CHAPTER 24.

An Act to amend the Law with reference to the Falsification of Accounts. [29th June 1875.]

WHEREAS it is expedient to amend the law so as to punish the falsification by clerks, officers, servants, and others of their employers accounts, books, writings, or documents:

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:

Punishment for falsification of accounts, &c.

1. That if any clerk, officer, or servant, or any person employed or acting in the capacity of a clerk, officer, or servant, shall wilfully and with intent to defraud destroy, alter, mutilate, or falsify any book, paper, writing, valuable security, or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or shall wilfully and with intent to defraud make or concur in making any false entry in, or omit or alter, or concur in omitting or altering, any material particular from or in any such book, or any document, or account, then in every such case the person so offending shall be guilty of a misdemeanor, and be liable to be kept in penal servitude for a term not exceeding seven years, or to be imprisoned with or without hard labour for any term not exceeding two years.

Intention to defraud sufficient indictment.

2. It shall be sufficient in any indictment under this Act to allege a general intent to defraud without naming any particular person intended to be defrauded.

Act to be read with 24 & 25 Vict. c. 96.

3. This Act shall be read as one with the Act of the twenty-fourth and twenty-fifth of Her Majesty, chapter ninety-six.

Short title.

4. This Act may be cited as the Falsification of Accounts Act, 1875.

CHAPTER 25.

An Act to consolidate, with amendments, the Acts relating to the Protection of Public Stores. [29th June 1875.]

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 Public Stores Act, 1875.

Interpretation of terms.

2. In this Act—

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

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:

"Summary Jurisdiction Acts."

The term "Summary Jurisdiction Acts" means as follows:

As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same:

27 & 28 Vict. c. 53.

As to Scotland, The Summary Procedure Act, 1864:

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district; and elsewhere in Ireland, The Petty Sessions (Ireland) Act, 1851, and any Act amending the same: 14 & 15 Vict. c. 93.

The term "court of summary jurisdiction" means— "Court of summary jurisdiction."

In England and Ireland, any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to; and

In Scotland, the sheriff or sheriff substitute.

Stores to which the Act applies.

3. This Act shall apply to all stores under the care, superintendence, or control of a Secretary of State or the Admiralty, or any public department or office, or of any person in the service of Her Majesty, and such stores are in this Act referred to as Her Majesty's stores. The Secretary of State, Admiralty, public department, office, or person having the care, superintendence, or control of such stores, are herein-after in this Act included in the expression public department.

Marks in schedule appropriated for public stores.

4. The marks described in the first 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 any public department, and the contractors, officers, and workmen of such department, 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 concealment.

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, or any mark whatsoever denoting the property of Her Majesty in any stores, 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 seven years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Power to stop suspected boats, persons, &c.

6. A constable of the metropolitan police force may, within the limits for which he is constable, and any constable, if deputed by a public department, may, within the limits for which he is constable, 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.

A constable shall be deemed to be deputed by a public department within the meaning of this section if he is deputed by any writing signed by the person who is the head of such department, or who is authorised to sign documents on behalf of such department.

Unlawful possession of Her Majesty's stores.

7. If any person is brought before a court of summary jurisdiction charged with conveying or with having in his possession or keeping 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 court how he came by the same, he shall be deemed guilty of a misdemeanor, and shall be liable, on summary conviction, to a penalty not exceeding five pounds, or, in the discretion of the court, to be imprisoned for any term not exceeding two months, with or without hard labour.

Prohibition of sweeping, &c. near dockyards, artillery ranges, &c.

8. It shall not be lawful for any person, without permission in writing from a public department, or from some person authorised by a public department 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 within one thousand yards from any battery or fort used for the practice of

artillery either by the Royal Artillery or by militia or volunteer artillery, or in or on any part of the spaces or distances, whether covered with water or not, from time to time marked out as ranges for artillery practice for the use of Her Majesty's ships, or marked out and appropriated for ranges under the provisions of the Artillery Ranges Act, 1862.

Penalty.

If any person acts in contravention of this provision he shall be liable, on summary conviction, to a penalty not exceeding five pounds, or, in the discretion of the court, to be imprisoned for any term not exceeding two months, with or without hard labour.

Penalty on dealer, &c. found in possession of stores, and not accounting for them.

9. If stores are found in the possession or keeping of a person being in Her Majesty's service, or in the service of a public department, 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 court of summary jurisdiction, and the court 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 court that he came lawfully by the stores so found, he shall be liable, on summary conviction, to a penalty not exceeding five pounds.

Criminal possession explained.

10. 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 enclosed, 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.

Conviction of dealer in old metals.

11. A conviction in England 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.

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

12. The following sections of The Larceny Act, 1861, 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.

Provision for regimental necessaries, &c.

