

ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

CAP. LXXXIX.

An Act for the better preventing the Embezzlement of His Majesty's Naval, Ordnance, and Victualling Stores. [28th *July* 1800.]

Preamble. 22 *Car.* II, Cap. 5.

WHEREAS by an Act of Parliament made and passed in the Twenty-second Year of the Reign of King *Charles* the Second, intituled, *An Act for taking away the Benefit of Clergy from such as steal Cloth from the Rack, and from such as shall steal or embezzle His Majesty's Ammunition and Stores*, it is amongst other Things enacted, That no Person or Persons who shall feloniously steal or embezzle any of His Majesty's Sails, Cordage, or any other His Majesty's Naval Stores, to the Value of Twenty Shillings, and be thereupon found guilty in Manner therein mentioned, shall be admitted to have the Benefit of his or their Clergy, but utterly be excluded thereof, and shall suffer Death in such Manner and Form as they should if they were no Clerks: And whereas by an Act of Parliament made and passed in the Ninth and Tenth Years of the Reign of King *William* the Third, intituled, *An Act for the better preventing the Embezzlement of His Majesty's Stores of War, and preventing Cheats, Frauds, and Abuses in paying Seamen's Wages*, a Penalty of Two hundred Pounds, with Costs of Prosecution, is inflicted upon Persons in whose Custody, Possession, or Keeping, shall be found, or who

9 and 10 *Gul.* III, Cap. 41.

ſhall conceal contrary to the ſaid Act any Warlike, Naval, or Ordnance Stores, marked in ſuch Manner as therein mentioned: And whereas by another Act of Parliament made and paſſed in the Ninth Year of the Reign of King *George* the Firſt, intituled, *An Act for continuing ſome Laws and reviving others therein mentioned, for exempting Apothecaries from ſerving Pariſh and Ward Offices and upon Juries, and relating to Jurors, and to the Payment of Seamen's Wages, and the Preſervation of Naval Stores and Stores of War, and concerning the Militia and Trophy Money, and againſt clandeſtine Running of Uncuſtomed Goods, and for more effectual preventing Frauds relating to the Cuſtoms, and Frauds in mixing Silks with Stuffs to be exported,* it is enacted, That if any Perſon or Perſons ſhall be lawfully convicted of having in his, her, or their Cuſtody, or of concealing, any Timber, Thick Stuff, or Plank, marked with the Broad Arrow, by Stamp, Brand, or otherwiſe, every ſuch Perſon ſhall ſuffer, forfeit, and pay as for having, keeping, or concealing any other Warlike, Naval, or Ordnance Stores, contrary to the ſaid Act of the Ninth and Tenth Years of King *William* the Third; and by the ſaid laſt-recited Act Power is given to the Judge, Juſtice or Juſtices before whom any Offender ſhall be convicted of any of the Crimes or Offences before recited, to mitigate the Penalty for the ſame as he or they ſhall ſee Cauſe, or to puniſh ſuch Offender corporally, by cauſing him, her, or them to be publickly whipt or committed to ſome Publick Workhouſe, there to be kept to hard Labour for the Space of Six Months, or a leſs Time, as to ſuch Judge, Juſtice or Juſtices, in his or their Diſcretion ſhall ſeem meet: And whereas by another Act of Parliament, made and paſſed in the Seventeenth Year of the Reign of King *George* the Second, intituled, *An Act to continue the ſeveral Laws therein mentioned, for preventing Theft and Rapine on the Northern Borders of* England, *for the more effectual puniſhing wicked and evil-diſpoſed Perſons going armed in Diſguiſe, and doing Injuries and Violences to the Perſons and Properties of His Majeſty's Subjects, and for the more ſpeedy bringing the Offenders to Juſtice; for continuing Two Clauſes to prevent the cutting or breaking down the Bank of any River or Sea Bank, and to prevent the malicious cutting of Hop Binds, and for the more effectual Puniſhment of Perſons maliciouſly ſetting on Fire any Mine, Pit, or Delph of Coal or Cannel Coal; and of Perſons unlawfully hunting, or taking any Red or Fallow Deer in Foreſts or Chaces, or beating or wounding the Keepers or other Officers in Foreſts, Chaces, or Parks; and for granting a Liberty to carry Sugars of the Growth, Produce, or Manufacture of any of His Majeſty's Sugar Colonies in* America, *from the ſaid Colonies directly to foreign Parts in Ships built in* Great Britain, *and navigated according to Law; and to explain Two Acts relating to the Proſecution of Offenders for embezzling Naval Stores or Stores of War; and to prevent the retailing of Wine within either of the Univerſities in that Part of* Great Britain *called* England, *without Licence*; it is amongſt other Things declared and enacted, That it ſhall and may be lawful to and for any Judge, Juſtice or Juſtices at the Aſſizes, or Juſtices of the Peace at the General Quarter Seſſions to be holden as therein mentioned, to hear, try, and determine, by Indictment or otherwiſe, all or any the Crimes or Offences mentioned in the therein and herein recited Acts of the Ninth and Tenth Years of the Reign of King *William* the Third, and the Ninth Year of the Reign of King *George* the Firſt; and that the ſaid Judge, Juſtice or Juſtices of Aſſize, or Juſtices of the Peace, may impoſe any Fine not exceeding the Sum of Two hundred Pounds on ſuch Offender or Of-

9 *Geo.* I, Cap. 8, and

17 *Geo.* II, Cap. 40, recited.

fenders, and may mitigate the ſaid Penalty and Forfeitures inflicted by the ſaid recited Acts or either of them, or in lieu thereof puniſh ſuch Offender or Offenders in the Premiſes corporally, by cauſing him, her, or them to be publickly whipt and committed to ſome Houſe of Correction or publick Workhouſe, there to be kept to hard Labour for the Space of Three Months, or leſs Time, as to ſuch Judge, Juſtice, or Juſtices of Aſſize, or Juſtices of the Peace, ſhall in his or their Diſcretion ſeem meet: And whereas notwithſtanding the Penalties and Puniſhments inflicted by the ſaid recited Acts, the Stealers, Embezzlers, and Receivers of His Majeſty's Warlike and Naval Ordnance and Victualling Stores have greatly increaſed, ſo that it is become neceſſary to make ſome further and more effectual Proviſion for preventing their wicked Practices in future: Be it therefore enacted by the King'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, That, from and after the paſſing of this Act, every Perſon or Perſons, (ſuch Perſon or Perſons not being a Contractor or Contractors, or employed as in the ſaid recited Act of the Ninth and Tenth Years of the Reign of King *William* the Third is mentioned), who ſhall willingly or knowingly ſell or deliver, or cauſe or procure to be ſold or delivered, to any Perſon or Perſons whomſoever, or who ſhall willingly or knowingly receive or have in his, her, or their Cuſtody, Poſſeſſion, or Keeping, any Stores of War, or Naval, Ordnance, or Victualling Stores, or any Goods whatſoever marked as in the ſaid recited Acts are expreſſed, or any Canvas marked either with a blue Streak in the Middle, or with a blue Streak in a ſerpentine Form, or any Bewper, otherwiſe called *Buntin*, wrought with One or more Streaks of raiſed Tape, (the ſaid Stores of War, or Naval, Ordnance, or Victualling Stores or Goods above mentioned, or any of them, being in a raw or unconverted State, or being new or not more than One-third worn), and ſuch Perſon or Perſons who ſhall conceal ſuch Stores or Goods, or any of them, marked as aforeſaid, ſhall be deemed Receivers of Stolen Goods knowing them to have been ſtolen, and ſhall, on being convicted thereof in due Form of Law, be tranſported beyond the Seas for the Term of Fourteen Years, in like Manner as other Receivers of Stolen Goods are directed to be tranſported by the Laws and Statutes of this Realm, unleſs ſuch Perſon or Perſons ſhall upon his, her, or their Trial, produce a Certificate under the Hands of Three or more of His Majeſty's Principal Officers or Commiſſioners of the Navy, Ordnance, or Victualling, expreſſing the Numbers, Quantities, or Weights of ſuch Stores or Goods, as he, ſhe, or they ſhall then be indicted for, and the Occaſion and Reaſon of ſuch Stores or Goods coming to his, her, or their Hands or Poſſeſſion.

