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1880

THE ARMS ACT, 1880.

THIS Bill consolidates the Acts—1860, No. 38; 1861, No. 17; 1869, No. 57; 1871, No. 63; 1873, No. 3.

“The Arms Act Amendment Act, 1869,” has never been proclaimed. The latter sections of that Act, from 22, are manifestly of a general nature and intended to apply throughout the colony, yet the language of section 2 of the said Act would appear to limit their operation within proclaimed districts.

In this Bill clauses 34 to 54 indicate the special provisions of the Act of 1869, No. 57, which it would appear were intended, within proclaimed districts, to supersede the provisions of the Act, 1860, No. 38, and which form a separate code applicable only in certain cases.

The general provisions of the Bill are complete, irrespective of the aforesaid clauses 34 to 54.

Wellington, 27th May, 1880.

ALEXANDER J. JOHNSTON,
W. S. REID,
Commissioners.

[Statutes Revision Commission.]

A R M S .

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Title.

AN ACT to consolidate the Laws regulating the Importation, Sale, and other Disposition of Arms, Gunpowder, and Warlike Stores.

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

Short Title.

1. The Short Title of this Act is "The Arms Act, 1880."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Dealer" includes a person whose occupation or trade is wholly or in part to manufacture, repair, amend, or render serviceable any arms, gunpowder, or warlike stores, as well as a person whose occupation or trade is wholly or in part to sell or deal in arms, gunpowder, or warlike stores:

"Possession" includes custody, power, or control:

"Arms" or "arm" includes any gun, pistol, or other firearm, and any sword, cutlass, pike, bayonet, or other instrument of war:

"Aboriginal native" includes half-castes and other persons of mixed race living as members of any native tribe, and all aboriginal inhabitants of any of the islands of the Pacific Ocean:

"Master of a vessel" and the word "master" includes the master of any vessel, foreign-going or coasting, and the person for the time being in charge and the principal officer on board of any such vessel.

"Constable" includes officer of police and any peace-officer, and constable of the Armed Constabulary.

REGISTRATION OF ARMS.

Orders in Council to be gazetted.

Governor in Council may order arms to be registered.
 1860, No. 33, sec. 8.

3. Every Order in Council made under the provisions of this Act shall be in force from and after a day to be named therein, and shall be gazetted.

4. The Governor, by Order in Council, may from time to time make and issue regulations—

- (1.) For the stamping and marking of arms upon the first importation thereof into the colony, and of arms in the possession of any dealer:
 (2.) For the stamping and marking of arms previously unstamped upon the sale or transfer thereof:

(3.) For the registration of the sale and transfer of arms.

Every person who shall contravene any such regulation shall be liable to a penalty not exceeding five hundred pounds.

5. The Governor may, by Order in Council, suspend or relax the operation of any of the provisions of this Act, or any part of any such provisions, and either for a limited time or without any limit of time, and either as regards the whole colony or any district thereof to be defined in any such Order in Council, and either generally or in favour of any person or persons specifically or any class of persons, and subject to any regulations or conditions which may be in any such Order in Council expressed, but so far only as such provisions may prevent or interfere with the sale or purchase of arms, ammunition, gunpowder, lead, caps, or shot for mining, sporting, or any useful or harmless purpose, and no further or otherwise.

Governor in Council may relax regulations. 1861, No. 17, sec. 4.

LICENSES.

6. The Governor from time to time may appoint persons (hereinafter called "Licensing Officers") to issue ordinary licenses in the forms or to the effect respectively set forth in the *First* Schedule to this Act.

Ordinary licenses may be issued. 1860, No. 38, sec. 3.

Every such license may be granted subject to any special conditions or stipulations.

7. Any such license which may be proved to the satisfaction of a Resident Magistrate to have been accidentally destroyed or lost, may be replaced by a Licensing Officer on the written direction of such Magistrate.

Lost license may be replaced. *Ib.*, sec. 6.

8. If any person having a license to deal in or sell gunpowder or ammunition, or to keep arms, or any certificate to buy gunpowder for blasting or mining, shall lend or permit the same to be used for the purpose of procuring gunpowder or ammunition for the use of any other person; or

Penalty on lending licenses, certificates, &c. 1869, No. 57, sec. 27.

If any gunpowder or ammunition bought in the name of any person having such license or certificate shall, with the consent of such person, be carried, brought, or delivered to any other person not being licensed; or

If any gunpowder procured for the purpose of mining or blasting shall be applied to any other purpose, with the consent or knowledge of the person holding such certificate,

The person so licensed, or the person holding such certificate, and also the person so applying such gunpowder to any other purpose, shall forfeit any sum not exceeding two hundred pounds.

9. The Governor, or any person appointed by him for that purpose, by notice in writing given to the licensee or left at his last-known or usual place of abode, may revoke any ordinary license, and, after notice so given or left, the license thereby referred to shall cease and determine.

Ordinary licenses may be revoked. 1860, No. 33, sec. 5.

PROVISIONS AFFECTING DEALERS ONLY.

10. No person shall act or pretend to act as a dealer without a dealer's license in the form B in the said Schedule.

Acting as dealer without license a misdemeanour. *Ib.*, sec. 9.

