

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. LXIV.

An Act for the better Protection of Her Majesty's Naval and Victualling Stores.

[29th *July* 1862.]

WHEREAS the existing Enactments for the Protection of Her Majesty's Naval and Victualling Stores are numerous and complicated, and Difficulties have arisen in their Application, and it is consequently expedient to reduce into One Act and simplify and amend them:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Naval and Victualling Stores Act, 1862. Short Title.

2. This Act shall not extend to *Scotland* or *Ireland*. Extent of Act.

3. In this Act—

The Term "the Admiralty" shall be taken to mean the Lord High Admiral of the United Kingdom for the Time being, or the Interpretation of Terms.

the Commissioners for the Time being for executing the Office of Lord High Admiral:

The Term "Dealer in Marine Stores" shall be taken to mean a Person bound to conform to the Regulations of The Merchant Shipping Act, 1854, Section Four hundred and eighty:

17 & 18 Vict. c. 104.

The Term "Dealer in old Metals" shall be taken to mean a Person answering the Description of such a Dealer contained in The Old Metal Dealers Act, 1861:

24 & 25 Vict. c. 110.

The Term "Her Majesty's Yards" shall be taken to mean Her Majesty's Dock Yards, Her Majesty's Victualling Yards, and Her Majesty's Steam Factory Yards:

The Term "Constable of the Metropolitan Force" shall be taken to mean a Constable belonging to that Force, and being by virtue of the Act of the Session of the Twenty-third and Twenty-fourth Years of Her Majesty (Chapter One hundred and thirty-five), "for the Employment of the Metropolitan "Police Force in Her Majesty's Yards and Military Stations," employed and authorized to act in any of Her Majesty's Yards and within the Limits in that Act mentioned.

23 & 24 Vict. c. 135.

Enactments in Schedule (A.) to this Act, as to Naval and Victualling Stores, repealed, but not as to Scotland or Ireland.

4. The Enactments described in Schedule (A.) to this Act are hereby repealed to the Extent therein specified, and only as to Her Majesty's Naval and Victualling Stores; but this Repeal shall not extend to *Scotland* or *Ireland*, or affect—

(1.) The past Operation of any such Enactment;

(2.) Any Act done or any Right or Liability already acquired, accrued, or now existing under or by virtue of any such Enactment;

(3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence already committed; or

(4.) The Institution or Prosecution of any legal Proceeding or any other Remedy for the ascertaining, enforcing, or recovering of any such Liability, Penalty, Forfeiture, or Punishment.

I.—Marked Stores.

Imitation of Marks.

Marks in Schedule (B.) to this Act appropriated for Her Majesty's Use in or on Naval and Victualling Stores.

Imitation of Marks a Misdemeanor.

5. The Marks mentioned in Schedule (B.) to this Act may be applied in or on Her Majesty's Naval and Victualling Stores to denote Her Majesty's Property in Stores so marked. It shall be lawful for the Admiralty, their Contractors, Officers, and Workmen, and for no other Person, to apply the said Marks or any of them in or on Naval or Victualling Stores. If any Person apply any of the said Marks in or on Naval or Victualling Stores contrary to

to this Provision he shall be guilty of a Misdemeanor, and shall be liable to Imprisonment for not more than One Year, with or without Hard Labour.

Defacing of Marks.

6. If any Person, with Intent to conceal Her Majesty's Property in any Naval or Victualling Stores, take out, destroy, or obliterate, wholly or in part, any such Mark in or on any such Stores, he shall be guilty of Felony, and shall be liable to Imprisonment for not more than Two Years, with or without Hard Labour.

Obliteration of Marks, with Intent to conceal Her Majesty's Property in Stores, Felony.

Receiving, &c. of marked Stores.

7. If any Person receive, possess, keep, sell, or deliver any Naval or Victualling Stores marked as aforesaid, knowing them to be so marked, he shall be guilty of a Misdemeanor, and shall be liable to Imprisonment for not more than One Year, with or without Hard Labour.

Knowingly receiving, &c. marked Stores, a Misdemeanor.

8. Where the Person charged with such a Misdemeanor is a Dealer in Marine Stores or in old Metals, or a Person employed in any of Her Majesty's Yards, Knowledge on his Part that the Stores to which the Charge relates were at the Time of the Commission of the Offence marked as aforesaid shall be presumed, until the contrary is shown; in other Cases Evidence of such Knowledge shall be necessary to support the Charge.

Knowledge of Stores being marked presumed against Dealers or Persons employed in Yards, but to be proved in other Cases.

