CHAP. 12.

An Act for Protection of Naval Stores. [13th May 1869.] A.D. 1869.

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:

Short title.

1. This Act may be cited as The Naval Stores Act, 1869.

Interpretation of terms.

2. In this Act—

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 "stores" includes all goods and chattels, and any single store or article.

30 & 31 Vict. c. 119. repealed, but not to revive certain enactments.

3. The Naval Stores Act, 1867, is hereby repealed; but this repeal shall not apply or have effect to or in respect of any offence, act, or thing committed or done before the passing of this Act, or affect the revivor of any enactment revived by the Act hereby repealed.

Marks in schedule appropriated for naval stores.

4. 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; and 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; and 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-

5. 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

A.D. 1869.

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.

Power for policemen of metropolitan force to stop suspected persons, &c., and punishment for possession, &c.

6. A constable of the metropolitan police force may, within any of Her Majesty's dock, victualling, or steam factory yards, and the area connected therewith, for which he is sworn, stop, search, and detain any vessel, boat, or vehicle 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 having or conveying in any manner any of Her Majesty's stores stolen or unlawfully obtained; and if any person is brought before two justices of the peace charged with having or conveying in any manner any of Her Majesty's stores reasonably suspected of being stolen or unlawfully obtained, and does not give an account to the satisfaction of the justices how he came by the same, he shall be deemed guilty of a misdemeanor, and shall be liable, on summary conviction before two justices, to a penalty not exceeding five pounds, or, in the discretion of the justices, to be imprisoned for any term not exceeding two months, with or without hard labour.

Prohibition of sweeping, &c. within 100 yards of dockyards, &c.

7. 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, in the discretion of the justice, to be imprisoned for any term not exceeding three months, with or without hard labour.

Penalty on dealer, &c. found in

8. If stores are found in the possession or keeping 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 (within the meaning of any enactments for the time being in force relating to such dealers or to pawnbrokers), and he is taken or summoned before a justice of the peace, and the justice sees reasonable grounds for believing the stores found to be or to have been Her Majesty's property, then if such person does not satisfy the justice that he came lawfully by the stores found, he shall be liable, on summary conviction before a justice, to a penalty not exceeding five pounds; and for the purposes of this section 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.

possession of stores, and not accounting for them.

9. A conviction under any provision of 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.

Conviction of dealer in old metals. 24 & 25 Vict. c. 110.

10. 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," are hereby 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," where used in those sections, shall be taken to include the present Act.

Parts of 24 & 25 Vict. c. 96. incorporated.

11. 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 and applied under such regulations as the Admiralty, with the concurrence of the Treasury, may from time to time make.

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

12. 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

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

A.D. 1869.

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.

13. 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.

Extent of Act.

14. This Act shall not extend to Scotland or Ireland.

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.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1869.