Any person who shall offend against this provision shall be guilty of a misdemeanour.

11. Previously to the issue of a license to any dealer, he shall make application in writing for such license to a Licensing Officer, and shall accompany such application with a true and full statement of all arms, gunpowder, and other warlike stores then in his possession.

Application for dealer's license, with statement of arms, &c. *Ib.*, secs. 11, 13.

Penalty for incorrectness of statement.

If any such statement made by any dealer shall be untrue or incorrect, he shall be liable to a penalty not exceeding one hundred pounds.

Licensing Officer, &c., may enter and search house, &c., of applicant.

12. Any Licensing Officer, or any person authorized by him in writing, may enter into the house and premises of such applicant and may search the same for the purpose of comparing such statement with the actual stock of arms, gunpowder, and other warlike stores in the possession of such applicant.

1860, No. 38, sec. 12.

Dealer to keep record of arms, &c. *Ib.*, sec. 14.

13. Every such dealer shall keep a book in the form C in the said Schedule, and shall, on the day to be prescribed by regulations for the registration of arms, gunpowder, and warlike stores as aforesaid, enter therein a statement of all arms, gunpowder, and warlike stores then in his possession, and shall always thereafter truly and punctually enter therein a statement of all arms, gunpowder, and warlike stores received by him or coming into his possession, and of all arms, gunpowder, and other warlike stores sold and delivered or in any way disposed of by him, or in any way going out of his possession.

Penalty for breach of last preceding provision.

14. For every breach of the last preceding provision or any part thereof any such dealer shall be liable to a penalty not exceeding one hundred pounds, and, in addition thereto, if any such breach be wilful on the part of such dealer, he shall be guilty of a misdemeanour.

Ib., sec. 15.

Dealer's book producible in Court. *Ib.*, sec. 16.

15. Any such book shall be producible in any Court in any legal proceeding, and may be used in evidence either of the entries therein or the omissions therefrom, for or against any dealer.

Record to be kept of contents of licenses issued to dealers. *Ib.*, secs. 17, 18.

16. Every Licensing Officer shall keep a book containing a separate heading for each person to whom a license to deal shall be issued, and shall enter therein, under the proper heading, an account of all arms, gunpowder, and other warlike stores from time to time lawfully receivable and deliverable by each such dealer.

Dealer's book to be compared with such book and with licenses, and with stock of arms, &c. *Ib.*, sec. 18.

17. The book to be kept as hereinbefore provided by every dealer shall be examined, at the expiration of every three months, by a Licensing Officer or by some person appointed by him for this purpose, and shall be compared with the book to be kept by the person making and issuing licenses and with the several licenses, and the stock of arms, gunpowder, and warlike stores in the possession of such dealer shall be at the same time examined and compared with such books and licenses.

If stock of arms, &c., defective, dealer guilty of misdemeanour.

18. If upon any such examination and comparison, or upon any examination and comparison by a Licensing Officer, any deficiency shall be found in the stock of arms, gunpowder, and warlike stores lawfully in the possession of any such dealer, or if the same shall not correspond with the said books and licenses, such dealer shall be guilty of a misdemeanour.

Ib., sec. 19.

Result of search to be noted. *Ib.*, sec. 20.

19. A minute shall be made in each of the said books of the result of every such examination and comparison.

Stock may be examined at any time. *Ib.*, sec. 21.

20. Any such examination and comparison may, in like manner, be made as often and at such times as any Licensing Officer may think proper.

Gunpowder not to be sold to unlicensed persons except for blasting.

21. Every maker of or dealer in gunpowder, his agent or servant, shall, before selling or delivering any quantity of gunpowder to any person, require such person to produce a license authorizing him to make, deal in, or sell gunpowder, or to keep arms, or, in case such gunpowder shall be wanted for blasting or mining, a certificate, under the hand of one Justice of the Peace at least, that such gunpowder is to be applied to such purpose, and, in the case of gunpowder required for mining or blasting, shall indorse on such certificate the quantity so sold or delivered, and the time when, and shall sign his name thereto.

1869, No. 57, sec. 22.

Penalty.

If any maker of or dealer in gunpowder shall sell or deliver any quantity of gunpowder to any person without the production of such a license or certificate, or shall neglect to indorse on any such certificate the quantity so sold or

delivered, or the time when, and to sign his name thereto, he shall be liable to a penalty not exceeding one hundred pounds.

22. Any Justice of the Peace may grant to any person desirous of buying gunpowder for the purpose of blasting or mining a certificate authorizing such person to buy any quantity of gunpowder, to be specified in such certificate, to be applied to such purpose, upon being satisfied that such gunpowder is wanted for such purpose, and that the applicant is, in his judgment, a fit person to be intrusted therewith.

Certificate for purchase of blasting-powder.
1869, No. 57, sec. 23.

23. Every maker of or dealer in arms who shall send out any arms shall, within twenty-four hours thereafter, give notice in writing thereof to the nearest Licensing Officer, and shall send all such arms either uncovered or in packages conspicuously marked with the word "Arms."

Notice to be given on sale of arms by dealer.
Ib., sec. 24.