Every Perſon (not being a Contractor, *etc.*) who ſhall ſell or receive any Stores of War, *etc.* or who ſhall conceal them, ſhall be tranſported for 14 Years, unleſs he produces on the Trial a Certificate from the Navy Board, *etc.*

II. And be it further enacted by the Authority aforeſaid, That ſuch Perſon or Perſons (not being a Contractor or Contractors, or employed as aforeſaid), in whoſe Cuſtody, Poſſeſſion, or Keeping any of the ſaid Stores called *Canvas*, marked with a blue Streak in a ſerpentine Form, or Bewper, otherwiſe called *Buntin*, wrought as above-mentioned, ſhall be found, (ſuch Canvas or Bewper, otherwiſe called *Buntin*, not being charged to be new, or not more than One-third worn), and all and every Perſon and Perſons who ſhall be convicted of any Offence contrary to ſo much of the ſaid recited

Perſons in whoſe Cuſtody ſhall be found Canvas or Bunting marked as herein mentioned (not being charged to be new, or not more than One-third worn), and

Persons who shall be convicted of any Offence contrary to so much of the recited Act of 9 and 10 *Gul.* III, as relates to warlike Stores, shall, besides the Forfeiture thereby imposed, suffer corporal Punishment.

recited Act of the Ninth and Tenth Years of the Reign of King *William* the Third, as relates to the making, or the having in Possession or concealing any of His Majesty's Warlike, or Naval, or Ordnance Stores, marked as therein specified, shall, besides forfeiting such Stores and the Sum of Two hundred Pounds, together with Costs of Suit as therein mentioned, be corporally punished by Pillory, Whipping, and Imprisonment, or by any or either of the said Ways and Means in such Manner and for such Space of Time as to the Judge or Justices before whom such Offender or Offenders shall be convicted, shall seem meet; any Thing in the said last-mentioned Act, or in the before-recited Acts of the Ninth Year of King *George* the First, and the Seventeenth Year of King *George* the Second, to the contrary thereof in anywise notwithstanding: Provided always, That it shall and may be lawful to and for such Judge or Justices to mitigate the said Penalty of Two hundred Pounds, as he or they shall see Cause.

Penalty may be mitigated.

Nothing herein or in recited Act of 9 and 10 *Gul* III, to exempt Contractors, *etc.* except so far as concern Stores which shall not have been before delivered into His Majesty's Store, unless they have been sold or returned by the Commissioners.

III. Provided always, and be it enacted, That nothing in this Act, or in the said recited Act of the Ninth and Tenth Years of the Reign of King *William* the Third, contained, shall extend, or be deemed, taken, or construed to extend to exempt from the Operation of this Act, or the said recited Act respectively, any Person or Persons being a Contractor or Contractors, or employed as in the said last-mentioned Act is mentioned, except only so far as concerns Stores or Goods marked as aforesaid, which shall be *bonâ fide* provided, made up, or manufactured by such Person or Persons, or by their Order, and which shall not have been before delivered into His Majesty's Store, unless having been so delivered, they shall have been sold or returned to such Person or Persons by the Commissioners of His Majesty's Navy, Ordnance, or Victualling respectively.

If any Person shall deface any Mark denoting the Property of His Majesty in any Stores, or shall employ any Person so to do, he shall be transported for 14 Years.

IV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the passing of this Act, wilfully and fraudulently destroy, beat out, take out, cut out, deface, obliterate, or erase, wholly or in Part, any of the Marks in the said Act of the Ninth and Tenth Years of the Reign of King *William* the Third, or in this Act mentioned, or any other Mark whatsoever, denoting the Property of His Majesty, His Heirs or Successors, in or to any Warlike or Naval, Ordnance or Victualling Stores, or cause, procure, employ, or direct any other Person or Persons so to do, for the Purpose of concealing His Majesty's Property in such Stores, such Person or Persons shall be deemed guilty of Felony, and shall, on being convicted thereof, be transported to Parts beyond the Seas for the Term of Fourteen Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

If any Person convicted of any Offence contrary to this Act, for which he shall not have been transported, or contrary to the recited Act of 9 and 10 *Gul.* III, shall

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons who shall hereafter be convicted of any Offence contrary to this Act, for which he shall not have been transported beyond the Seas, or contrary to the said recited Act of the Ninth and Tenth Years of King *William* the Third, shall be guilty of a Second Offence, either contrary to that Act or to this present Act, which would not otherwise, as the First Offence, subject him, her, or them, to Transportation,

and

and ſhall be thereof legally convicted, ſuch Perſon or Perſons ſhall, by Judgement of the Court wherein he, ſhe, or they ſhall be ſo convicted, be tranſported to Parts beyond the Seas for the Term of Fourteen Years, in like Manner as other Offenders may be tranſported by the Laws and Statutes of this Realm now in force.

be convicted of a ſecond Offence, which would not, as the firſt, ſubject him to Tranſportation, he ſhall be tranſported for 14 Years.

VI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons tranſported in purſuance of this Act ſhall return into any Part of *Great Britain* or *Ireland* before the End or Expiration of the Term for which he or ſhe ſhall have been ſo tranſported, every ſuch Perſon or Perſons ſo returning ſhall ſuffer as Felons, and ſhall have Execution awarded againſt him, her, or them, as Perſons attainted of Felony without Benefit of Clergy.

If any Perſon tranſported ſhall return before the Expiration of his Term, he ſhall ſuffer as a Felon without Benefit of Clergy.

VII. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Court before whom any Offender or Offenders ſhall be indicted and convicted of all or any of the Crimes or Offences herein-before mentioned to be puniſhable with Tranſportation, to mitigate or commute ſuch Puniſhment, by cauſing the Offender or Offenders to be ſet on the Pillory, publickly whipt, fined or impriſoned, or by all or any One or more of the ſaid Ways and Means, as ſuch Court in its Diſcretion ſhall think fit; One Moiety of which Fine, (if any impoſed), ſhall be to His Majeſty, His Heirs and Succeſſors, and the other Moiety thereof to the Informer, and alſo to order ſuch Offender or Offenders to be impriſoned until ſuch Fine be paid; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

The Court may mitigate the Puniſhment of Tranſportation, by Pillory, Whipping, Fine, or Impriſonment;

Application of Fines.

