

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 9.

AN ACT for the more effectual Protection Title.
of Her Majesty's Navy and Victualling
Stores in New Zealand.

[10th October 1867.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "Her Majesty's Naval and Victualling Stores Act 1867." Short Title.

2. In this Act—

The term "the Admiralty" means the Lord High Admiral of the United Kingdom of Great Britain and Ireland or the Commissioners for executing the office of Lord High Admiral. Interpretation of terms. 27 and 28 Vict. c. 91. s. 2.

The term "Dealer in Marine Stores" means a person dealing in buying and selling anchors cables sails or old junk old iron or marine stores of any description.

The term "Dealer in old Metals" shall mean any person dealing in buying and selling old metal scrap metal broken metal or partly manufactured metal goods or defaced or old metal goods and whether such persons deal in such articles only or together with second-hand goods or marine stores and the term "old Metals" shall mean the said articles.

The term "in Her Majesty's Service" when applied to persons applies also to persons in the employment of the Admiralty in New Zealand.

The term "Stores" includes any single store or article.

3. The marks described in the Schedule to this Act may be applied in or on Her Majesty's Naval and Victualling Stores in the Colony to denote Her Majesty's property in stores so marked. Marks in Schedule appropriated for Her Majesty's Naval and Victualling Stores.

It shall be lawful for the Governor or any person authorized by him or the Admiralty their contractors officers and workmen to apply the said marks or any of them in or on any such stores as are described in the said Schedule. Ib. s. 5.

If any person without lawful authority (proof of which authority shall lie on the party accused) applies any of the said marks in or on any such stores he shall be guilty of a misdemeanour and shall be liable to be imprisoned for any term not exceeding two years with or without hard labour. Imitation a misdemeanour.

4. If any person with intent to conceal Her Majesty's property in any Naval or Victualling Stores takes out destroys or obliterates wholly or in part any such mark as aforesaid he shall be guilty of felony and shall be liable in the discretion of the Court to be kept in penal Obliteration with intent to conceal Her Majesty's property felony.

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27 and 28 Vict. c. 91
s. 6.

servitude for any term not exceeding four 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
misdemeanour.

Ib. s. 7.

5. If any person without lawful authority (proof of which authority shall lie in the party accused) receives possesses keeps sells or delivers any Naval or Victualling Stores bearing any such mark as aforesaid knowing them to bear such mark he shall be guilty of a misdemeanour and shall 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.

Ib. s. 8.

6. Where the person charged with such a misdemeanour as last aforesaid was at the time at which the offence is charged to have been committed a dealer in marine stores or a dealer in old metals or in Her Majesty's service knowledge on his part that the stores to which the charge relates bore such mark as aforesaid shall be presumed until the contrary is shown.

Offenders may be
summarily convicted
in certain cases.

Ib. s. 9.

7. Any person charged with such a misdemeanour as last aforesaid in relation to stores the value of which 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.

Effect of conviction
of dealer in old
metals.

Ib. s. 10.

8. Every conviction of a dealer in old metals for any offence in this Act expressed to be a felony or misdemeanour shall for the purpose of registration and its consequences under "The Old Metal and Marine Store Dealers Act 1867" be equivalent to a conviction under that Act.

Persons not dealers
in Marine Stores &c.
found in possession
of Naval or
Victualling Stores
and not satisfactorily
accounting for the
same liable to
penalty.

Ib. s. 11.

9. 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 any Naval or Victualling Stores bearing any such mark are found in the possession of any person not being a dealer in marine stores or a dealer in old metals and not being in Her Majesty's service and 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 and if any such person 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 conviction by the Justice to a penalty not exceeding five pounds.

Criminal possession
explained.

Ib. s. 12.

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 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.

No unauthorized
person to creep
sweep &c. for stores
within one hundred
yards of dockyards
&c.

Ib. s. 13.

11. It shall not be lawful for any person without permission in writing from the Governor or the Admiralty or from some person authorized by the Admiralty in that behalf to creep sweep dredge or otherwise search for stores 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 or victualling yards.

If any person acts in contravention of this provision he shall be

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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.

12. The following sections of the Act of this present Session of the thirty-first year of Her Majesty (Number four) "to consolidate and amend the Statute Law 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-seven to ninety-nine one hundred and two and one hundred and four and one hundred and six to one hundred and eleven and one hundred and thirteen to one hundred and seventeen all inclusive and for this purpose the expression "this Act" when used in the said incorporated sections shall be taken to include the present Act.

Sections 97 98 99
102 104 106 107 108
109 110 111 113 to
117 of 31 Vict. No.
incorporated with
this Act.

27 and 28 Vict. c. 91
s. 14.

13. It shall not be competent for any person other than the Admiralty or some person appointed for the purpose by the Admiralty or the Governor or any person appointed by the Governor for the purpose to institute or carry on under this Act any prosecution or proceedings for any offence.

None but the
Admiralty to
prosecute.

Ib. s. 15.

14. 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.

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

Ib. s. 17.

SCHEDULE.

MARKS APPROPRIATED FOR HER MAJESTY'S USE IN OR ON NAVAL AND VICTUALLING 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.
Bunting	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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