9. Provided always, That no Person shall be liable to be convicted of such a Misdemeanour who shows (whether such Knowledge as aforesaid is presumed or proved against him or not) that he came by the Stores to which the Charge relates lawfully, and without reasonable Cause for believing that the Person (if any) through whom he came by the same had not come by the same lawfully.

No Conviction where Proof that Stores were lawfully come by.

10. The Provisions of the Act of the Session of the Eighteenth and Nineteenth Years of Her Majesty (Chapter One hundred and twenty-six), "for diminishing Expense and Delay in the Adminis- "tration of Criminal Justice in certain Cases," shall apply in the Case of a Person charged with such a Misdemeanor in manner following:

Summary Trial of Receivers, &c. in certain Cases, under Criminal Justice Act, 18 & 19 Vict. c. 126.

(1.) Where, in the Judgment of the Justices at such Petty Sessions as in that Act mentioned, the Value of the Stores to which the Charge relates does not exceed One Pound, Section One of that Act, with all Provisions relative thereto, shall apply:

(2.) Where,

(2.) Where, in the Judgment of such Justices, such Value exceeds One Pound, Section Three of that Act, with all Provisions relative thereto, shall apply.

II.—Stores marked or unmarked.

Creeping, sweeping, or dredging.

No unauthorized Person to creep, sweep, or dredge for Stores within 100 Yards of Dockyards, &c.

11. It shall not be lawful for any Person (except a Person in Her Majesty's Service or in the Employment of the Admiralty, or a Constable of the Metropolitan Police Force), without Permission in Writing given by the Admiralty or by some Person authorized by the Admiralty in that Behalf, to creep, sweep, or dredge for Stores lost or supposed to be lost in the Sea or any Tidal Water within the Distance of One hundred Yards from any Vessel belonging to Her Majesty or in Her Majesty's Service, or from any mooring Place or anchoring Place appropriated to such Vessels, or from any Moorings belonging to Her Majesty, or from any of Her Majesty's Yards. If any Person creep, sweep, or dredge for Stores contrary to this Provision he shall be liable, on summary Conviction, to a Penalty of not more than Five Pounds.

Arrest of Offenders, Vessels, &c.

Policemen of Metropolitan Force may stop suspected Persons, &c.

12. A Constable of the Metropolitan Police Force may, within the Yard and Limits for which he is sworn, stop, search, and detain any Vessel, Boat, or Carriage in or on which there is Reason to suspect that any of Her Majesty's Naval or Victualling Stores, stolen or unlawfully obtained, may be found, or any Person reasonably suspected of having or conveying any such Stores stolen or unlawfully obtained.

Power of Justices at Petty Sessions in relation to Stores stolen or unlawfully obtained, &c.

13. If any Person be brought before Two or more Justices at Petty Sessions charged with having or conveying any of Her Majesty's Naval or Victualling Stores stolen or unlawfully obtained, or reasonably suspected to have been stolen or unlawfully obtained, the following Provisions shall take effect and apply:—

(1.) If such Person do not give an Account to the Satisfaction of the Justices how he came by such Stores he shall be deemed guilty of a Misdemeanor, and, on summary Conviction thereof before Two or more Justices at Petty Sessions, shall be liable to a Penalty of not more than Five Pounds, or to Imprisonment for not more than Two Months, with or without Hard Labour:

(2.) If he declare that he received such Stores from some other Person, or that he was employed as a Carrier, Agent, or Servant to convey the same for some other Person, Two or more

more Justices at Petty Sessions may cause every such other Person, and every former or pretended Purchaser or other Person through whose Possession the same have or are declared to have passed, to be brought before them and examined, and may examine Witnesses on Oath touching the same:

(3.) If it appear to Two or more Justices at Petty Sessions that any Person has had Possession of such Stores (for which Purpose the Possession of a Carrier, Agent, or Servant shall be deemed to be the Possession of his Employer), and had reasonable Cause for believing that the same had been stolen or unlawfully obtained, such Person shall be deemed to have had Possession thereof at the Time and Place when and where they were found or seised, and to be guilty of a Misdemeanor, and, on Conviction thereof before Two or more Justices at Petty Sessions, shall be liable to a Penalty of not more than Five Pounds, or to Imprisonment for not more than Three Months, with or without Hard Labour.

Searches under Warrants.

Search Warrant on Information on Oath.