VIII. And whereas the eſtabliſhing by Law a certain Reward to the Diſcoverers of Perſons guilty of ſtealing or embezzling any of His Majeſty's Naval, Ordnance, or Victualling Stores, or of any of the Crimes or Offences mentioned in the ſaid recited Act of the Ninth and Tenth Years of King *William* the Third, or in this Act, might tend greatly to the Detection of ſuch Offenders; be it therefore enacted by the Authority aforeſaid, That, from and after the paſſing of this Act, if any Perſon or Perſons ſhall diſcover to His Majeſty's Principal Officers or Commiſſioners of the Navy, Ordnance, or Victualling, for the Time being, or apprehend, or firſt inform againſt any Offender or Offenders who ſhall have been guilty of ſtealing or embezzling His Majeſty's Stores of War, or Naval, Ordnance, or Victualling Stores, or of any of the Offences mentioned in the ſaid recited Act of the Ninth and Tenth Years of the Reign of King *William* the Third, or in this preſent Act herein-before mentioned, which ſhall not be proſecuted in the ſummary Way herein-after preſcribed, ſo as ſuch Offender or Offenders be convicted thereof, ſuch Diſcoverer or Diſcoverers, Apprehenders or Informers, ſhall have and receive a Reward for ſuch his, her, or their Diſcovery, or for ſo apprehending or firſt informing as aforeſaid, the Sum of Twenty Pounds for every ſuch Offence ſo diſcovered, over and above any Share of Penalty or Fine which he, ſhe, or they may be entitled to as the Informer or Informers; ſo as ſuch Share of Penalty or Fine do not amount to more than the Sum of Twenty Pounds, or (if amounting to more than that Sum) ſhall fail to be paid by the Offender or Offenders

If any Perſon ſhall diſcover to the Navy Board, *&c.* or apprehend any Offender guilty of ſtealing or embezzling His Majeſty's Stores, or of any Offence againſt recited Act of 9 and 10 *Gul.* III, or of this Act, which ſhall not be proſecuted in a ſummary Way, he ſhall, on Conviction, receive a Reward of 20*l.* over his Share of Penalty, if not more than that Sum.

ders upon whom the ſame ſhall be inflicted for the Space of Three Calendar Months next after his, her, or their Conviction; provided ſuch Offender or Offenders ſhall not be detained in purſuance of any Sentence of Impriſonment, and if ſo detained, ſuch Share of Penalty or Fine ſhall fail to be paid within Three Calendar Months next after the Expiration of ſuch Sentence of Impriſonment.

If any Diſpute ſhall ariſe reſpecting the Title to ſuch Reward, it ſhall be determined by any of the Commiſſioners of the Navy, &c.

IX. Provided always, and be it further enacted, That if any Diſpute ſhall ariſe between or among any Perſons who ſhall have diſcovered, apprehended, or informed againſt any Offender or Offenders as to their Title to the ſaid Reward of Twenty Pounds, ſuch Diſpute ſhall be determined by any One or more of the Commiſſioners either of His Majeſty's Navy, Ordnance, or Victualling, as the Offence may have related to their Departments reſpectively, upon the Oaths of the Claimants, to be taken in Writing either before ſuch Commiſſioner or before One of His Majeſty's Juſtices of the Peace, (which Oaths the ſaid Commiſſioner or Juſtice is hereby authorized to adminiſter), and whatſoever Deciſion or Adjudication ſhall be made by ſuch Commiſſioner, touching the Premiſes, ſhall be final between the Parties.

Reward ſhall be paid on Certificate from the Officer of the Court where the Offender ſhall be tried, for which he may charge 5 s.

X. And be it further enacted by the Authority aforeſaid, That the principal Officers and Commiſſioners of His Majeſty's Navy, Ordnance, or Victualling, as the Caſe may require, ſhall cauſe the ſaid Reward of Twenty Pounds to be paid by the Treaſurer of the Navy or Ordnance reſpectively for the Time being, out of any Publick Money in his Hands, upon producing to them a Certificate, under the Hand of the Clerk of Aſſize, or his Deputy, or other proper Officer of the Court before whom ſuch Offender or Offenders ſhall be tried, certifying the Conviction of the Offender or Offenders, and that the Informer's Share of any Penalty or Fine inflicted upon ſuch Offender or Offenders doth not amount to more than the Sum of Twenty Pounds, or if amounting to more, hath failed to be paid by ſuch Offender or Offenders for the Space of Three Months next after his or their Conviction; unleſs ſuch Offender or Offenders ſhall then be detained in purſuance of any Sentence of Impriſonment, and then for the Space of Three Months next after the Expiration of ſuch Sentence; which Certificate the ſaid Clerk of Aſſize or other proper Officer is hereby required to give, and for which he ſhall charge the Sum of Five Shillings, and no more; and the Money paid by any ſuch Treaſurer on account of ſuch Rewards, ſhall be allowed in his Accounts, and he ſhall be diſcharged thereof accordingly; any Law, Cuſtom, or Uſage, to the contrary thereof in anywiſe notwithſtanding.

Any Commiſſioner of the Navy, &c. or any Juſtice of the Peace may grant Warrants for ſearching Houſes, *etc.* where Oath is made that there is Reaſon to ſuſpect Stores belonging to His Majeſty are concealed.

XI. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Commiſſioner of the Navy, Ordnance, or Victualling, for the Time being, (who, for the Purpoſes herein-after mentioned, is hereby authorized to act in every Reſpect as if he had been named as a Juſtice of the Peace in the Commiſſion of the Peace for the County, Diviſion, City, Town Corporate, Liberty, or Place in which he ſhall be reſident, or into which his Warrant ſhall be iſſued), or any Juſtice of the Peace for any County, Diviſion, City, Town Corporate, Liberty, or Place, within this Kingdom, upon the Oath of One or more credible Perſon or Perſons, that there is Reaſon or Cauſe to ſuſpect that

that any Navy, Ordnance, or Victualling Stores, or Goods belonging to His Majeſty, His Heirs or Succeſſors, are concealed in any Dwelling Houſe, Warehouſe, Workſhop, Outhouſe, Yard, Garden or other Place, or on board any Ship, Veſſel, Barge, Boat, or other Craft, by Warrant under his Hand and Seal, to cauſe every ſuch Dwelling Houſe, Warehouſe, Workſhop, Outhouſe, Yard, Garden, or Place, Ship, Veſſel, Barge, Boat, or other Craft, in whatſoever County, Diviſion, City, Town Corporate, Liberty, or Place, the ſame or any of them ſhall be, (in caſe ſuch Warrant ſhall be granted by a Commiſſioner as aforeſaid), to be ſearched, in the Day-time, by any Police Officer, Conſtable, Headborough, or other Peace Officer, either of the County, Diviſion, City, Town Corporate, Liberty, or Place, in which the Premiſes, Ship, Veſſel, Barge, Boat, or other Craft ſhall be, or in which the Commiſſioner granting ſuch Warrant (if granted by a Commiſſioner) ſhall then reſide; and in caſe any Stores or Goods marked as herein-before, or in the ſaid recited Act of the Ninth and Tenth Years of King *William* the Third is mentioned, ſhall upon ſuch Search be found, to cauſe the ſame, and the Offender or Offenders, to be brought before ſuch Commiſſioner or Juſtice of the Peace, who is hereby required to commit or bind over, or otherwiſe to deal with ſuch Offender or Offenders according to Law, for ſuch his or their Offence; and that in caſe, upon any ſuch Search, or upon any Seizure whatſoever of Stores, or Goods, marked as aforeſaid, any Naval, Ordnance, or Victualling Stores, not ſo marked as aforeſaid, ſhall be found, which may reaſonably be ſuſpected to belong to His Majeſty, the Party or Parties in whoſe Poſſeſſion or Keeping the ſame ſhall be found, ſhall be required to give to the Commiſſioner, or Juſtice of the Peace reſpectively before whom the ſaid Stores or Goods ſhall and may be brought, an Account, to the Satisfaction of ſuch Commiſſioner or Juſtice, that the ſame were not embezzled or ſtolen from any of His Majeſty's Ships or Veſſels, Yards, Storehouſes, or other Places, or that if the ſame were embezzled or ſtolen, the ſame had come to the Poſſeſſion of the ſaid Party or Parties honeſtly, and without any Knowledge or Suſpicion that the ſame had been embezzled or ſtolen, on Failure whereof by a reaſonable Time to be ſet by ſuch Commiſſioner or Juſtice of the Peace, the ſaid Stores or Goods ſhall thereupon become forfeited, and ſuch Party or Parties ſhall be deemed and adjudged guilty of a Miſdemeanor.