Every such maker or dealer who shall neglect to give such notice, or send out such arms covered and without being so marked, shall be liable to a penalty not exceeding two hundred pounds.

24. Every person licensed to sell gunpowder or ammunition of any kind who shall send out any quantity thereof exceeding ten pounds shall, within twenty-four hours, give notice to the nearest Licensing Officer, and every such person who shall neglect to give such notice shall be liable to a penalty not exceeding two hundred pounds.

Notice on sale of gunpowder and ammunition.
Ib., sec. 25.

25. The Governor may, by warrant under his hand, whenever and so often as shall seem expedient, and for such period of time as shall be expressed in such warrant, recall, suspend, annul, or prohibit the acting under any dealer's license; and, on notice of the same being served at the dwellinghouse or shop of the party holding such license, such party shall thereafter, as long as such warrant shall continue in force and during the time expressed in such warrant, be deemed to be without the license in such warrant mentioned.

Governor may revoke dealer's license.
Ib., sec. 28.

PROVISIONS RESPECTING VESSELS.

26. Every person who, being the master of or a person on board of any coasting vessel or vessel on a coasting voyage, shall knowingly receive on board such vessel from another vessel, either at sea within the limits of the jurisdiction of the Government of New Zealand or in harbour, any arms, gunpowder, or warlike stores, without a license to import in the form D in the said Schedule, shall be guilty of a misdemeanour.

Receiving arms, &c., on board of a vessel from another vessel.
1860, No. 38, sec. 36.

27. The master of every vessel arriving in any port or place in the colony from across the seas, or from any other port or place in the colony, shall deliver to the officer of Customs who shall first visit such vessel after such arrival a statement in writing, signed by such master, containing a true account of all arms, gunpowder, and warlike stores on board such vessel.

Master to report arms, &c., on arrival.
Ib., sec. 37.

If no officer of Customs shall, within two hours after such arrival, visit such vessel, the master shall, within twenty-four hours after such arrival, deliver such statement to an officer of Customs on shore at such port or place.

And if there be no officer of Customs at such port or place, the master shall, within such period of twenty-four hours, deliver such statement to a Justice of the Peace, if there be one accessible.

28. If the master shall wilfully fail to make such report, or if he shall wilfully make a false report of such arms, gunpowder, and warlike stores, he shall be guilty of a misdemeanour.

Breach of foregoing provision a misdemeanour.
Ib., sec. 38.

29. If any vessel shall be found, within the limits of the jurisdiction of the Government of the colony, with a smaller or a different quantity or descrip-

Vessel found with less quantity of arms, &c.,

master to forfeit
£500.
1869, No. 38, sec. 39.

tion of arms, gunpowder, or warlike stores on board than may be proved by any such statement or otherwise to have been on board such vessel at any time previously within the said limits, and the master shall be unable to give an account of the disposal according to law of such deficient or different arms, gunpowder, and warlike stores, such master shall be liable to a penalty not exceeding five hundred pounds.

Vessels may be
searched.
Ib., sec. 40.

30. Any officer of Customs, and any Justice of the Peace, and any officer of the Navy on full pay, either alone or with other persons employed by him respectively, may, at any time and at any place within the limits aforesaid, go on board any vessel and rummage and search the cabin and all other parts of such vessel for arms, gunpowder, and warlike stores.

Penalty on person
impeding officer
searching vessel.
Ib., sec. 41.

31. Any master or other person preventing or impeding any officer of Customs, or Justice of the Peace, or any officer of the Navy on full pay, or other person employed by either of them, in the execution of the powers conferred by the foregoing provision, shall be liable to a penalty not exceeding one hundred pounds.

Copy of Act to be
delivered to master
of vessel arriving
from abroad.
Ib., sec. 42.

32. The chief officer of Customs at any port shall, as soon as may be after the arrival at such port of any vessel from across the seas, deliver or cause to be delivered to the master of such vessel a copy of this Act, for which the master shall give a receipt in writing; and, if default be made in such delivery, or if the master shall refuse to give such receipt, the chief officer so neglecting or the master so refusing shall be respectively liable to a penalty not exceeding fifty pounds.

Provision with re-
spect to vessels trad-
ing to Australasian
Colonies.
Ib., sec. 43.

33. But it shall not be incumbent upon such chief officer to deliver or cause to be delivered such copy more than once to the master of any vessel known to be a regular trader between this colony and the Australasian Colonies so long as she shall continue in such trade.

PROCLAIMED DISTRICTS.

Proclamation of dis-
tricts.*
1869, No. 57, sec. 2.

34.* The Governor, by Proclamation in the *Gazette*, may divide the colony or any part thereof into districts for the purposes contained in the sections of this Act numbered from *thirty-five* to *fifty-four*, inclusively, and may alter and define the limits and boundaries of such districts.

Every district proclaimed under this section shall have a name whereby the same may be distinguished.

So much of the colony as shall not be included in any district so proclaimed shall nevertheless be and continue subject to the sections of this Act other than those above enumerated.

Appointment of
Licensing Officers.
Ib., sec. 3.

35. The Governor may appoint one or more Licensing Officers for every district proclaimed under section *thirty-four* of this Act.