14. Where Information on Oath is given to a Justice of the Peace that there is reasonable Cause to believe, and that the Informant believes, that some of Her Majesty's Naval or Victualling Stores, marked as aforesaid, or (whether marked or not) stolen or unlawfully obtained, are in a House or Place within the Jurisdiction of such Justice, he may issue a Search Warrant to a Constable.

Effect of Search Warrant.

15. Every such Search Warrant shall be a sufficient Authority for the Constable to whom the same is directed to enter, in the Daytime, or by Night, if Power for that Purpose be given by the Warrant, with such Assistance as may be found necessary, into such House or Place, and there to search for such Naval or Victualling Stores, and if upon such Search any such Naval or Victualling Stores be found, then to seize the same, and either to convey the same before a Justice of the Peace, or to guard them on the Spot, or otherwise dispose of them in a Place of Safety, until further Proceedings can be taken in relation thereto.

Dealers in Marine Stores and in old Metals to account for Possession of Stores found on Search.

16. Where under any such Search Warrant any Naval or Victualling Stores, appearing or reasonably suspected to belong or to have belonged to Her Majesty, are found in the Possession or Keeping of a Dealer in Marine Stores or in old Metals, or of a Person employed in any of Her Majesty's Yards, and such Dealer or Person does not prove that he came by the same lawfully, and without reasonable Cause for believing that the Person (if any) through whom he came by the same had not come by the same lawfully, such Dealer or Person,

Person, on summary Conviction before Two or more Justices at Petty Sessions, shall be liable for the First Offence to a Penalty of not more than Five Pounds, and for a Second or other subsequent Offence to a Penalty of not more than Twenty Pounds, or Imprisonment for not more than Three Months, with Hard Labour.

III.—General Provisions.

Procedure.

Parts of 24 & 25 Vict. c. 96. (Larceny) incorporated.

17. Subject and without Prejudice to the Application by this Act of the said Act of the Session of the Eighteenth and Nineteenth Years of Her Majesty, and to the other express Provisions of this Act, such of the Provisions of the Act of the last Session of Parliament (Chapter Ninety-six), "to consolidate and amend the Statute "Law of *England* and *Ireland* relating to Larceny and other similar "Offences," as are mentioned in Schedule (C.) to this Act, shall be incorporated with this Act, and shall for the Purposes of this Act be read as if they were here re-enacted.

Criminal Possession.

18. For the Purposes of this Act, Naval or Victualling Stores shall be deemed to be in the Possession or Keeping of any Person, if he have them in his personal Possession or Keeping, or if he knowingly and wilfully have them in the actual Possession or Keeping of any other Person, or in any House, Building, Lodging, Apartment, Field, or Place, open or inclosed, whether occupied by himself or not, and whether the same be so had for his own Use or for the Use or Benefit of another.

Saving for Indictment.

19. Nothing in this Act shall be taken to prevent any Person from being indicted for any indictable Offence made punishable on summary Conviction by this Act, or to prevent any Person from being liable under any other Act, or otherwise, to any other or higher Penalty or Punishment than is provided for any Offence by this Act, but so that no Person be punished twice for the same Offence.

Admiralty alone to prosecute.

20. It shall not be competent for any Person, other than the Admiralty, their Officers, Solicitors, or Agents, to institute or carry on under this Act any Prosecution by way of summary Proceeding or otherwise for any Offence by this Act made Felony or Misdemeanor or made punishable on summary Conviction.

Application of pecuniary Penalties.

Penalties, &c. to be applied under Orders of Admiralty.

21. Notwithstanding anything in any Act relating to Municipal Corporations or to the Metropolitan Police Force or in any other Act contained, any pecuniary Penalty or other Monies recovered under this Act shall be paid or applied as the Admiralty shall direct.

Dealers

Dealers in old Metals.

Effect of Conviction of Dealers in old Metals under this Act.

22. Every Conviction under this Act of a Dealer in old Metals shall, for the Purposes of Registration and its Consequences under The Old Metal Dealers Act, 1861, be equivalent to a Conviction under that Act.

Metropolitan Police.

Incorporation of Provisions of Metropolitan Police Force Acts.

23. Subject and without Prejudice to the express Provisions of this Act, all Enactments relative to the Powers, Duties, Privileges, and Responsibilities of the Metropolitan Police Force when acting within the Metropolitan Police District shall, in relation to Offences and other Matters connected with Naval and Victualling Stores belonging to Her Majesty, or appearing or reasonably suspected to belong or to have belonged to Her Majesty, extend and apply to Constables of the Metropolitan Force when acting within the Yards and Limits for which they are sworn, and such Enactments shall for the Purposes of this Act be read as if they were here re-enacted.

