

New Zealand.

ANNO TRICESIMO PRIMO

V I C T O R I Æ R E G I N Æ .

No. 10.

AN ACT for Regulating the Business of Title. Dealers in old Metals and Dealers in Marine Stores. [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 “The old Metal and Marine Short Title.
Store Dealers Act 1867.”

2. This Act shall come into operation on the first day of January Commencement of
Act.
one thousand eight hundred and sixty-eight.

3. In the construction and for the purposes of this Act the term Definition of terms.
“Dealer in old Metals” shall mean any person dealing in buying and 24 and 25 Vic. c. 110
s. 3.
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.

4. It shall be lawful for any Justice of the Peace upon complaint Penalty on dealer in
old metals being in
possession of stolen
property.
made before him upon oath that the complainant has reason to
believe and does believe that any old metal stolen or unlawfully
obtained is kept in any house shop room or place by any dealer
in old metals within the limits of the jurisdiction of such Justice to
give authority by special warrant to any constable or police officer to
enter in the day time such house shop room or other place with such
assistance as may be necessary and to search for and seize all such old
metals there found and to carry all the articles so seized before the
Justice issuing the said warrant or some other Justice exercising
similar jurisdiction and such Justice shall thereupon issue a summons
requiring such dealer to appear before two Justices at a time and place
to be named in such summons and if such dealer shall not then and
there prove to the satisfaction of such Justices how he came by the
said articles or if any such dealer shall be found in possession of any
old metal which has been stolen or unlawfully obtained and on his
being taken or summoned before two Justices it shall be proved to
the satisfaction of such Justices that at the time when he received
it he had reasonable cause to believe it to have been stolen or
unlawfully obtained then in either of such cases such dealer shall be
liable to a penalty not exceeding five pounds and for any subsequent
offence to a penalty not exceeding twenty pounds or at the discretion
of the Justices in the case of such second or subsequent offence shall be
imprisoned and kept to hard labour for any period not exceeding three
calendar months Provided always that nothing herein contained shall
interfere with or affect any proceeding by indictment to which such

Ib. s. 4.

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dealer in old metals may be liable for feloniously and knowingly receiving stolen goods but no person shall be prosecuted by indictment and proceeded against under this Act for the same offence.

Justices may order dealer to be registered.

24 and 25 Vic. c. 110 e. 5.

5. When any dealer in old metals is convicted of either of the offences aforesaid it shall be lawful for such Justices or for any two Justices of the Peace on proof of such conviction to order and direct that such dealer shall be registered at some Police Office or Police Station in the Province in which such dealer shall have been convicted in a book to be kept by the Chief Officer of Police in the Province for the purpose according to the Form in the First Schedule to this Act annexed and from and after such registration such dealer shall be subject to and shall conform to the several regulations hereinafter provided for such period not exceeding three years as such Justices shall order and if such dealer shall during such period be convicted of any offence under this Act the Justices so convicting him may order such period to be extended for not more than three years from the time when such period would otherwise expire and in like manner whilst such dealer is subject to the regulations of this Act on any further conviction under this Act and as often as such further conviction shall take place the Justices so convicting him may order the period for which he is then subject to such regulations to be extended for not more than three years from the time when such period would otherwise expire Provided always that where any dealer in old metals who is also a dealer in marine stores within the meaning of the ninth section of this Act is registered as aforesaid he shall likewise conform to the regulations contained in the said ninth section of this Act and shall be liable to the penalties in the said section provided for not conforming to such regulations.

Dealer to give notice of change of place of business.

Ib. s. 6.

6. Every dealer in old metals who is subject to the regulations of this Act as aforesaid shall upon removing to any other place of business give notice of such removal at the Police Office or Police Station where he is registered and if he shall continue to carry on business as a dealer in old metals without giving such notice he shall incur a penalty not exceeding five pounds and a penalty not exceeding ten shillings for every day after the first on which he continues to carry on such business without giving such notice and where such dealer shall remove to any place out of the Province in which he shall have been registered it shall be the duty of the Chief Officer of Police for such Province to transmit a certificate of such registration signed by himself which shall be evidence of such registration together with a certified copy of any order of Justices as to the period for which such dealer is to be subject to the regulations of this Act to the Chief Officer of Police in the Province in which such dealer has taken up his residence and any Justice of the Peace may thereupon issue a summons to such dealer to appear before two Justices and if it shall appear to such Justices that he intends carrying on business as a dealer in old metals such Justices may order him to be registered in the same manner as provided in the fifth section of this Act and such registration shall have the same effect during the period for which such dealer is to be subject to the regulations of this Act by any order of Justices as aforesaid as in the said section provided.