If any Stores or Goods marked as herein-before, or in the recited Act of 9 and 10 *Gul.* III. are mentioned ſhall be found, the Offender ſhall be dealt with according to Law; and if upon ſuch Search, or any Seizure of Stores or Goods marked as aforeſaid, any not marked ſhall be found, ſuſpected to belong to His Majeſty, and the Party ſhall not give a ſatisfactory Account thereof, they ſhall be forfeited, and he ſhall be deemed guilty of a Miſdemeanor.

XII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon or Perſons deputed or appointed by the principal Officers or Commiſſioners of the Navy, Ordnance, or Victualling, or any Three of them reſpectively, at any Time or Times from and after the paſſing of this Act, to ſtop, ſearch, and detain in ſome Place of Safety, any Barge, Boat, or other Craft, which there ſhall be Reaſon to ſuſpect doth contain any Naval, Ordnance, or Victualling Stores, Ropes, Tackle, Apparel, Furniture, Arms, Ammunition, Materials, and Things ſtolen, embezzled, or unlawfully procured from or out of any of His Majeſty's Ships or Veſſels, Yards, Storehouſes, or other Places, and alſo to apprehend and detain, or cauſe to be apprehended and detained, any Perſon or Perſons who may be reaſonably ſuſpected of having or conveying any ſuch Stores or other Things in ſuch Barge, Boat, or Craft; and ſuch Perſon or Perſons ſo apprehended ſhall be

Perſons deputed by the Commiſſioners of the Navy, *etc.* may detain any Craft in which may be ſuſpected to be contained any Articles ſtolen from His Majeſty's Veſſels, *etc.* and the Parties, who ſhall be dealt with according to Law reſpecting marked Stores, and thoſe not

marked, suspected to belong to His Majesty, and not satisfactorily accounted for, shall be forfeited, and the Party deemed guilty of a Misdemeanor.

be (as soon as conveniently may be) conveyed before any Commissioner of the Navy, Ordnance, or Victualling for the Time being, or before One or more Justice or Justices of the Peace for the County, Division, City, Town Corporate, Liberty, or Place in which such Seizure shall be made, together with the Stores, Ropes, Tackle, Apparel, Furniture, Arms, Ammunition, Materials, and Things so found in such Boat or other Craft; which said Commissioner or Justice is hereby required to commit or bind over, or otherwise to deal with such Person or Persons according to Law, in respect to any of the said last mentioned Stores and Things which shall be so marked as aforesaid; and in respect to any of such Stores or Things which shall not be so marked, but which shall nevertheless be reasonably suspected to be the Property of His Majesty, the said Person or Persons on whom the same shall be found shall be required to give an Account, to the Satisfaction of such Commissioner or Justice, that the same were not embezzled or stolen as aforesaid, or that if they were embezzled or stolen, the same had come to his or their Possession honestly, and without any Knowledge or Suspicion that the same had been embezzled or stolen, on Failure whereof, by a reasonable Time to be set as aforesaid, the said last-mentioned Stores or Things shall thereupon become forfeited, and the said Person or Persons so apprehended shall be deemed and adjudged guilty of a Misdemeanour;

If the Persons be convicted of stealing marked Articles, or adjudged guilty of a Misdemeanor with respect to unmarked ones, the Craft in which found shall be forfeited.

and in case the said Person or Persons shall be convicted of stealing, embezzling, or unlawfully having in his, her, or their Possession any of the said Stores or Things which shall be so marked as aforesaid, or shall be adjudged guilty of a Misdemeanour for not giving a satisfactory Account as aforesaid, with respect to such of the said Stores or Things as shall not be so marked as aforesaid, such Barge, Boat or other Craft in which such Stores or Things, or any of them shall be found, with its Tackle, Apparel, and Furniture, shall, upon such Conviction or Adjudication, become and be adjudged by such Commissioner or Justice forfeited, and shall be disposed of in Manner herein-after mentioned.

Persons so deputed, or any Police or Peace Officer, may apprehend Persons suspected of having Articles stolen from His Majesty's Vessels, &c. and may seize the Articles, and convey them and the Parties before a Justice, and the like Proceedings shall be had as with respect to Stores found in any Craft.

XIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons deputed or appointed as aforesaid, or any Police Officer, Constable, Headborough, or other Peace Officer, or any Beadle or Watchman, (during such Time as he shall be on Duty), of every Parish and Place where he shall be an Officer, to apprehend and detain, or cause to be apprehended and detained, all and every Person and Persons who may reasonably be suspected of having or carrying, or anyways conveying any Naval, Ordnance, or Victualling Stores, Ropes, Tackle, Apparel, Furniture, Arms, Ammunition, Materials, and Things stolen or unlawfully procured from or out of any of His Majesty's Ships or Vessels, Yards, Storehouses, or other Places, and also to seize and detain in some Place of Safety, such Stores, Materials, or Things as last aforesaid, and as soon as conveniently may be to convey, or cause the Person or Persons so apprehended to be conveyed before any Commissioner of the Navy, Ordnance, or Victualling, or before any One or more Justice or Justices of the Peace for any County, Division, City, Town Corporate, Liberty, or Place in or near to the Place of Seizure, together with the said Stores and other Things; and such and the like Proceedings shall and may be had

and taken againſt the ſaid Perſon or Perſons, in reſpect of ſuch laſt mentioned Stores or Things, whether marked or not marked, and ſuch Forfeiture be incurred, and Adjudication made, as are above directed with reſpect to Stores found in any Barge, Boat, or other Craft as aforeſaid.

Articles herein declared to be forfeited, on the Parties not giving a ſatisfactory Account of them, ſhall be returned into His Majeſty's Stores, and applied for His Uſe, unleſs Proof be made within Three Months to the contrary.

XIV. And be it further enacted by the Authority aforeſaid, That all and every the Stores, Ropes, Tackle, Apparel, Furniture, Arms, Ammunition, Materials, and Things, which are herein-before declared to be forfeited on the Party or Parties not giving to the Commiſſioner or Juſtice a ſatisfactory Account that the ſame were not embezzled or ſtolen as aforeſaid, ſhall be forthwith returned into His Majeſty's Store, and ſhall be applied for the Uſe and Benefit of His Majeſty, His Heirs and Succeſſors, unleſs Proof ſhall be made within Three Calendar Months next following ſuch Seizure, to the Satisfaction of ſuch Commiſſioner or Juſtice of the Peace, that the ſame Stores and other Things are the Property of any other Perſon or Perſons; in which Caſe the ſaid Commiſſioner or Juſtice ſhall cauſe the ſame to be forthwith delivered up to ſuch Perſon or Perſons, on his or their giving a proper Receipt or Diſcharge for the ſame, and paying the reaſonable Coſts and Charges, (to be ſet by ſuch Commiſſioner or Juſtice), attending the Conveyance thereof to and from His Majeſty's Store, and the Warehouſing or ſafe Cuſtody thereof from the Time of the Seizure.

The Commiſſioner or Juſtice by whom any Craft ſhall be adjudged to be forfeited, ſhall iſſue his Warrant to the Officer of the Cuſtoms for the Sale thereof, who ſhall cauſe it and the Furniture to be publickly ſold, and the Produce ſhall be paid to the Commiſſioner or Juſtice, and diſpoſed of as herein directed.