SCHEDULES.

SCHEDULE (A.)

ENACTMENTS REPEALED as to HER MAJESTY'S NAVAL and VICTUALLING STORES, except as to SCOTLAND and IRELAND.

Session and Chapter.	Title.	Extent of Repeal.
9 & 10 Will. 3. c. 41.	An Act for the better preventing the Imbezlement of His Majesty's Stores of War, and preventing Cheats, Frauds, and Abuses, in paying Seamen's Wages.	Sections One, Two, Four, Five, and Eight.
9 Geo. 1. c. 8.	An Act for continuing some Laws, and reviving others therein mentioned, for exempting Apothecaries from serving Parish and Ward Offices, and upon Juries; and relating to Jurors; and to the Payment of Seamen's Wages, and the Preservation of Naval Stores, and Stores of War; and concerning the Militia and Trophy-Money; and against clandestine running of uncustomed Goods, and for more effectual preventing Frauds relating to the Customs, and Frauds in mixing Silk with Stuffs to be exported.	Sections Three, Four, and Five.
17 Geo. 2. c. 40.	An Act to continue the several Laws therein mentioned for preventing Theft and Rapine on the Northern Borders of England; for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice; for continuing Two Clauses to prevent the cutting or breaking down the Bank of any River, or Sea Bank, and to prevent the malicious cutting of Hopbinds; and for the more effectual Punishment of Persons maliciously setting on fire any Mine, Pit, or Delph of Coal, or Cannel Coal; and of Persons unlawfully hunting or taking any Red or Fallow Deer in Forests or Chaces, or beating or wounding the Keepers or other Officers in Forests, Chaces, or Parks; and for granting a Liberty to carry Sugars of the Growth, Produce, or Manufacture of any of His Majesty's Sugar Colonies in America, from the said Colonies directly to Foreign Parts in Ships built in Great Britain, and navigated according to Law; and to explain Two Acts relating to the Prosecution of Offenders for embeziling Naval Stores, or Stores of War; and to prevent the retailing of Wine within either of the Universities in that Part of Great Britain called England without Licence.	Section Ten.

Naval and Victualling Stores.

Session and Chapter.	Title.	Extent of Repeal.
39 & 40 Geo. 3. c. 89.	An Act for the better preventing the Embezzlement of His Majesty's Naval, Ordnance, and Victualling Stores.	The whole.
54 Geo. 3. c. 60.	An Act for the better preventing the Embezzlement of His Majesty's Cordage.	The whole.
54 Geo. 3. c. 159.	An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and navigable Rivers, in the United Kingdom; and of His Majesty's Docks, Dock Yards, Arsenals, Wharfs, Moorings, and Stores therein; and for repealing several Acts passed for that Purpose.	Section Ten.
55 Geo. 3. c. 127.	An Act to repeal an Act of the Fifty-third Year of His present Majesty, for preventing the Embezzlement of Stores; and to extend the Provisions of the several Acts relating to His Majesty's Naval, Ordnance, and Victualling Stores to all other public Stores.	The whole.
56 Geo. 3. c. 80.	An Act to enable the principal Officers and Commissioners of His Majesty's Navy resident on Foreign Stations to grant Certificates of Stores or Goods which may be sold by such Officers or Commissioners at such Foreign Stations.	The whole.
4 Geo. 4. c. 53.	An Act for extending the Benefit of Clergy to several Larcenies therein mentioned.	The whole.
2 & 3 Will. 4. c. 40.	An Act to amend the Laws relating to the Business of the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments.	Section Thirty-four.

SCHEDULE (B.)

MARKS appropriated for Her Majesty's Use in or on Naval and Victualling Stores.

Stores.	Marks.
(1.) Hempen Cordage and Wire Rope -	Coloured Worsted Threads laid up with the Yarns and the Wire respectively.
(2.) Canvas, Fearnought, Hammocks, and Seamen's Bags.	A Blue Line in a Serpentine Form.
(3.) Buntin - - - -	A double Tape in the Warp.
(4.) Candles - - - -	A Blue Cotton Thread in each Wick.
(5.) Timber, Metal, and other Naval or Victualling Stores not before enumerated.	The Broad Arrow.

SCHEDULE (C.)

PARTS of the Larceny Act of 1861 incorporated with this Act.

Sections 99, 100, 103, 105, 107 to 113, both inclusive, and 115 to 121, both inclusive.

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