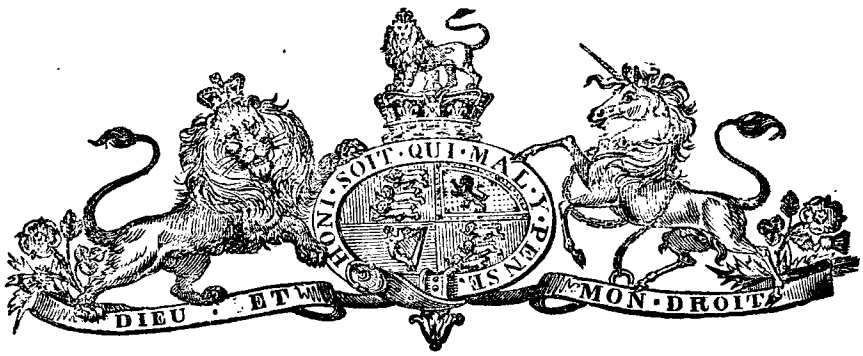


ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. CXIX.

An Act for the Protection of Naval Stores.

[20th *August* 1867.]

BE it 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:

1. This Act may be cited as The Naval Stores Act, 1867. Short Title.

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

3. In this Act— Interpretation of Terms.

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "Dealer in Marine Stores" means a Person bound to conform to the Regulations of The Merchant Shipping Act, 1854, Section Four hundred and eighty: 17 & 18 Vict. c. 104. s. 480.

The Term "Dealer in old Metals" has the same Meaning as in The Old Metal Dealers Act, 1861: 24 & 25 Vict. c. 110.

The Term "Stores" includes all Goods and Chattels and any single Store or Article.

4. The

27 & 28 Vict. c. 91. repealed, but not to apply to Offences before passing this Act.

4. The Naval and Victualling Stores Act, 1864, is hereby repealed; but this Repeal or anything in this Act shall not apply to or in respect of any Offence, Act, or Thing committed or done before the passing of this Act, save that this Act shall apply to Stores bearing any such Mark or Part of a Mark as in this Act mentioned, whether applied before or after the passing of this Act.

Marks in Schedule appropriated for Naval Stores.

5. The Marks described in the Schedule to this Act may be applied in or on Stores therein described in order to denote Her Majesty's Property in Stores so marked.

It shall be lawful for the Admiralty, their Contractors, Officers, and Workmen, to apply those Marks or any of them in or on any such Stores.

If any Person, without lawful Authority (Proof of which Authority shall lie on the Party accused), applies any of those Marks in or on any such Stores, he shall be guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

Obliteration, with Intent to conceal, &c., Felony.

6. If any Person, with Intent to conceal Her Majesty's Property in any Stores, takes out, destroys, or obliterates, wholly or in part, any such Mark as aforesaid, he shall be guilty of Felony, and shall, on Conviction thereof, be liable, in the Discretion of the Court before which he is convicted, to be kept in Penal Servitude for any Term not exceeding Five Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Knowingly receiving, &c. marked Stores a Misdemeanor.

7. If any Person, without lawful Authority (Proof of which Authority shall lie on the Party accused), receives, possesses, keeps, sells, or delivers any Stores bearing any such Mark as aforesaid, or any Part of any such Mark, knowing them to bear such Mark or Part of a Mark, he shall be guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be imprisoned for any Term not exceeding One Year, with or without Hard Labour.

Knowledge of Stores being marked presumed against Dealers, &c.

8. Where the Person charged with such a Misdemeanor as last aforesaid was at the Time at which the Offence is charged to have been committed in Her Majesty's Service, or in the Service of the Admiralty, or a Dealer in Marine Stores or in old Metals, or a Pawnbroker, Knowledge on his Part that the Stores to which the Charge relates bore such a Mark or Part of a Mark as aforesaid shall be presumed until the contrary is shown.

9. A Person

Summary Conviction in certain Cases.

9. A Person charged with such a Misdemeanor as last aforesaid in relation to Stores the Value whereof does not exceed Five Pounds shall be liable, on summary Conviction before a Justice of the Peace, to a Penalty not exceeding Twenty Pounds, or, in the Discretion of the Justice, to be imprisoned for any Term not exceeding Six Months, with or without Hard Labour.

Penalty on Dealer, &c. found in possession of unmarked Stores, and not accounting.

10. If Stores are found in the Possession of a Person being in Her Majesty's Service or in the Service of the Admiralty, or being a Dealer in Marine Stores or in old Metals, or a Pawnbroker, and he is taken or summoned before a Justice of the Peace, and such Stores do not bear any such Mark or Part of a Mark as aforesaid, but the Justice sees reasonable Grounds for believing them to be or to have been Her Majesty's Property, then if such Person does not satisfy the Justice that he came by the Stores so found lawfully, he shall be liable, on summary Conviction before the Justice, to a Penalty not exceeding Five Pounds.

Effect of Conviction of Dealer in old Metals.

11. A 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.

Persons not Dealers in Marine Stores, &c., found in possession, and not satisfactorily accounting for them, liable to a Penalty.

