L. S.

BRITISH COLUMBIA.

ANNO TRICESIMO UNO

VICTORIÆ REGINÆ.

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No. 2.

An Ordinance for the more effectual Protection of Her Majesty's Naval and Victualling Stores.

[22*nd April*, 1868.]

WHEREAS it is expedient for the more effectual Protection of Her Majesty's Naval and Victualling Stores, to provide for the conviction of Persons having the same illegally in their possession; Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I. In this Ordinance the term "The Admiralty" means The Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of the Lord High Admiral; Interpretation of terms.

The term "Dealer in Marine Stores" means every Person dealing in, buying and selling Anchors, Cables, Sails, or Old Junk, Old Iron, or Marine Stores of any description, and every such person is hereby bound to conform to the regulations of "The Merchant Shipping Act, 1854," Sections 480, 481, and 482;

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 Person deals 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;

The term "Stores" includes any single Store or Article.

II. The marks described in the Schedule to this Ordinance may be applied in or on Her Majesty's Naval and Victualling Stores 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 Admiralty, their Contractors, Officers, and Workmen to apply the said marks or any of them to, in, or on any such Stores as are described in the said Schedule.

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 Misdemeanor, and shall be liable to be imprisoned for any term not exceeding Two Years, with or without hard labour. Imitation a Misdemeanor.

III. From and after the passing of this Ordinance, if any Person with intent to conceal Her Majesty's Property in any Naval or Victualling Obliteration with intent to conceal Her Majesty's property, Felony.

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 Servitude for any term not exceeding Four Years, or to be imprisoned for any term not exceeding Two Years, with or without hard labour.

Knowingly receiving &c., marked Stores a Misdemeanor.

IV. If any Person without lawful authority (proof of which authority shall lie on 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 Misdemeanor, 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.

V. 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 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 shewn.

Offenders may be summarily convicted in certain cases.

VI. Any Person charged with such a Misdemeanor as last aforesaid, in relation to Stores, the value of which does not exceed One Hundred Dollars, shall be liable on summary conviction before a Justice of the Peace, to a Penalty not exceeding Two Hundred Dollars, or in the discretion of the Justice to be imprisoned for any term not exceeding Six Calendar Months, with or without hard labour.

Dealer convicted under this Ordinance liable to future inspection of Police.

VII. After any Dealer in Marine Stores, or a Dealer in Old Metals shall be convicted of any Offence, Felony, or Misdemeanor under this Ordinance, it shall be lawful for the Justice or Court so convicting to make and enforce such order and direction for the registration and keeping such offender under the supervision and inspection of the Police for such period, and for the keeping and maintenance by him of such fairly written and kept Books of Account of such offender, at such place or places, and in such Forms with such and so many Returns of transactions, at such times and under such regulations, and when and so often as to the Justice or Court so convicting shall seem meet.

Penalty on offences by Dealer under supervision of Police.

VIII. For any act or default contrary to any order, direction, or regulation made under the VII. Section of this Ordinance done or made by any Dealer in Old Metals, or any Dealer in Marine Stores, during the period in which any such order or regulation of the Justice or Court so convicting as aforesaid shall be in force, he shall incur a penalty of not less than Five Dollars, and not exceeding Fifty Dollars; and for every subsequent offence a penalty of not less than Fifty Dollars, and not exceeding One Hundred Dollars.

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.

IX. 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 One Hundred Dollars; and if any 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 One Hundred Dollars.

Criminal possession explained.

X. For the purposes of this Ordinance, Stores shall be deemed to be in the possession or keeping of any Person if he knowingly has

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.

XI. It shall not be lawful for any Person, without permission in writing from the Admiralty, or the Senior Officer for the time being in Command of any fixed or temporary Naval Station or Place, or any Vessel, in this Colony, belonging to or in the service of Her Majesty, 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, Victuall.ng, or Steam Factory Yards, or Hospitals.

No unauthorized persons to creep, sweep, &c., for Stores within 100 yards of Dockyards, &c.

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 One Hundred Dollars, or to be imprisoned for any term not exceeding Three Calendar Months, with or without hard labour.

XII. The following Sections of the Imperial Act of the Session of the 24° and 25° years of Her Majesty Queen Victoria, Chapter 96, "To Consolidate and Amend the Statute Law of England and Ireland relating to Larceny and other similar offences," shall, save so far as hereinbefore altered, be incorporated with this Ordinance, and shall for the purposes of this Ordinance (save as so altered and so far as they are not from local circumstances inapplicable to this Colony) be read as if they were here re-enacted, namely:—

Certain Sections of 24° and 25° Vic., cap. 96, incorporated with this Ordinance.

Sections 98, 99, 100, 103, 104, 105, 107, 108, 109, 115 to 118 inclusive, and 120; and for this purpose the expression "this Act" when used in the said incorporated Sections shall be taken to include the present Ordinance.

XIII. No summary conviction under this Ordinance shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

No summary conviction to be quashed for want of form, &c.

XIV. It shall not be competent for any Person other than the Admiralty, or the Admiral, or other the Senior Officer for the time being in British Columbia, of Her Majesty's Naval Station, which includes within its limits the Waters of the said Colony, and they are hereby respectively authorized, to institute or carry on under this Ordinance any prosecution or proceeding for any offence.

None but the Admiralty to prosecute.

XV. Notwithstanding anything in any Act or Ordinance, Imperial or otherwise, any pecuniary penalty or other money recovered under this Ordinance shall be paid or applied to the use of Her Majesty, Her Heirs and Successors.

Penalties to be applied to the use of Her Majesty.

XVI. Nothing in this Ordinance shall prevent any Person from being indicted under this Ordinance, or otherwise, for any indictable offence made punishable on summary conviction by this Ordinance, or prevent any Person from being liable under any other Ordinance or Act, or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Ordinance, so that no Person be punished twice for the same offence.

Not to prevent persons being indicted under this Ordinance.

XVII. Whenever in this Ordinance in describing or referring to any Person or Party, matter or thing, any word importing the masculine gender or singular number is used, the same shall be understood to include and shall be applicable to several Persons and Parties as well as one Person or Party, and females as well as males, and several matters and things as well as one matter or thing

Interpretation Clause.

thing, unless it otherwise be provided, or there be something in the subject or context repugnant to such construction.

Short Title.

XVIII. This Ordinance may be cited for all purposes as the "Naval and Victualling Stores Ordinance, 1868."

Passed the Legislative Council the 31st day of March, A. D. 1868.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, in Her Majesty's name, this 22nd day of April, 1868.

FREDERICK SEYMOUR, *Governor.*

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 Colored Worsted Threads laid up with the Yarns and the Wire respectively.
Canvas Fearnought Hammocks and Seaman'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.

NEW WESTMINSTER:

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