XV. And be it further enacted, by the Authority aforeſaid, That it ſhall and may be lawful to and for ſuch Commiſſioner or Juſtice of the Peace reſpectively by whom any Barge, Boat, or other Craft ſhall be adjudged to be forfeited in purſuance of this Act, and he is hereby authorized and required, forthwith after ſuch Adjudication, to iſſue his Warrant to the Collector or other Chief Officer of the Cuſtoms at the Port at or neareſt to the Place where ſuch Seizure ſhall be made, for the Sale of ſuch Barge, Boat, or other Craft; which ſaid Collector or other Chief Officer, by virtue thereof ſhall, and is hereby authorized and required, within One Month then next following, to cauſe ſuch Barge, Boat, or other Craft, together with its Tackle, Apparel, and Furniture, to be publicly ſold to the higheſt Bidder, Notice of which Sale ſhall be given in ſome or one of the Publick Papers in Circulation in the City, Town Corporate, or Place where ſuch Sale ſhall be made; and the Money ariſing from ſuch Sale, after Payment of the reaſonable Expences and Charges attending the ſame, and of ſecuring ſuch Barge, Boat, or other Craft from the Time of the Seizure thereof (to be aſcertained by ſuch Commiſſioner or Juſtice of the Peace) ſhall thereupon be forthwith paid by ſuch Collector or other Officer of the Cuſtoms into the Hands of ſuch Commiſſioner or Juſtice of the Peace reſpectively, and be by ſuch Commiſſioner or Juſtice within One Calendar Month then next following paid and diſpoſed of in the Manner following; (that is to ſay), One Moiety thereof to the Perſon or Perſons (or his or their Repreſentatives, if dead) who ſhall have made Seizure of ſuch Barge, Boat, or other Craft, and the other Moiety thereof to the Treaſurer of His Majeſty's Navy for the Time being (in caſe the Stores ſeized ſhall be Naval or Victualling Stores) to be by him applied in ſuch and the ſame Manner as the Monies ariſing

from the Sale of Old Stores in His Majeſty's Dock Yards now are, or for the Time being ſhall be applicable; and in caſe the Stores ſeized ſhall be Ordnance Stores, then the ſaid other Moiety ſhall be paid to the Treaſurer of His Majeſty's Ordnance for the Time being, to be by him applied in ſuch Manner, for the Uſe of His Majeſty, as the Maſter General and Principal Officers of His Majeſty's Ordnance for the Time being ſhall order and direct.

Perſons guilty of Miſdemeanors ſhall forfeit certain Sums which may be levied by Diſtreſs, to be applied as herein directed, and if Diſtreſs cannot be found, the Offender ſhall be committed for Three Months.

XVI. And be it further enacted by the Authority aforeſaid, That every Perſon deemed and adjudged guilty of any of the Miſdemeanors aforeſaid, before any Commiſſioner or Juſtice of the Peace as aforeſaid, ſhall for every ſuch Miſdemeanor forfeit for the Firſt Offence the Sum of Forty Shillings; for the Second Offence the Sum of Five Pounds, and for the Third and every ſubſequent Offence the Sum of Ten Pounds, over and above the other Forfeitures above mentioned; all which ſaid reſpective Forfeitures ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, (rendering to him or them the Overplus, after the Charges of the ſaid Diſtreſs and Sale deducted), by Warrant under the Hand and Seal of ſuch Commiſſioner or Juſtice of the Peace, before whom ſuch Offender was convicted, directed to any Conſtable or other Peace Officer of the County, Diviſion, City, Town Corporate, Liberty or Place, and ſhall be diſpoſed of in Manner following; (that is to ſay), One Moiety to the Perſon or Perſons apprehending ſuch Offender or Offenders, or giving Information, as the Caſe ſhall be, and the other Moiety thereof to the Treaſurer of the Navy or Ordnance for the Time being, as the Caſe may require, to be applied as before mentioned; and in caſe the Conſtable or other Peace Officer to whom ſuch Warrant ſhall be directed, ſhall return to ſuch Commiſſioner or Juſtice of the Peace that the Offenders or Offender named therein have not or hath not any Goods or Chattels in his County or Conſtablewick, whereby he can levy the ſaid Penalty, (which Return the ſaid Conſtable or other Peace Officer is hereby required in that Caſe to make within a reaſonable Time, to be ſet by the ſaid Commiſſioner or Juſtice of the Peace, and during which Time the ſaid Offenders or Offender ſhall be kept in ſafe Cuſtody by the Order of ſuch Commiſſioner or Juſtice of the Peace), then and in ſuch Caſe the ſaid Commiſſioner or Juſtice ſhall, and he is hereby required by Warrant under his Hand and Seal directed, as aforeſaid, to cauſe ſuch Offenders or Offender to be committed to the Common Gaol of the County, Diviſion, City, Town Corporate, Liberty or Place, in which ſuch Seizure ſhall have been made, there to remain without Bail or Mainprize for the Space of Three Calendar Months, unleſs ſuch Penalty ſhall be ſooner paid.

Adjudications in Miſdemeanors to be certified to the next General or Quarter Seſſions, and ſhall be final.

XVII. And be it further enacted, That every Adjudication in any of the ſaid Miſdemeanors ſhall be certified by the Commiſſioner or Juſtice of the Peace making the ſame, to the next General or Quarter Seſſions of the Peace for the County, Diviſion, City, Town Corporate or Place in which ſuch Seizure ſhall be made, to be filed and entered amongſt the Records of the ſaid Seſſion; and ſuch Conviction ſhall not be ſet aſide or quaſhed for Want of Form, nor be liable to be removed by Certiorari, Advocation, or Suſpenſion into any other Court,

but shall be deemed and taken to be final to all Intents and Purposes whatsoever.

Any Commissioner of the Navy, &c. or Justice of the Peace, may determine any Complaint for unlawfully selling or receiving Stores not exceeding 20 Shillings Value, and may fine the Offender 10*l.*

XVIII. And whereas it might tend to prevent the Commission of Offences if Power were given to the Commissioners of His Majesty's Navy, Ordnance, and Victualling, and His Majesty's Justices of the Peace out of Sessions, to hear and determine Offences in a summary Way in Cases where the Stores found are of small Value, and to fine or otherwise punish the Offenders accordingly; be it therefore enacted by the Authority aforesaid, That, from and after the passing of this Act, it shall and may be lawful to and for any Principal Officer or Commissioner of the Navy, Ordnance, or Victualling, for the Time being, or any Justice of the Peace for any County, Division, City, Town Corporate, Liberty, or Place within this Kingdom, to hear and determine any Complaint against any Person or Persons (not being a Contractor or Contractors, or employed as aforesaid) for unlawfully selling or delivering, or causing or procuring to be sold or delivered, or for receiving or having in his, her, or their Custody, Possession, or Keeping, or for concealing any Stores of War, or Naval, Ordnance, or Victualling Stores or Goods marked with such Marks respectively as are herein-before mentioned, of any Value in the Whole not exceeding Twenty Shillings, which said Commissioner or Justice respectively is hereby authorized and required upon any Information exhibited or Complaint made in that Behalf, at any Time within Three Calendar Months next after any such Offence shall have been committed, to cause the Party or Parties accused to be apprehended and brought before him; or if he, she, or they shall have absconded, or cannot be found, then to be summoned to appear before such Commissioner or Justice, by a Notice or Summons left at his, her, or their last or usual Place of Abode; and also cause the Witnesses on either Side to be summoned, and such Commissioner or Justice shall examine into the Matter of Fact, and upon due Proof made thereof, either by the voluntary Confession of the Party or Parties, or by the Oath of One or more credible Witness or Witnesses, (which Oath the said Commissioner or Justice respectively is hereby authorized to administer), give Judgement or Sentence accordingly; and in case the Party or Parties accused shall be convicted of such Offence, then it shall and may be lawful to and for such Commissioner or Justice of the Peace respectively to inflict a Fine of Ten Pounds upon him, her, or them, for such his, her, or their Offence; which said Fine so inflicted shall be divided and distributed, One Moiety thereof to the Informer or Discoverer of the Offence, and the other Moiety thereof (the necessary Charges for the Recovery thereof being first deducted) to the Treasurer of His Majesty's Navy or Ordnance, as the Case may be, to be by him applied in such Manner as herein-before mentioned with respect to the Produce of Barges, Boats, or other Craft seized and sold under the Authority of this Act, and to award and issue out his Warrant under his Hand and Seal for levying such Fine so adjudged on the Goods of the Offender or Offenders, and to cause Sale to be made thereof for Payment of such Fine and the reasonable Charges of Distress, (to be judged of by such Commissioner or Justice respectively), in case they shall not be redeemed within Six Days, rendering to the Party the Overplus, if any; and where sufficient Goods of the Party cannot

Application of Fine, which may be levied by Distress.

