

No. XIII.

An Act to amend the "Trade Marks Act, 1865," and the law relating to Trade Marks.
 [17th April, 1893.]

TRADE MARKS ACT
 AMENDMENT.

BE it 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. This Act may be cited as the "Trade Marks Act Amendment Act" and shall be incorporated and read with the "Trade Marks Act, 1865," hereinafter called the "Principal Act."

Act incorporated.
 Short title.

2. At the trial of any person charged with an offence under sections eight, nine, or thirteen of the Principal Act, it shall not be necessary to prove that the said person did the acts complained of with intent to defraud or to enable another to defraud, but the burden of proving that he did the acts complained of without intent to defraud or to enable another to defraud shall be on the person so charged, anything in section eighteen of the said Act to the contrary notwithstanding.

Burden of proof
 under ss. 8, 9, and 13
 of 28 Vic. No. 9.

3. At the trial of any person charged with an offence under section ten of the Principal Act, it shall not be necessary to prove that the said person knew that the trade mark was forged or counterfeited, or knew that the trade mark of another person had been applied or used falsely or wrongfully, or without lawful authority or excuse, as the case may be, but the burden of proving the absence of such knowledge shall be on the person so charged.

Burden of proof
 under s. 10 of
 28 Vic. No. 9.

4. At the trial of any person charged with an offence under section fourteen of the Principal Act it shall not be necessary to prove that the said person knew that any false description, statement, or other indication of or respecting any of the matters mentioned in the said section had been put upon any of the chattels, articles, or things in the said section mentioned, but the burden of proving the absence of such knowledge shall be on the person so charged.

Burden of proof
 under s. 14 of
 28 Vic. No. 9.

5. Where, upon information of an offence against this or the Principal Act, a Justice of the Peace has issued either a summons requiring the defendant charged by the information to appear to answer to the same, or a warrant for the arrest of the defendant, and either the said Justice, on or after issuing the summons or warrant, or any other Justice is satisfied by information on oath that there is reasonable cause to suspect that any goods or things by means of or in relation to which the said offence has been committed are in any house or premises of the defendant, or otherwise in his possession or under his control in any place, the said Justice may issue a warrant under his hand, by virtue of which it shall be lawful for any constable named or referred to in the warrant to enter the said house, premises, or place at any reasonable time by day, and to search there for and seize and take away those goods and things. And any goods or things seized under any such warrant as aforesaid shall be brought before a Justice of the Peace for the purpose of its being determined whether the same are or are not liable to forfeiture under this or the Principal Act.

Search warrants.