Inspectors and Sergeants of Police to visit places of business of registered dealers in old metals.

Ib. s. 7.

7. It shall be lawful for two Justices by order in writing to authorize one or more Inspectors or Sergeants of Police to visit at any time the place of business and inspect the goods and books of dealers in old metals who are subject to the regulations of this Act as aforesaid and every such Inspector or Sergeant shall and is hereby empowered to record in the book hereinafter required to be kept by

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every such dealer in old metals the day and hour of his visit and place opposite the entry of every article examined by him his initials or name in attestation of the same.

8. Every dealer in old metals who is registered as aforesaid shall during the period which the Justices shall order as above provided conform to the following regulations that is to say—

Regulations to be observed by registered dealers in old metals.

24 and 25 Vic. c. 110
s. 8.

- (1.) He shall keep a book or books fairly written and shall enter therein according to the Form in the Second Schedule to this Act annexed an account of all such old metals as he may from time to time become possessed of stating in respect of each article the name of the person who purchased or received the same and the time at which and the name of the person from whom he purchased or received the same adding in the case of every such last-mentioned person a description of his business and place of abode and he shall also enter in such book or books according to the Form in the Third Schedule to this Act annexed an account of all such old metals as he may from time to time sell or dispose of stating in respect of such old metals the name of the person to whom he sold or disposed of the same adding a description of his business and place of abode and every such entry in such book or books shall be deemed and taken unless the contrary be shown to have been made by or with the authority of the dealer in old metals to whom such book or books belong
- (2.) He shall not by himself or any other person purchase or receive any old metals of any description before the hour of nine in the morning nor after the hour of six in the evening nor shall he by himself or any other person purchase or receive old metals of any description from any person apparently under the age of sixteen years nor shall he employ any servant or apprentice or any other person under the age of sixteen years to purchase or receive old metals of any description
- (3.) He shall produce to any Inspector or Sergeant of Police authorized as in the last preceding section provided whenever thereto requested the book or books required to be kept as aforesaid and any old metals purchased or received by him then in his possession and such old metals shall be deemed to be in the possession of such dealer when they are placed in any house outhouse yard garden or place occupied by him or shall have been removed with his knowledge and permission to any other place without a *bonâ fide* sale of such old metals having been made by him
- (4.) He shall without delay give notice to the officer on duty at the Police Station nearest to the place where he carries on business of any articles then in his possession or which shall thereafter come into his possession answering the description of any articles which have been stolen embezzled or fraudulently obtained of which printed or written information containing a description of such articles is given to him by any officer of police
- (5.) He shall keep all old metals purchased or received by him without changing the form in which such articles were when so purchased or disposing of the same in any way for a period of forty-eight hours after such article has been purchased or received

For any act or default contrary to the foregoing regulations done or made by any registered dealer in old metals during the period which

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the Justices shall order as above provided he shall incur a penalty of not less than twenty shillings and not exceeding five pounds and for every subsequent offence a penalty of not less than five pounds and not exceeding twenty pounds.

Regulations to be observed by dealers in marine stores.

17 and 18 Vic. c. 104 s. 480.

9. Every person dealing in buying and selling anchors cables sails or old junk old iron or marine stores of any description shall conform to the following regulations that is to say—

- (1.) He shall have his name together with the words “ Dealer in Marine Stores ” painted distinctly in letters of not less than six inches in length nor three in breadth on every warehouse or other place of deposit belonging to him

If he does not he shall incur a penalty of not exceeding twenty pounds.

- (2.) He shall keep a book or books fairly written and shall enter therein an account of all such marine stores as he may from time to time become possessed of stating in respect of each article the time at which and the person from whom he purchased or received the same adding in the case of every such last-mentioned person a description of his business and place of abode

If he does not he shall incur for the first offence a penalty not exceeding twenty pounds and for every subsequent offence a penalty not exceeding fifty pounds.

- (3.) He shall not by himself or his agents purchase marine stores of any description from any person apparently under the age of sixteen years

If he does so he shall incur for the first offence a penalty not exceeding five pounds and for every subsequent offence a penalty not exceeding twenty pounds.