If ſufficient Diſtreſs cannot be found, the Offender may be committed to the Common Gaol, or in lieu of the Fine may be kept to hard Labour in the Houſe of Correction.

cannot be found to anſwer the ſaid Fine, to commit the ſaid Offender or Offenders to the Common Gaol of the County, Diviſion, City, Town Corporate, Liberty, or Place, for the Space of Three Calendar Months, unleſs ſuch Fine ſhall be ſooner paid, or in lieu of ſuch Fine, to cauſe ſuch Offender or Offenders to be impriſoned and kept to hard Labour in the Houſe of Correction for the Space of Three Calendar Months, as to ſuch Commiſſioner or Juſtice of the Peace reſpectively ſhall be thought fit; and every ſuch Commiſſioner or Juſtice ſhall cauſe the Amount of every ſuch laſt mentioned Moiety of Fine which he ſhall ſo receive, and alſo the Moiety of every Sum ariſing from the Sale of any Barge, Boat, or other Craft ſold under the Authority of this Act and paid into his Hands as aforeſaid, to be paid into the Hands of the ſaid Treaſurer of the Navy or Ordnance within Thirty Days after the Expiration of the Year in which ſuch Fines ſhall be received by him, or in Default thereof ſuch Commiſſioner or Juſtice reſpectively ſhall forfeit the Sum of Fifty Pounds, to be recovered with double Coſts of Suit, by any Perſon or Perſons who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or Court of Exchequer in *Scotland*, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; One Moiety of which laſt mentioned Fine ſhall go to His Majeſty, His Heirs and Succeſſors, and the other Moiety thereof, to him or them who ſhall ſue for the ſame as aforeſaid.

Fines may be mitigated.

XIX. Provided always nevertheleſs, That it ſhall and may be lawful to and for the ſaid Commiſſioner or Juſtice before whom any Perſon ſhall be convicted in a ſummary Way as aforeſaid (if he ſhall ſee Cauſe), to mitigate and leſſen any ſuch before-mentioned Fine of Ten Pounds, to be inflicted in that Behalf as he ſhall think fit, (the reaſonable Coſts of the Officers and Informers, as well in making the Diſcovery as in proſecuting the ſame, being always allowed over and above ſuch Mitigation), and ſo as ſuch Mitigation do not reduce the Fine to leſs than One Moiety of the ſaid Sum of Ten Pounds, over and above the ſaid Coſts and Charges; any Thing contained in this Act to the contrary thereof in anywiſe notwithſtanding.

If in lieu of a Fine the Offender be impriſoned, the Informer ſhall receive 5 *l.* Reward upon Production of a Certificate from the Commiſſioners or Juſtice who convicted him.

XX. Provided alſo, and be it enacted, That in caſe ſuch Commiſſioner or Juſtice of the Peace ſhall, upon the hearing and determining of ſuch Complaint as aforeſaid, adjudge the Offender or Offenders, in lieu of a Fine, to be impriſoned and kept to hard Labour as aforeſaid, that then the Informer, or Perſon or Perſons who ſhall have diſcovered ſuch Offender or Offenders, ſhall have and receive, as a Reward for ſuch his, her, or their Diſcovery, the Sum of Five Pounds for every ſuch Offence ſo diſcovered; and the Principal Officers and Commiſſioners of His Majeſty's Navy, Ordnance, or Victualling, as the Caſe may require, ſhall cauſe the ſaid Reward of Five Pounds to be paid by the Treaſurer of the Navy or Ordnance reſpectively for the Time being, out of any publick Money in his Hands, upon ſuch Informer or other Perſon producing to them a Certificate under the Hand and Seal of the Commiſſioner or Juſtice of the Peace who ſhall have convicted ſuch Offender or Offenders as aforeſaid, certifying ſuch Conviction, and the Puniſhment

ment which he hath inflicted upon the Offender or Offenders; and the Name or Names of the Perſon or Perſons who in his Judgement is entitled, and in what Proportion or Proportions to ſuch Reward; which Certificate the ſaid Commiſſioner or Juſtice of the Peace reſpectively is hereby required to give without Fee or Reward; and the Money paid by any ſuch Treaſurer on Account of ſuch laſt mentioned Rewards ſhall be allowed in his Accounts, and he ſhall be diſcharged thereof accordingly; any Law, Cuſtom, or Uſage to the contrary thereof in anywiſe notwithſtanding: Provided alſo, That no ſuch ſummary Proceeding as before mentioned ſhall be had before any Juſtice of the Peace under the Authority of this Act, without the Conſent in Writing of the Principal Officers or Commiſſioners of His Majeſty's Navy, Ordnance, or Victualling for the Time being, or One of them, for that Purpoſe firſt had and obtained; and that every Adjudication or Sentence to be had or given without ſuch Conſent as aforeſaid, ſhall be null and void to all Intents and Purpoſes whatſoever.

No ſummary Proceeding to be had before any Juſtice without the Conſent of the Commiſſioners of the Navy, &c.

XXI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall find himſelf, herſelf, or themſelves aggrieved by the Judgement of any ſuch Commiſſioner or Juſtice, touching or concerning any ſuch Stores as laſt aforeſaid, under the Value of Twenty Shillings, then he, ſhe, or they, ſhall or may, upon entering into a Recognizance to His Majeſty, with One or more Surety or Sureties, to the Satisfaction of ſuch Commiſſioner or Juſtice, to the Amount of Treble the Value of ſuch Fine, appeal to the Juſtices of the Peace at their next General Quarter Seſſions of the Peace for the County, Diviſion, City, Town Corporate, Liberty, or Place wherein the Offence was committed, who are hereby empowered to ſummon and examine Witneſſes upon Oath, and finally to hear and determine the ſame; and in caſe the Judgement ſhall be affirmed, it ſhall and may be lawful for ſuch Juſtices of the Peace to award the Perſon or Perſons ſo appealing to pay ſuch Coſts occaſioned by ſuch Appeal as to them the ſaid Juſtices ſhall ſeem meet, and to enforce Payment thereof, according to the Courſe and Practice of ſuch Court.

Perſons thinking themſelves aggrieved by any Judgement touching Stores under the Value of 20*s.* may appeal to the Quarter Seſſions.

XXII. And in order to avoid frivolous and vexatious Appeals, be it further enacted, That the Commiſſioner or Juſtice of the Peace before whom any Offender ſhall be convicted as aforeſaid, ſhall cauſe the ſaid Conviction to be made out in the Manner and Form following, or in any other Form of Words to the like Effect *mutatis mutandis*; which Conviction ſhall be good and effectual to all Intents and Purpoſes, without ſtating the Caſe, or the Facts or Evidence, in any more particular Manner; (that is to ſay),

Convictions ſhall be made out in the following Form, or to the like Effect.