Persons to apply for
licenses to keep arms.
Ib., sec. 4.

36. Within thirty days after the proclamation of any such district as aforesaid, every person desirous of keeping or then having any arms in such district shall deliver or cause to be delivered to the Licensing Officer for the district an application in the form E in the Schedule hereto, specifying the place in which he shall be then resident, and the place within such district where he keeps or intends to keep arms, and the number and description of such arms.

Licenses to be issued
without fee on certi-
ficate of two Justices.
Ib., sec. 5.

37. If such Licensing Officer shall be satisfied by a certificate of two Justices resident in such district that the applicant is resident in such district, and is a fit person to be licensed to keep arms, he shall issue a license to keep arms to such person in the form F in the Schedule hereto.

Every such license shall specify the number and description of arms the keeping of which such license is to authorize, and the letters and numbers to be

* Sections 2 to 21 of the Arms Act of 1869, comprised within clauses 34 to 54 of this Bill, have never been brought into operation.

marked on such arms, and the place at which such arms are to be kept; and shall be signed by the Licensing Officer and delivered to the applicant without fee or reward.

38. Every Licensing Officer shall keep a book wherein shall be entered the names in alphabetical order of all persons licensed to keep arms in his district, and of the quantity and descriptions of arms comprised in such license, and the places at which such arms are kept, and the letters and numbers marked thereon, and it shall be lawful for any Justice of the Peace or constable to inspect such book and make extracts therefrom at all reasonable times.

Register to be kept.
1869, No. 57, sec. 6.

39. The Licensing Officer shall from time to time revise and correct the said register, and shall expunge the name of every person whose license shall be forfeited or withdrawn, and of every person whose death shall be proved to his satisfaction.

Revision of register.
Ib., sec. 7.

40. When a license to keep arms shall be issued to any person within such times as the Licensing Officer shall in such license fix, the person obtaining the same shall produce to the Licensing Officer the arms specified in such license, together with such license.

Arms to be marked.
Ib., sec. 8.

Such arms shall be examined and compared therewith, and, if found to correspond therewith, shall be marked with such letters as may be appointed by the Governor to denote the district within which such arms shall be respectively registered, and also with a number to indicate the order of license and registration as specified in the license.

Such arms, when duly marked, shall be re-delivered, together with the license, to the person so licensed. And all such arms shall be marked, under the superintendence of the Licensing Officer, by such person as he shall direct.

41. As often as any person licensed to keep arms under section *thirty-seven* of this Act shall change his place of abode for any place within another district proclaimed under section *thirty-four* of this Act, he shall, within two months after such change, produce before the Licensing Officer for the district in which his new abode shall be situate his license and the arms specified therein.

Notices to be given
on removal of license
to another district.
Ib., sec. 9.

Such Licensing Officer shall cause a description of such new place of abode to be indorsed on such license, and subscribe the same, and shall transmit a notice of such change and of such indorsement having been made to the Licensing Officer for the district in which such person was resident at the time of granting such license, who shall make a note thereof in the registry book herein directed to be kept by him.

Every person who, after changing his abode, shall omit for two months to produce his license and the arms specified therein before the Licensing Officer as aforesaid, and shall fail to account for any arms that are not produced to the satisfaction of such officer, shall be liable to a penalty not exceeding twenty pounds.

Penalty for not pro-
ducing or accounting
for arms.

42. If any such person shall change his abode to any place not within any district proclaimed under section *thirty-four* of this Act, he shall, either immediately before removing or within two months thereafter, give notice to the Licensing Officer of the district whence he has removed of his having so removed, and of his new place of abode, and of the number of his license.

Notice in case of
removal to another
place not in a dis-
trict.
Ib., sec. 10.

Every person who, after changing his abode as aforesaid, shall omit for two months to give such notice, shall be liable to a penalty not exceeding twenty pounds.

Penalty.

43. Any person not having a license of any kind under this Act to have in possession or keep arms, who shall, after the proclamation of any district including the place where he shall reside, have in his custody or possession for

Penalty for keeping
arms without license
or unmarked.
Ib., sec. 11.

thirty days or more any arms without having obtained, under the provisions of the *thirty-sixth* and *thirty-seventh* sections of this Act, a license for such arms, or any person who shall, after the expiration of the time limited by this Act for marking the arms which he may be licensed to keep, have in his custody or possession any arms not duly marked as aforesaid, shall, upon being convicted thereof, be liable to a penalty not exceeding one hundred pounds.

All such arms shall in every such case be forfeited to the use of Her Majesty, if the Justices before whom such conviction shall take place shall so adjudge.

44. When any person shall be found carrying arms it shall be lawful for any Justice of the Peace, or constable, to examine such arms so as to ascertain the number and letters marked thereon, and to require the person so carrying arms to tell his name and place of abode.

In case such person shall refuse to allow such arms to be examined, or shall refuse to tell his name and place of abode, it shall be lawful for the Justice or constable, and any person acting by his order and in his aid, to seize such arms and apprehend such offender, and to convey him before a Justice of the Peace, who may require him to give sufficient security, by recognizance or otherwise, for his appearance before any two or more Justices of the Peace, or a Resident Magistrate, or a Court of Petty Sessions, to answer such complaint as may be there brought against him ;

And in default thereof shall and may commit such person to any gaol or other prison or place of security, there to remain until a complaint against him can be heard before such Justices, Resident Magistrate, or Court of Petty Sessions.