12. In order to prevent a Failure of Justice in some Cases by reason of the Difficulty of proving Knowledge of the Fact that Stores bore such a Mark as aforesaid,—

If Stores bearing such a Mark or Part of a Mark are found in the Possession of a Person not being in Her Majesty's Service or in the Service of the Admiralty, and not being a Dealer in Marine Stores or in old Metals, or a Pawnbroker, the following Provisions shall have Effect:—

(1.) If such Person, when taken or summoned before a Justice of the Peace, does not satisfy the Justice that he came by the Stores so found lawfully, he shall be liable, on Conviction by the Justice, to a Penalty not exceeding Five Pounds:

(2.) If he satisfies the Justice that he came by the Stores so found lawfully, the Justice, at his Discretion, as the Evidence given and the Circumstances of the Case require, may summon before him every Person through whose Hands such Stores appear to have passed, and if any such Person as last aforesaid who has had Possession thereof does not satisfy the Justice that he came by the same lawfully, he shall be liable, on summary Conviction before the Justice, to a Penalty not exceeding Five Pounds.

13. For

Criminal Possession of Stores explained for Purposes of Act.

13. For the Purposes of this Act Stores shall be deemed to be in the Possession or Keeping of any Person if he knowingly has 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 are so had for his own Use or Benefit or for the Use or Benefit of another.

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

14. 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 Stores stolen or unlawfully obtained may be found, or any Person reasonably suspected of then and there having in his Possession any such Stores stolen or unlawfully obtained.

Sections 98, 99, 100, 103, 107 to 113, and 115 to 121 of 24 & 25 Vict. c. 96. incorporated with this Act.

15. The following Sections of the Act of the Session of the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign (Chapter Ninety-six), "to consolidate and amend the Statute Law "of *England* and *Ireland* relating to Larceny and other similar "Offences," shall be incorporated with this Act, and shall for the Purposes of this Act be read as if they were here re-enacted, namely, Sections Ninety-eight to One hundred, One hundred and three, One hundred and seven to One hundred and thirteen, and One hundred and fifteen to One hundred and twenty-one, all inclusive; and for this Purpose the Expression "this Act," when used in the Sections herein incorporated, shall be taken to include the present Act.

Prohibition of sweeping, &c. within 100 Yards of Dockyards, &c.

16. It shall not be lawful for any Person, without Permission in Writing from the Admiralty, or from some Person authorized by the Admiralty in that Behalf (Proof of which Permission shall lie on the Party accused), to gather or search for Stores, or to creep, sweep, or dredge in the Sea or any tidal Water, within 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 Wharves, or Dock, Victualling, or Steam Factory Yards, or in or on any Part of the Spaces or Distances from Time to Time marked out as Ranges for Artillery Practice for the Use of Her Majesty's Ships at *Portsmouth*, *Devonport*, or elsewhere, whether covered with Water or not.

Penalty.

If any Person acts in contravention of this Provision he shall be liable, on summary Conviction before a Justice of the Peace, to a Penalty not exceeding Five Pounds, or to be imprisoned for any Term not exceeding Three Months, with or without Hard Labour.

17. Not-

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

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

Not to prevent Persons being indicted under this Act, &c.

18. Nothing in this Act shall prevent any Person from being indicted under this Act or otherwise for any indictable Offence made punishable on summary Conviction by this Act, or 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, so that no Person be punished twice for the same Offence.

Amendment of Sect. 45 of 28 & 29 Vict. c. 89.

19. Section Forty-five of The *Greenwich Hospital* Act, 1865, shall be read and have Effect as if this Act instead of The Naval and Victualling Stores Act, 1864, were referred to in that Section.

Amendment of 28 & 29 Vict. c. 112. as to Repeal of certain Sections of 9 & 10 W. 3. c. 41.

20. The Repeal by The Admiralty Acts Repeal Act, 1865, of Sections One, Two, Four, Five, and Eight of the Act of the Session of the Ninth and Tenth Years of the Reign of King *William* the Third (Chapter Forty-one), "for the better preventing the Imbezle-"ment of His Majesty's Stores of War, and preventing Cheats, "Frauds, and Abuses in paying Seamen's Wages," is hereby repealed as far as those Sections relate to any Stores except Naval or Victualling Stores, or other Stores belonging to or under the Charge or Control of the Admiralty, or to *Scotland* or *Ireland*, and to that Extent those Sections are hereby revived; but nothing herein contained shall interfere with the Operation of any other Act of the present Session.

SCHEDULE.

Marks appropriated for Her Majesty's Use in or on Stores.

Stores.	Marks.
Hempen Cordage and Wire Rope -	White, Black, or Coloured Worsted Threads laid up with the Yarns and the Wire respectively.
Canvas, Fearnought, Hammocks, and Seamen's Bags.	A Blue Line in a Serpentine Form.
Buntin - - - - -	A double Tape in the Warp.
Candles - - - - -	Blue or Red Cotton Threads in each Wick, or Wicks of Red Cotton.
Timber, Metal, and other Stores not before enumerated.	The Broad Arrow.

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