"BE it remembered, That on the Day of
" in the Year of our Lord
" *A. B.* of in the of
" was convicted before me *C. D.* One of the Commiſſioners of His
" Majeſty's [*or*, One of His
" Majeſty's Juſtices of the Peace for the of

Form of Conviction.

'as the Case may be] for that the said *A. B.* on the
'Day of now last past, at the
'of in the said of
'did [*here state the Offence against the Act*] contrary
'to the Statute in such Case made and provided.

'Given under my Hand and Seal the Day of
'in the Year of our Lord

Convictions to be returned to the next General Quarter Sessions to be filed, and shall not be removed into any other Court.

Which Conviction the said Commissioner or Justice shall cause to be written fairly upon Parchment or Paper, and returned to the next General Quarter Sessions of the Peace for the County, Division, City, Town Corporate, Liberty, or Place where such Conviction was made, to be filed by the Clerk of the Peace, and there to remain and be kept among the Records of the same County, Division, City, Town Corporate, Liberty, or Place, and the same shall not be removed by Certiorari, Advocation, or Suspension, into any Court whatsoever.

Witnesses neglecting to attend to forfeit 10*l.*

XXIII. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses, to give Evidence before such Commissioner, or Justice or Justices of the Peace, touching any of the Matters relative to this Act, either on the Part of the Prosecutor or of the Party or Parties accused, and shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Neglect or Refusal, to be allowed by such Commissioner or Justice or Justices of the Peace before whom the Seizure, Complaint, or Prosecution shall be depending, that then every such Person shall forfeit for every such Offence the Sum of Ten Pounds, to be recovered, levied, and paid and applied, in such Manner and by such Means as is above directed with respect to Fines on summary Convictions.

Nothing herein shall prevent Parties accused of selling or receiving Stores under the Value of 20 Shillings from being prosecuted as Receivers of Stolen Goods.

XXIV. Provided always, and it is hereby enacted and declared, That nothing herein-before contained which gives to any Commissioner or Justice of the Peace Power or Authority to hear and determine Offences in a summary Way, shall extend or be deemed, construed, or taken to extend, to prevent the Party or Parties accused of selling or delivering, or of having in his, her, or their Custody, Possession, or Keeping, or of receiving or concealing any of the Stores marked as above mentioned, under the Value of Twenty Shillings, from being prosecuted as Receivers of Stolen Goods under this Act, or for unlawfully having the same in his, her, or their Custody, or concealing the same under the said recited Acts of the Ninth and Tenth Years of the Reign of King *William* the Third, the Ninth Year of the Reign of King *George* the First, or the Seventeenth Year of the Reign of King *George* the Second, in any Court of Record, Oyer and Terminer, or otherwise, as they might have been if no such Power or Authority had been given; or to take away from any Person or Court whatsoever any Power, Right, Jurisdiction, Pre-eminence, or Authority, which he or they, or any of them, ought lawfully to have had and enjoyed for the hearing and determining of such Offences, in case no such Power or Authority to hear and determine the same in a

summary

ſummary Way had been given, ſo as that the ſame Perſon ſhall not be puniſhed Twice for the ſame Offence.

The Commiſſioners of the Navy, &c. may ſell marked Stores, and the Buyers may keep them, without incurring any Penalty, on producing a Certificate of their having bought them.

XXV. And be it further enacted, That the ſaid Commiſſioners of the Navy, Ordnance, or Victualling, for the Time being, may ſell and diſpoſe of any of the Stores aforeſaid ſo marked as aforeſaid, as they did or might have done before the making of this Act; and that ſuch Perſon or Perſons as heretofore have or ſhall hereafter buy any ſuch Stores or other Stores ſo marked as aforeſaid, of the ſaid reſpective Commiſſioners, may keep and enjoy the ſame, without incurring the Penalty of this Act, or any Law to the contrary whatſoever, upon producing a Certificate or Certificates, under the Hand and Seal of Three or more of the ſaid Commiſſioners, that they bought ſuch Goods or Stores from them at any Time before they ſold or delivered the ſame, or before the ſame were found in their Cuſtody, or a Certificate from ſuch Perſon or Perſons as ſhall appear to have bought the ſaid Stores from them the ſaid Commiſſioners, that the Stores ſo ſold or delivered by them, or ſo found in their Cuſtody, were the Stores or Part of the Stores ſo bought of the ſaid Commiſſioners as aforeſaid; in which Certificate or Certificates, the Quantities of ſuch Stores ſhall be expreſſed, and the Time when and where bought of the ſaid Commiſſioners, who, or any Three or more of them for the Time being, and alſo the Perſon or Perſons afterwards ſelling the ſame, are hereby empowered and directed from Time to Time to give ſuch Certificate to ſuch Perſon or Perſons as ſhall deſire the ſame, and have bought and ſhall hereafter buy any of the aforeſaid Stores within Thirty Days after the Sale and Delivery thereof.

Penalty for giving or publiſhing falſe Certificates.

Application of Penalty.

XXVI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall make, ſign, or give any falſe Certificate, Bill of Parcels, or other Inſtrument, purporting the Identity or the Sale or Diſpoſal of any Goods or Stores as Goods or Stores ſo purchaſed of the ſaid Commiſſioners as aforeſaid, or if any Perſon or Perſons ſhall utter or publiſh any ſuch falſe Certificate, Bill of Parcels, or other Inſtrument purporting as aforeſaid, knowing the ſame to be falſe, every ſuch Offender, upon Conviction thereof in due Form of Law, ſhall forfeit the Sum of Two hundred Pounds, and be further corporally puniſhed, as by this Act is directed with reſpect to Perſons having in their Poſſeſſion or concealing His Majeſty's Warlike, Naval, or Ordnance Stores, contrary to the ſaid Act of the Ninth and Tenth Years of King *William* the Third; One Moiety of which Penalty ſhall be to His Majeſty, His Heirs and Succeſſors, and the other Moiety thereof, with full Coſts of Suit, to the Informer, to be recovered in ſuch Manner as the Penalty of Two hundred Pounds, inflicted by the ſaid laſt mentioned Act, is by that Act or any Law now in force, made recoverable.

If any Perſon ſhall be ſued for any Seizure, and ſhall prove on the Trial that the Stores were marked, or if not marked might be ſuf-

XXVII. And be it further enacted, That in caſe any Perſon or Perſons ſhall be ſued or proſecuted for or by Reaſon of their ſeizing any ſuch Stores or Goods as aforeſaid, or any Barge, Boat, or other Craft in which the ſame ſhall have been depoſited, and upon the Trial of the Iſſue ſhall make Proof, that ſuch Goods or Stores ſo ſeized by him or them, or any Part thereof, were ſo marked as aforeſaid, or if not ſo marked, might reaſonably

pected to belong to His Majeſty, or if the Plaintiff ſhall not prove that he had a Certificate, *etc.* the Defendant ſhall be acquitted.

ſonably be ſuſpected to belong to His Majeſty, or in caſe the Plaintiff or Plaintiffs, in ſuch Action or Suit, ſhall not at ſuch Trial make good Proof that he or they was or were ſo employed, or had ſuch Certificate as aforeſaid, and that he or they did ſhew ſuch Certificate to the Defendant or Defendants before the Action or Suit was commenced or brought, and that ſuch Defendant or Defendants did not thereupon deliver or offer to deliver back unto the Plaintiff or Plaintiffs, at their Requeſt, all ſuch Goods and Stores as aforeſaid, and the Barge, Boat, or other Craft (if any) in which the ſame had been depoſited, in as good Plight and Condition as they were at the Time of the Seizure thereof, ſuch Defendant or Defendants ſhall be acquitted and found not guilty thereupon.

