

Government *Gazette* board within fourteen days after such licence has been granted, and the revocation of any licence shall be notified in a similar manner.

Penalty for
killing without
a licence.

5. Any person who shall after the passing of this Ordinance, without a licence, or after the revocation of the same, kill or cause to be killed for commercial purposes, or wantonly, any penguin on the aforementioned unoccupied lands of the Crown, or upon any lands, public or private, not included in such licence, shall be liable to a fine not exceeding thirty pounds sterling.

Forfeiture of
boat.

6. If the owner of any boat or vessel make use of or shall permit his boat or vessel to use of for the purpose of destroying penguins to the provisions of this Ordinance he shall be liable to the power of the Stipendiary Magistrate in his absence, of two or more Justices of the Peace to order, in addition to such fine as he may think fit, the boat or vessel and its contents shall be forfeited to the Crown.

of

7. All penalties under this Ordinance shall be sued for and recovered in the same way that penalties are sued for and recovered under and by virtue of the Summary Jurisdiction Ordinance, No. 5 of 1902.

Short title.

8. This Ordinance may be cited as "The Penguins Ordinance, 1867."

NAVAL STORES AND VICTUALLING.

Ordinance No. 4 of 1867.

[23rd August, 1867.]

Be it enacted by the Governor of the Falkland Islands and the Dependencies thereof, with the advice and consent of the Legislative Council thereof, as follows :—

Marks in
Schedule
appropriated to
Her Majesty's
Naval and
Victualling
Stores.

1. 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, and it shall be lawful for the Admiralty, their contractors, officers and workmen, or the Governor or persons by his authority to apply the said marks, or any of them, in or on any such stores as are described in the 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 misdemeanour, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

2. 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 marks 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.

Obliteration with intent to conceal Her Majesty's property, felony.

3. 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 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.

Knowingly receiving marked stores a misdemeanour.

4. When the person charged with such a misdemeanour as last aforesaid was, at the time at which the offence is alleged 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.

Knowledge of stores being marked presumed against dealers.

5. 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

Offenders may be summarily convicted in certain cases.

the discretion of the Justice to be imprisoned for any term not exceeding six months, with or without hard labour.

Persons not dealers found in possession of naval or victualling stores, etc., and not satisfactorily accounting for the same, liable to a penalty.

6. 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, and 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.

7. For the purposes of this Ordinance stores shall be deemed to be in possession or keeping of any person if he knowingly has them in the actual keeping or possession 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.

No unauthorised person to creep, sweep, etc., for stores within 100 yards of dockyards.

8. It shall not be lawful for any person, without permission in writing from the Admiralty or from some person authorised by the Admiralty or by the Governor in that behalf, to creep, sweep, dredge or otherwise search for stores in the sea or in any tidal water, within one hundred yards of 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. If any person act in contravention of this provision, he shall be liable, on summary conviction before a Justice of the Peace, to a penalty not exceeding five pounds, or to be imprisoned for any time not exceeding three months, with or without hard labour.

9. All offences punishable under this Ordinance shall be prosecuted and punished in the same way that other offences committed in this Colony are punishable by law :

Punishment.

Provided that no offence under this Ordinance shall be prosecuted except on the information of some person appointed by the Governor by warrant under his signature.

Governor to appoint a prosecutor.

10. Nothing in this Ordinance shall prevent any person from being liable under any other Law or Ordinance in force in the Colony to any other penalty or punishment than is provided for any offence by this Ordinance, provided that no person shall be punished twice for the same offence.

Not to prevent persons being prosecuted under any other law or Ordinance.

11. This Ordinance may be cited as "The Naval Stores Ordinance, 1867."

Short title.

SCHEDULE.

Marks appropriated for use in or on Her Majesty's Naval and Victualling Stores.

Hempen, cordage and wire rope—White, black or coloured worsted threads laid up with the yarns and the wire respectively.

Canvas, fearnoughts, 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 or other stores not before mentioned—The broad arrow.