45. Every person carrying arms who shall refuse to allow any Justice or constable to examine the same, or who shall refuse to tell his name and place of abode, or who shall give any false or fictitious name, surname, or place of abode, shall be liable to a penalty not exceeding two hundred pounds.

46. Upon information of the decease of any person who shall have obtained a license to keep arms under section *thirty-seven* of this Act, and upon the production of such license and the arms to which the same may refer, the Licensing Officer for the district wherein he may have resided may assign the license of such person, by indorsement thereon under his hand, to any person he may think fit who may apply to him for that purpose being a member of the family of the deceased person :

And by virtue of such indorsement the person named in such indorsement shall be deemed to be duly licensed to keep the arms mentioned in such license until fifteen clear days next after the date of such indorsement, but no longer.

The Licensing Officer shall transmit notice of the decease of every such licensed person, and of the indorsement of his license, to the Licensing Officer for the district in which such deceased person was resident at the time of granting such license, who shall make a note thereof in the registry kept by him.

47. In case the Licensing Officer shall not think fit to assign such license he shall cause the arms to be deposited with him until a license shall be obtained to keep such arms, or until the same shall be sold.

No member of the family of a person deceased who had at the time of his decease a license to keep arms shall be liable to any penalty for having such arms until fifteen clear days after the decease of such licensed person, unless he shall have been required by some Licensing Officer to deposit such arms with him, and shall have refused or neglected so to do, and shall not have obtained a transfer of such license.

Constables, &c., may examine arms and demand name.
1869, No. 57, sec. 13.

Penalty for refusing to allow examination, or giving false name.
Ib., sec. 14.

Transfer of license on death.
Ib., sec. 15.

Deposit of arms when transfer refused.
Ib., sec. 16.

Death of licensee.
Ib., sec. 16.

48. Whenever any person licensed to keep arms under section *thirty-seven* of this Act, by virtue of a license to sell arms under any other section of this Act, shall sell or dispose of the same or any of them, he shall, within seven days after so selling or disposing of the same, deliver to the Licensing Officer for the district wherein he may reside a notice stating the name and abode of the person to whom he may have so sold or disposed of such arms, and the time when, and the arms so sold or disposed of.

Notice to be given on sale of arms.
1869, No. 57, sec. 17.

If any person licensed to keep arms shall sell or dispose of his arms or any of them, without giving within the period before limited, such notice as aforesaid, he shall for every such offence be liable to a penalty not exceeding one hundred pounds.

49. Every person licensed under section *thirty-seven* of this Act to keep arms shall from time to time, but not oftener than once in every three months, when thereto required by any Licensing Officer, Justice of the Peace, or constable, produce to him at the place of keeping such arms the arms which he shall have been so licensed to keep, and, in case such person shall not have the arms which he shall have been licensed to keep, he shall so state to the Licensing Officer, Justice, or constable.

Production of arms.
Ib., sec. 18.

50. Every licensed person, who, being so required to produce his arms, shall fail to produce all or any of such arms without accounting for the same to the satisfaction of the person demanding production, shall be liable to the penalty herein provided for having arms without having a license to keep arms.

Penalty for refusing to produce arms.
Ib., sec. 18.

51. It shall be lawful for the Licensing Officer for every district to withdraw, if he shall think fit, any license to keep arms theretofore granted.

Withdrawal of license.
Ib., sec. 19.

52. If any person whose license may be so withdrawn shall not, within seven days after service of notice thereof on him, deliver to the Licensing Officer the license granted to such person, and all such arms as were thereby authorized to be kept, or account for the same to the satisfaction of the Licensing Officer, such person shall be liable to the penalty herein provided for persons having arms without a license to keep the same, except when it shall appear to the Justices before whom the offence is prosecuted that the delay arose from accidental circumstances and not from wilful neglect.

Arms to be given up on withdrawal of license.
Ib., sec. 20.

All such arms so delivered up shall be kept in some place of safe custody or sold according to the desire of the owner thereof, and if sold the proceeds shall be paid to such owner.

53. If information in writing shall be given to any Resident Magistrate or to any two or more Justices of the Peace, on the oath of a credible witness, that to the best of his knowledge and belief,

Power to search for arms.
Ib., sec. 21.

Any person is in possession of arms without a license to keep the same, or that any person licensed under this Act is in possession of arms not specified in such license and not duly marked, or that any person is in the possession of arms whose license to keep the same shall have been withdrawn;

Such Justices or Resident Magistrate may enter and search, or by warrant under their or his hand and seal may authorize and empower any constable, with such persons as may aid him therein, to enter and search the house, grounds, and premises of and belonging to such person; and, in case admission shall not be obtained on demand, to enter by force into such house, grounds, and premises, and, if any arms be found therein and no license to keep the same then in force be produced, or if any arms not duly marked be found, to seize and carry away the same for the use of Her Majesty.