The Commiſſioners ſhall have the Benefit given to Juſtices of the Peace by 7 *Jac.* I, Cap. 5.

XXVIII. And be it further enacted by the Authority aforeſaid, That every Commiſſioner of the Navy, Ordnance, or Victualling, acting in the Execution of this Act, ſhall have and be entitled to the Benefit and Protection given to the Juſtices of the Peace in and by an Act of Parliament, made in the Seventh Year of the Reign of the late King *James* the Firſt, intituled, *An Act for Eaſe in pleading troubleſome and contentious Suits proſecuted againſt Juſtices of the Peace, Mayors, Conſtables, and certain other His Majeſty's Officers, for the lawful Execution of their Office*; and alſo in and by One other Act of Parliament, made in the Twenty-firſt Year of the Reign of the ſaid late King *James*, intituled, *An Act to enlarge and make perpetual the Act, made for Eaſe in pleading againſt troubleſome and contentious Suits, proſecuted againſt Juſtices of the Peace, Mayors, Conſtables, and certain other His Majeſty's Officers, for the lawful Execution of their Office, made in the Seventh Year of His Majeſty's moſt happy Reign*; and alſo in and by One other Act of Parliament, made in the Twenty-fourth Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the rendering Juſtices of the Peace more ſafe in the Execution of their Office, and for indemnifying Conſtables and others acting in Obedience to their Warrants*, in as full and ample Manner and Form as if ſuch Commiſſioner had been a Juſtice of the Peace within the true Intent and Meaning of the ſaid Acts of Parliament, or any of them; and that all and every Conſtable, Headborough, or other Peace Officer, or Perſon acting under the Warrant or Authority of ſuch Commiſſioner in purſuance of this Act, ſhall, beſides the Protection given to Perſons making Seizures as above-mentioned, have and be entitled to the full Benefit and Protection of the ſaid ſeveral laſt-mentioned Acts of Parliament, in the ſame Manner to all Intents and Purpoſes, as if he or they had acted under the Warrant or Authority of a Juſtice of the Peace within the Meaning of the ſame Acts.

21 *Jac.* I, Cap. 12, and

24 *Geo.* II, Cap. 44,

and the Peace Officers acting under them ſhall have the Protection of the ſaid Acts.

Act to extend to *Scotland*.

XXIX. And be it further enacted by the Authority aforeſaid, That this preſent Act ſhall extend to that Part of the Kingdom of *Great Britain* called *Scotland*; and it is hereby declared and enacted by the Authority aforeſaid, that all Perſons who ſhall commit within that Part of *Great Britain* called *Scotland* any of the Offences againſt this Act herein-before expreſſed, and ſhall be lawfully convicted thereof, ſhall be liable to the ſame Pains, Penalties, Forfeitures, and Diſabilities which by this preſent Act are declared to be applicable to ſimilar Offences committed within that Part of *Great Britain* called *England*.

XXX. And

XXX. And it is hereby further enacted by the Authority aforeſaid, That all Perſons accuſed of having committed any of the Offences againſt this Act, herein-before deſcribed, within that Part of *Great Britain* called *Scotland*, ſhall be tried according to the Forms uſed and obſerved by the Law of *Scotland* in Trials for Theft or Reſet of Theft.

Offenders in *Scotland* to be tried according to the Forms in Trials for Theft or Reſet of Theft.

XXXI. Provided always, and be it enacted by the Authority aforeſaid, That all Perſons accuſed of Offences and Miſdemeanors againſt this Act within that Part of *Great Britain* called *Scotland*, and for which, when committed in *England*, a ſummary Mode of Trial and Conviction is herein-before eſtabliſhed, may be tried in the ſame ſummary Manner within that Part of *Great Britain* called *Scotland*, before the Judge Ordinary of the Bounds, or before Two or more Juſtices of the Peace in or out of Seſſions, and being lawfully convicted thereof, by their own Confeſſion, or by the Oath of One or more credible Witneſſes, ſhall be puniſhed in the Manner herein-before directed in Caſes of ſuch ſummary Trial and Conviction in *England*.

Perſons accuſed of Offences in *Scotland*, for which in *England* a ſummary Mode of Trial is eſtabliſhed, may be ſo tried there.

XXXII. And be it further enacted by the Authority aforeſaid, That all ſuch ſummary Proſecutions within that Part of *Great Britain* called *Scotland*, ſhall proceed, either at the Inſtance of the Procurator Fiſcal of the Court before which the Party is to be tried, or at the Inſtance of His Majeſty's Naval Storekeeper at *Leith* for the Time being, with Concourſe of ſuch Procurator Fiſcal.

At whoſe Inſtance ſummary Proſecutions in *Scotland* ſhall proceed.

XXXIII. And be it further enacted by the Authority aforeſaid, That all Fines, Penalties, and Forfeitures to be impoſed on any Perſon by virtue of this Act, within that Part of *Great Britain* called *Scotland*, ſhall be applied in the Manner herein-before directed with regard to ſimilar Fines, Penalties, and Forfeitures to be impoſed by virtue of this Act in that Part of *Great Britain* called *England*.

Penalties in *Scotland* to be applied as in *England*.

XXXIV. And be it enacted by the Authority aforeſaid, That in all Caſes in which by this preſent Act or otherwiſe it is neceſſary or lawful to inſtitute any Suit, Plaint, Bill, or Action, before any of His Majeſty's Courts of Record at *Weſtminſter*, for any Thing done contrary to or in purſuance of this Act within that Part of *Great Britain* called *England*, it ſhall be lawful in all ſimilar Caſes occurring within that Part of *Great Britain* called *Scotland*, for the Party to bring his Action before the Court of Exchequer there, according to the Forms and Uſages obſerved in that Court: Provided always, That ſuch Action or Suit be brought within the Time above ſpecified for bringing ſuch Actions in *England*.

In Caſes where in *England* Suits may be inſtituted in any Court of Record at *Weſtminſter*, in ſimilar Caſes in *Scotland* they may be inſtituted in the Court of Exchequer there.

XXXV. And be it further enacted by the Authority aforeſaid, That in all Queſtions whatſoever occurring within that Part of *Great Britain* called *Scotland* upon all Matters and Things done contrary to or in purſuance of this Act, and which are not herein-before expreſsly provided for, Regard ſhall be had to the Laws and Uſages obſerved in *Scotland* in like Caſes; any Thing herein expreſſed to the contrary notwithſtanding.

In Queſtions in *Scotland* upon Matters not herein provided for, the Laws there to be obſerved.

If any Perſon ſhall forſwear himſelf he ſhall be liable to the Penalties of wilful Perjury.

XXXVI. And be it further enacted, That if any Perſon upon Examination on Oath or Affirmation before any Commiſſioner of the Navy, Ordnance, or Victualling reſpectively, or before any Juſtice of the Peace in *Great Britain*, in any Matter relating to the Execution of this Act, ſhall wilfully and corruptly give falſe Evidence, or ſhall, in any Information or Depoſition ſworn, or Affirmation taken in Writing before any ſuch Commiſſioner or Juſtice, wilfully and corruptly ſwear or affirm any Matter or Thing which ſhall be falſe or untrue, every ſuch Perſon ſo offending, and being thereof lawfully convicted, ſhall be and is hereby declared to be ſubject and liable to the like Pains and Penalties as any Perſons convicted of wilful and corrupt Perjury are by any Law now in force ſubject and liable to.

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