- (4.) He shall not cut up any cable or any similar article exceeding five fathoms in length or unlay the same into twine or paper stuff on any pretence whatever without obtaining such permit and publishing such notice of his having so obtained the same as hereinafter mentioned

If he does so he shall incur for the first offence a penalty not exceeding twenty pounds and for every subsequent offence a penalty not exceeding fifty pounds.

Manner of obtaining permit to cut up cables.

Ib. s. 481.

10. In order to obtain such permit as aforesaid a dealer in marine stores shall make a declaration before some Justice of the Peace having jurisdiction over the place where such dealer resides containing the following particulars that is to say—

- (1.) A statement of the quality and description of the cable or other like article about to be cut up or unlay
 (2.) A statement that he purchased or otherwise acquired the same *bonâ fide* and without fraud and without any knowledge or suspicion that the same had been come by dishonestly
 (3.) A statement of the name and description of the person from whom he purchased or received the same

And it shall be lawful for the Justice before whom any such declaration is made to grant a permit authorizing him to cut up or unlay such cable or other like article.

Permit to be advertised before dealer proceeds to act thereon.

Ib. s. 482.

11. No dealer in marine stores who has obtained such permit as aforesaid shall proceed by virtue thereof to cut up or unlay any cable or other like article until he has for the space of one week at the least before doing any such act published in some newspaper published nearest to the place where he resides one or more advertisements notifying the fact of his having so obtained a permit and specifying the nature of the cable or other article mentioned in the permit and

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the place where the same is deposited and the time at which the same is intended to be so cut up or unlaid and if any person suspects or believes that such cable or other article is his property he may apply to any Justice of the Peace for a warrant and such Justice of the Peace may on the applicant making oath or if a person entitled to make an affirmation making an affirmation in support of such his suspicion or belief grant a warrant by virtue whereof the applicant shall be entitled to require the production by such dealer as aforesaid of the cable or other article mentioned in the permit and also of the book of entries hereinbefore directed to be kept by every dealer in marine stores and upon such cable or other article and book of entries being produced to inspect and examine the same and if any dealer in marine stores makes default in complying with any of the provisions of this section he shall for the first offence incur a penalty not exceeding twenty pounds and for every subsequent offence a penalty not exceeding fifty pounds.

12. Every manufacturer of anchors shall in case of each anchor which he manufactures mark in legible characters on the crown and also on the shank under the stock his name or initials with the addition of a progressive number and the weight of such anchor and if he makes default in doing so he shall for each offence incur a penalty not exceeding five pounds.

Manufacturers to place marks on anchors.
17 and 18 Vic. c. 104 s. 433.

13. Every penalty hereby incurred and all costs directed to be paid upon any information or complaint laid under the provisions of this Act shall be recovered summarily before any two or more Justices of the Peace in the manner directed by "The Justices of the Peace Act 1866" or in such other manner as may be directed by any Act or Acts that may be passed for like purposes.

Recovery of penalties.
24 and 25 Vic. c. 110 s. 9.

14. The Justices imposing any penalty under this Act may if they shall think fit direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed or to be applied in and towards payment of the expenses of the proceedings.

Application of penalties.
Ib. s. 10.

15. In all cases of convictions under the fourth section of this Act and in all other cases of convictions under this Act where a sum of money exceeding five pounds shall be adjudged to be paid any person who thinks himself aggrieved by such conviction may appeal to such Court and at such sitting thereof and on such terms and conditions and in such manner in all respects as by "The Appeals from Justices Act 1867" is provided with respect to appeals from summary convictions In case any conviction appealed against shall be under the fourth section of this Act and an order for registration has been made on such conviction the party so convicted shall not be subject to the regulations contained in sections six seven and eight of this Act until after such appeal is heard and determined against such party.

Appeal in certain cases.
Ib. s. 11.

FIRST SCHEDULE.

REGISTRY OF DEALERS IN OLD METAL.

Date of Registration.	Date of Conviction.	Period for which to be subject to Regulations of this Act.	Name.	Place of Abode and Business.

*Old Metal and Marine Store Dealers.***SECOND SCHEDULE.****ENTRY OF PURCHASES AND RECEIPTS.**

Day of Purchase or Receipt and Hour of Day.	Description of old Metal purchased or received.	Name and Surname of Person who purchased or received.	Name and Surname of Person from whom purchased or received.	Business and Place of Abode of Person from whom purchased or received.

THIRD SCHEDULE.**ENTRY OF SALES.**

Day of Sale.	Description of old Metal sold.	Name and Surname of Person to whom sold.	And Place of Abode or Business of Person to whom sold.

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