13. The provisions of this Act relative to the taking out, destroying, or obliterating of marks, or to the having in possession or keeping Her Majesty's stores, shall not apply to stores issued as regimental necessaries or otherwise for any soldier, militiaman, or volunteer; but nothing herein shall relieve any person from any obligation or liability to which he may be subject under any other Act in respect of any such stores.

Summary proceedings for offences, penalties, &c. in England, Ireland, and Scotland.

14. In England and Ireland all offences for which a person is liable under this Act on summary conviction to any punishment or penalty may be prosecuted, and any such penalty may be recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Acts.

Provided as follows:

The court of summary jurisdiction, when hearing and determining an information or complaint, shall be constituted—

(*a.*) In England, either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace; and

(*b.*) In Ireland, within the police district of Dublin metropolis, of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions:

In Scotland, all offences for which a person is liable under this Act on summary conviction to any punishment or penalty may be prosecuted, and any such penalty may be recovered before the sheriff or sheriff substitute, and may be so prosecuted and recovered under the provisions of the Summary Jurisdiction Acts, and all jurisdictions,

powers, and authorities necessary for that purpose are hereby conferred on sheriffs and their substitutes.

Penalties, &c. to be paid into Exchequer.

15. Any pecuniary penalty or other money recovered under this Act in relation to any stores shall, in such manner as the Treasury from time to time direct, be paid into the receipt of the Exchequer, and carried to the Consolidated Fund; and this section shall supersede any enactment to the contrary contained in any Act relating to municipal corporations or the metropolitan police, or in any other Act.

Not to prevent persons being indicted.

16. 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.

17. 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.

As to repeal of Acts and parts of Acts in second schedule.

18. The Acts specified in the second schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that 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.

FIRST SCHEDULE.

MARKS APPROPRIATED FOR USE IN OR ON HER MAJESTY'S 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 or metal - - - - -	The name of Her Majesty, her predecessors, her heirs or successors, or of any public department, or any branch thereof, or the broad arrow, or a crown, or Her Majesty's arms, whether such broad arrow, crown, or arms be alone or be in combination with any such name as aforesaid, or with any letters denoting any such name.
Any stores not before enumerated, whether similar to the above or not.	

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Will. 3. c. 41. - [9 & 10 Will. 3. in ordinary editions.]	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.	So much as is unrepealed.
9 Geo. 1. c. 8. -	*An Act, the Title whereof begins with the Words* An Act for continuing some Laws, *and ends with the Words* Stuffs to be exported.	So much as is unrepealed.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
17 Geo. 2. c. 40. -	*An Act, the Title whereof begins with the Words* An Act to continue the several Laws, *and ends with the Words* England without Licence.	Section ten.
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 Act.
54 Geo. 3. c. 60. -	An Act for the better preventing the Embezzlement of His Majesty's Cordage.	The whole Act.
54 Geo. 3. c. 159. -	*An Act, the Title whereof begins with the Words* An Act for the better Regulation, *and ends with the Words* 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 Act.
30 & 31 Vict. c. 128.	The War Department Stores Act, 1867 - -	The whole Act, except sections one and two, so much of section three as defines "Secretary of State for War" and "stores," and section twenty.
32 & 33 Vict. c. 12. -	The Naval Stores Act, 1869 - - -	The whole Act.

CHAPTER 26.

An Act to amend the Law of Bankruptcy in Scotland. [29th June 1875.]

19 & 20 Vict. c. 79.

WHEREAS by section one hundred and twenty-two of the Bankruptcy (Scotland) Act, 1856, it is enacted that "the wages of workmen and of clerks and shopmen "and servants employed by the bankrupt, where such wages do not exceed sixty pounds "per annum, shall be entitled to the same privilege as the wages of domestic servants to "the extent of a month's wages prior to the date of sequestration being awarded, or where "sequestration is not awarded, prior to the concourse of diligence for distribution of the "estate of a party being not our bankrupt:"

And whereas it is expedient to amend the said enactment:

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:

Application of the Act.

1. This Act shall apply only to Scotland.

Repeal of 19 & 20 Vict. c. 79. s. 122.

2. The said recited section shall be and the same is hereby repealed.

Workmen's wages to be privileged.

3. From and after the passing of this Act, the wages of clerks and shopmen and servants employed by the bankrupt shall be entitled to the same privilege as the wages of domestic servants to an extent not exceeding four months wages prior to the date of sequestration being awarded, or where sequestration is not awarded prior to the concourse of diligence for distribution of the estate of a party being notour bankrupt, and not exceeding the sum of fifty pounds; and the wages of workmen employed by the bankrupt shall be similarly entitled to an extent not exceeding two months wages prior to the same respective dates.