54. Nothing in the sections numbered from *thirty-six* to *fifty-three* of this Act, relating to the possession of arms not duly marked or to the possession of

Sections 36 to 53 not to apply to dealers.
Ib., sec. 12.

arms without a license to keep the same, shall apply to any licensed manufacturer of or dealer in arms, nor to any person while actually employed by any such licensed manufacturer of or dealer in arms to carry or convey arms for the purposes of his trade.

Nor to servants of a dealer.

And nothing herein contained relating to the possession of arms without a license shall apply to any person while employed by a person having such a license to carry or convey arms to or from the residence of such licensed person, or to or from the place of business of any licensed maker of or dealer in arms for the purposes of sale or repair.

GENERAL PROVISIONS.

Gunpowder when removed to be in marked packages. 1869, No. 57, sec. 26.

55. All gunpowder and ammunition in quantities exceeding ten pounds which shall be removed from any part of New Zealand to any other part shall be made up in packages, with the word "Gunpowder" or "Ammunition," as the case may be, marked in large letters, upon pain of forfeiting the same to Her Majesty.

The person who shall have caused such gunpowder or ammunition to be carried without being so marked shall be liable to a penalty not exceeding two hundred pounds.

Justice of Peace or person with warrant of a Justice may enter and search houses, ships, &c. 1860, No. 38, sec. 44.

56. Any Justice of the Peace, upon information on oath, may enter and search, or may grant a warrant to any person to enter and search, any ship, house, or place where such Justice shall have reasonable grounds to suspect any arms, gunpowder, or warlike stores to be deposited for any purpose contrary to this Act, and to seize and detain any such arms, gunpowder, or warlike stores until two Justices of the Peace shall have decided whether the same are the subject of any offence under this Act.

Arms, &c., removed may be seized. *Ib.*, sec. 45.

57. It shall be lawful for any Justice of the Peace, upon information on oath, to grant a warrant to any person to search for and seize, and for any officer of the army or navy on full pay, harbourmaster, officer of Customs, or constable, or for any other person acting in his or their aid or assistance, to search for and seize all arms, gunpowder, and warlike stores which shall be in progress of removal without such license as aforesaid, or without such license being produced on demand of any such person as aforesaid.

Houses, &c., may be entered for the purpose of searching. *Ib.*, sec. 46.

58. Any Justice of the Peace who may have reasonable ground for making such search as aforesaid, and any person holding a warrant from a Justice of the Peace directing a search to be made, and any person acting in his aid or assistance, may enter into any house or place at any time in order to effect such search, and, in case admittance shall be refused to such Justice of the Peace or other person, or shall not be obtained by them within a reasonable time after it shall have been first demanded, then may enter by force into such house or place in order to effect such search.

Offenders may be apprehended. *Ib.*, sec. 47.

59. It shall be lawful for any person whomsoever to seize and apprehend any person in the act of committing any of the offences by this Act declared to be a felony or a misdemeanour.

FORFEITURES.

What deemed warlike stores. *Ib.*, sec. 48.
Arms, &c., may be forfeited. *Ib.*, sec. 49.

60. The Governor, by Proclamation, may from time to time declare what articles shall be considered as warlike stores for the purposes of this Act.

61. All arms, gunpowder, and warlike stores, *and also the barrels and packages in which the same may be contained*, which may be the subject of any offence hereinbefore created, described, or mentioned, shall be forfeited to Her Majesty.

What deemed forfeitures. *Ib.*, sec. 50.

62. All questions respecting forfeitures under this Act may be heard and decided by the Court where the proceedings of which they shall have been the subject shall have been heard and determined, or by two Justices of the Peace.

63. All forfeitures under this Act shall be applied and disposed of for the public uses of the colony as the Governor may direct. Disposal of forfeitures.
1860, No. 38, sec. 51.

OFFENCES.

