for every such offence for which no penalty is imposed by this Act, be subject to a penalty not exceeding Five Pounds, or to be imprisoned, with or without hard labor, for any period not exceeding one calendar month.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

S. J. WAY, Lieutenant-Governor.

SCHEDULES.
SCHEDULES.

FIRST SCHEDULE.

[South Australia.]

"The Marine Stores Act, 1898."

Application for Collector's Licence.

To the Commissioner of Police.

I, A. B. [address and description], do hereby declare that I am of the full age of sixteen years, and apply for a collector's licence under the above Act; and I undertake, if the said licence be issued to me, to observe faithfully all the provisions of the said Act and the regulations made thereunder. Attached is the householders' certificate required by the said Act.

Dated the day of , 18 .

[Signature of applicant.]

Householders' Certificate.

We, C. D., of [address and description] and E. F. [address and description], do hereby certify that the above-named [name of applicant] has been known to us for the space of last past, and during all that time has usually resided at , and is a person of good character and reputation, and a fit person to receive a collector's licence under the above-named Act.

Dated the day of , 18 .

C. D.; E. F.; Householders.

SECOND SCHEDULE.

[South Australia.]

"The Marine Stores Act, 1898."

Collector's Licence.

A. B., of [address and description], is authorised and empowered to act as a collector, and to carry on the business of collecting marine stores within all parts of the Province of South Australia; and this licence shall (unless the same be sooner revoked or forfeited) be and continue in force from the day next following the date hereof until the thirty-first day of December, 18 .

Given at Adelaide, in the said province, the day of , 18 .

Registered No. .

Commissioner of Police.

This licence is not to be let on hire or lent to any person.

The collector, if he change his abode, must report his new place of abode to the police officer of the station nearest to the same and to the police officer of the station nearest to his last former place of abode.

Special Notice—This licence is subject to revocation or forfeiture if the collector be guilty of any breach of the Act or any regulation or of any improper conduct whatever.

THIRD
THIRD SCHEDULE.

[South Australia.]

"The Marine Stores Act, 1898."

Dealers' Licence.

Whereas A. B., of [address and description] has applied to me, the Special Magistrate presiding at the Local Court of [name of Court], for a licence to act as a dealer: Now I, the Special Magistrate aforesaid, being satisfied that the said A. B. is a fit person to have such licence granted to him, do hereby authorise and empower him, the said A. B., to act as a dealer and to carry on the business of dealing in and buying and selling marine stores at the premises occupied by him in [name of street and name of place], and this licence shall (unless the same be sooner revoked or forfeited) be and continue in force from the day next following the date hereof until the thirty-first day of December, 18.

Given under my hand and the seal of the said Court at the day of 18.

Registered No. (L.s.) Special Magistrate.

Clerk of the Local Court of [name of Court].

FOURTH SCHEDULE.

"The Marine Stores Act, 1898."

Entry of Trucks, Handcarts, Carts, or Vehicles Lent or Let Out on Hire.

<table>
<thead>
<tr>
<th>Name of Collector to whom Truck, &amp;c. Lent or Let on Hire.</th>
<th>Date on which Truck, &amp;c., Lent or Let on Hire.</th>
<th>Whether on Hire or Gratuitously, and if so, on Hire at what Price.</th>
<th>Period for which Truck, &amp;c., is Lent or Let.</th>
<th>No. on Trucks, &amp;c., Lent or Let on Hire.</th>
</tr>
</thead>
</table>

FIFTH SCHEDULE.

"The Marine Stores Act, 1898."

Entry of Purchases and Receipts.

<table>
<thead>
<tr>
<th>Day of Purchase or Receipt and Hour of Day.</th>
<th>Description of Marine Stores Purchased or Received.</th>
<th>Name and Surname of Person by or through whom Purchased or Received.</th>
<th>Name and Surname of Person from whom Purchased or Received.</th>
<th>Business and Place of Abode of Person from whom Purchased or Received.</th>
</tr>
</thead>
</table>

SIXTH
SIXTH SCHEDULE.

"The Marine Stores Act, 1898."

Entry of Sales and Dispositions.

<table>
<thead>
<tr>
<th>Day of Sale</th>
<th>Description of Marine Stores Sold or Disposed of</th>
<th>Name and Surname of Person by or through whom Sold or Disposed of</th>
<th>Name and Surname of Person to whom Sold or Disposed of</th>
<th>Business and Place of Abode of Person to whom Sold or Disposed of</th>
</tr>
</thead>
</table>