- 64.** Every person shall be guilty of felony who
- (1.) Shall forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, any license, or any signature to any license, or shall use or tender in evidence any such forged, counterfeited, or altered license or signature, knowing the same to be forged, counterfeited, or altered; or Felony.
Forgery of license.
Ib., sec. 7.
 - (2.) Shall stamp or mark, not being duly appointed for the purpose, or cause or procure to be stamped or marked, any arm with any mark or number resembling or intended to resemble, either wholly or in part, any mark or number made or impressed upon any arm pursuant to any regulations in that behalf made by the Governor in Council; Counterfeiting mark on arm.
Ib., sec. 23.
 - (3.) Shall stamp or mark, or cause or procure to be stamped or marked, or aid in stamping or marking, any arm with any mark or number with the view to induce in any person the belief that such arm has been registered and marked as provided by this Act, or for the purpose of deceiving any person in any manner; Deceitfully marking arm.
Ib., sec. 24.
 - (4.) Shall sell or dispose of, with or without price or reward, any arms, gunpowder, or warlike stores to any person whomsoever without a license in the prescribed form. Selling, &c., arms, &c.
Ib., sec. 28.
- 65.** Every person shall be guilty of a misdemeanour who
- (1.) Shall knowingly and without lawful excuse (the proof whereof shall be on the person accused) have in his possession any such arm so marked or stamped as stated in the last preceding section; Misdemeanour.
Having arms wrongly marked.
Ib., sec. 25.
 - (2.) Shall import or bring into the colony or any part thereof any arms, gunpowder, or warlike stores without a license in the prescribed form; Importation, &c., of arms, &c.
Ib., sec. 26.
 - (3.) Shall, with or without price or reward, land from on board a ship, or dispose of from a ship on the seas within the limits of the jurisdiction of the Government of New Zealand, any arms, gunpowder, or warlike stores without a license in the prescribed form; Landing arms, &c., from a vessel.
Ib., sec. 27.
 - (4.) Possessing a license to sell or dispose of one sort or description of arms, gunpowder, or warlike stores, shall sell or dispose of another sort or description of arms, gunpowder, or warlike stores, making or pretending to make such sale or disposition by virtue of or in pursuance of such license; Selling one sort of arm, &c., for a different sort.
Ib., sec. 29.
 - (5.) Shall remove or cause to be removed, or attempt to remove or assist in removing, from one place in the colony to any other place in the colony, either by inland carriage or coastways, any arms, gunpowder, or warlike stores without a license in the prescribed form, except if carrying arms for the defence of his person or for sporting; Removing, &c., arms, &c.
Ib. sec. 30.
 - (6.) Shall make, construct, amend, repair, or render serviceable any arms, gunpowder, or warlike stores without a license in the prescribed form, or at any place other than the place mentioned in such license as his place of business; Making, repairing, &c., arms, &c.
Ib., sec. 31.
 - (7.) Being a dealer, shall have or keep at any one time more than fifty pounds weight of gunpowder, and, not being a dealer, shall have or keep more than ten pounds weight of gunpowder, in any place other than some public powder magazine; Dealer keeping excessive quantity of gunpowder.
Ib., sec. 32; also
1873, No. 3, sec. 4.

Dealer having excessive number of arms.

1860, No. 38, sec. 33.

Lending or borrowing arms for production.

Ib., sec. 22.

Evading provisions of Act.

Ib., sec. 35.

Person holding arms under license failing to account for the same.

Ib., sec. 34.

Penalty.

For felony.

Ib., sec. 61; also 1869, No. 57, sec. 36.

For misdemeanour.

1860, No. 38, sec. 62; also 1873, No. 3, sec. 3.

Selling arms, &c., to rebels.

1860, No. 57, sec. 33.

Any person may prosecute.

Ib., sec. 31.

Recovery of penalties.

1860, No. 38, sec. 52.

Reward to informers.

1869, No. 57, sec. 29.

(8.) Being a dealer, shall have in his possession a greater number of arms than he shall be authorized to have by licenses proving legal possession by him;

(9.) Shall, with intent to deceive any Licensing Officer or any other person, lend or borrow any arms, gunpowder, or warlike stores for the purpose of being produced at any such examination as aforesaid of the stock of any dealer;

(10.) Shall make, do, or practise, or be concerned in any fraudulent act, contrivance, or device whatsoever not specially provided for in this Act, with intent or design to evade or render inoperative any of the provisions of this Act.

66. In all cases in which a license has been or may hereafter be issued by the authority of the Governor, authorizing the sale of arms to or the purchase or importation of arms by a person named in such license, upon condition that such arms be retained for the personal defence or otherwise for the personal use of such person, any two Justices of the Peace, upon the application in that behalf of a Licensing Officer, may summon such person to attend before them at a time and place to be named in the summons, and there and then either to produce such arms or a proper license authorizing him to sell or dispose of such arms, or otherwise to account for his non-possession of such arms to the satisfaction of such Justices.

In case such person shall fail so to attend and to produce such arms, or otherwise to account as aforesaid for his non-possession of the same, he shall be liable to a penalty not exceeding one hundred pounds.

PUNISHMENTS.

67. Every person convicted of felony under the provisions of this Act shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

68. Every person convicted of a misdemeanour under this Act shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, and to a fine not exceeding five hundred pounds, at the discretion of the Judge.

SELLING ARMS TO REBELS, ETC.

69. Every person who shall sell or dispose of with or without price or reward any arms, gunpowder, or warlike stores to any person, knowing such person to be in arms or in rebellion against Her Majesty in New Zealand or against the Government of the colony, or knowing such person to be the agent or accomplice of any person so in arms or rebellion, or knowing that such arms, gunpowder, or warlike stores are intended to be used in levying war against Her Majesty in New Zealand or against the Government of the colony, shall be guilty of a capital felony, and being convicted thereof shall suffer death as a felon.

LEGAL PROCEEDINGS.

70. The penalties imposed by this Act may be recovered by any person, and the offences punishable under this Act may be punished on the prosecution of any person whatever.

All penalties under this Act, not exceeding one hundred pounds, shall be recoverable in a summary way before any two Justices of the Peace.

71. One-half of every sum of money recovered by way of penalty under this Act shall be paid to the informer who shall sue for the same, and the other half shall be paid into the Public Account.

72. The Governor may remit or mitigate at his discretion any penalty, forfeiture, or punishment incurred under this Act, and may order the restoration of any arms, gunpowder, or ammunition seized, and in every case may remit as well the part of any penalty payable to the informer before the same is paid, as the part payable to the Public Account.

Mitigation of penalties.
1869, No. 57, sec. 30.

73. No proceeding under this Act for any penalty before any Justice of the Peace may be removed into the Supreme Court by writ of *certiorari* or otherwise.

No *certiorari*.
1860, No. 38, sec. 53.

74. In all informations and other legal proceedings under section *twenty-six* and subsection *five* of section *sixty-five*, it shall be sufficient to allege and to prove that such transshipment was from one ship to another ship on a coasting voyage without naming or identifying the first-named ship, and to aver and prove that such removal or attempted removal was from one place in the colony to another place in the colony without naming or identifying such places or either of them.

Specification of ship or place not necessary in legal proceedings.
Ib., sec. 54.

75. The issue of any license for the importation, sale, or purchase of arms, and the contents of such license, may be proved by the production of a duplicate of such license, verified by the signature of the Commissioner of Customs or of a Licensing Officer, or by the production of any register of arms kept in pursuance of any Order in Council made under the authority of this Act, or of any extract from any such register, certified by the officer charged with the duty of keeping such register.

Proof of license.
Ib., sec. 55.

76. There shall be no limitation of time for the prosecution or commencement of any proceedings under or by virtue of the provisions of this Act.

No limitation of actions.
Ib., sec. 57.

77. It shall be lawful for the Attorney-General, at any step of any proceedings for an offence under this Act, to enter a *nolle prosequi* or to discontinue any proceedings in any Court or before any Justice of the Peace, and thereupon all further proceedings shall be stayed in such prosecution.

Attorney-General may enter a *nolle prosequi*.
Ib., sec. 58.

78. If, in any prosecution or proceeding under this Act, any question shall arise as to whether any person is duly licensed within the meaning of this Act for any purpose, or as to whether any person has given any notice or declaration required by this Act, the proof that such person is so licensed or has given such notice or declaration shall lie on the party against whom such prosecution or proceeding shall be had, and not on the party complaining.

Burden of proof.
1860, No. 38, sec. 32; also 1869, No. 57, sec. 32.

FEEES.

79. There shall be paid to every Licensing Officer the fees set forth in the *Second* Schedule, to be paid by him into the Public Account.

Fees to be paid.
1860, No. 38, sec. 63.

Provided, however, that the Governor in Council, in any case where he thinks it proper, may alter and vary the said fees or any of them, but so as not to exceed the amounts hereby fixed.

1861, No. 17, sec. 3.

EXPENSES OF PROSECUTIONS.

80. In case any person shall have incurred any expense or loss of time in or about the procuring of the conviction of any person for an offence declared by this Act to be a felony or a misdemeanour, it shall be lawful for the Governor to award to such person, *out of any moneys available for criminal prosecutions*, his reasonable costs and expenses incurred as aforesaid, not exceeding in amount one hundred pounds.

Expenses of prosecutions.
1860, No. 38, sec. 64.

81. Nothing in this Act shall be deemed to apply to Any arms, gunpowder, or warlike stores the property of Her Majesty, or of the Government of the colony, and lawfully borne or possessed by or on account of Her Majesty's land or sea forces, or by or on account of the Armed Con-

Act not to apply to arms, &c., of Her Majesty or of the Government, or to gunpowder kept in magazine.
Ib., secs. 65, 66; also 1869, No. 57, sec. 34.

FORM D.—“ARMS ACT, 1880.”

1860, No. 33.

LICENSE TO IMPORT.

Colony of New Zealand, Port of .
 THIS is to authorize [*name, &c., in full*], within days from the date hereof,
 to import, tranship, land, or dispose of, from the ship [*or receive on*
 board the ship , from the ship], the undermentioned arms, gun-
 powder, and warlike stores, viz. :

Dated this day of , 18 .

E.F.,
 Licensing Officer.

FORM E.—“ARMS ACT, 1880.”

1869, No. 57.

I, , of , hereby apply for a license to keep at the arms
 described at the foot hereof.

[Date.]

[Signature.]

Guns.	Pistols.	Other Arms—describing them.

To the Licensing Officer at .

FORM F.—“ARMS ACT, 1880.”

Ib.

THIS is to certify that , of , is this day licensed to keep at the
 following arms to be marked with the number and with the letters :—

Guns.	Pistols.	Other Arms—describing them.

The above-mentioned arms are to be marked within days from
 this date.

Given under my hand at , this day of , 18 .

E.F.,
 Licensing Officer.

SECOND SCHEDULE.

FEES.

1860, No. 33.

	£	s.	d.
For registration, or registration and marking, of any arm, each time...	0	2	6
For License, Form A, Form D, each	0	1	0
For License, Form B	5	0	0

THIRD SCHEDULE.

- 1860, No. 33.—The Arms Act, 1860.
- 1861, No. 17.—The Arms Act Amendment Act, 1861.
- 1869, No. 57.—The Arms Act Amendment Act, 1869.
- 1871, No. 63.—The Arms Act Amendment Act, 1871.
- 1873, No. 3.—The Arms Act Amendment Act, 1873.