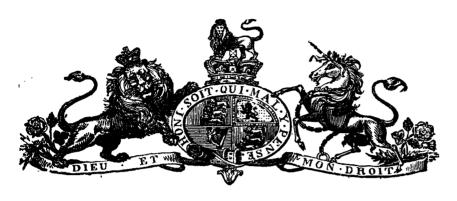
NEW ZEALAND.



ANNO VICESIMO QUARTO.

VICTORIÆ REGINÆ.

No. 38.

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Title.

An Act to regulate the importation, sale, and other disposition of Arms, Gunpowder and Warlike Stores.

[5th November, 1860.1

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

Short Title.

I. The Short Title of this Act shall be the "Arms Act. 1860."

Interpretation of terms.

- II. In the construction of this Act, the words and phrases following shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction.
 - The word "Ship" shall include vessels of any description, whether employed on the High Seas or on the Coasts, and any boat, barge, punt, or canoe.
 - The word "Dealer" shall include 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.
 - The word "Possession" shall include custody, power, or control.
 - The word "Arms" or "Arm" shall include any gun. pistol, or other fire-arm, and any sword, cutlass, pike, bayonet, or other instrument of war.
 - The expression "Aboriginal Native" shall include Halfcastes 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.
 - The expression "Master of a Ship" and the word "Master" shall include the master of any ship foreign-

going or coasting, and the person for the time being in charge, and the principal officer on board, of any such ship.

APPLICATION OF ACT.

Application of Act.

III. It shall be lawful for the Governor in Council from time Act to be brought to time to declare by Order in Council to be published in the the Colony by Order New Zealand Gazette that from and after a day to be named in in Council. such Order, this Act shall be in force in any Province within the Colony, and the same shall be in force accordingly: Provided always that the same shall be prought into force within every Province of the Colony before the first day of March, 1861.

LICENSES.

Licenses

IV. It shall be lawful for the Governor by warrant under Licenses may be made his hand from time to time to appoint persons to make and issue and issue Licenses in the forms or to the effect respectively set forth in the Schedule to this Act, (which persons are hereinafter designated and referred to as Licensing Officers) and any such persons at his pleasure to remove. And every such License may be granted subject to any special conditions or stipulations.

V. It shall be lawful for the Governor or any person ap- Licenses may be re pointed by him for that purpose by notice in writing given to the Licensee or left at his last known or usual place of abode, to revoke any such License, and after notice so given or left the License thereby referred to shall cease and determine.

VI. Any such License which may be proved to the satis- Lost License may be faction of a Resident Magistrate to be testified by writing under replaced. his hand to have been accidentally destroyed or lost, may be replaced by a Licensing Officer.

VII. If any person shall forge, counterfeit, or alter, or cause Forgery of License to be forged, counterfeited, or altered, any such License or any felony. 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, he shall be guilty of felony, and any accessory before or after the fact to any such felony shall be liable to the same punishment as the principal.

REGISTRATION OF IMPORTATION AND SALE OF ARMS.

Registration.

VIII. It shall be lawful for the Governor in Council by Order Governor in Council in Council to be published in the New Zealand Gazette from time Registered. to time to make and issue Regulations for the stamping and marking of Arms upon the first importation thereof into the Colony: and also of Arms in the possession of any Dealer: and also for the stamping and marking of Arms previously unstamped upon the sale or transfer thereof: and also to make and issue Regulations for the registration of the sale and transfer of Arms. Every such Order in Council shall be in force from and after a day to be named therein. And every person who shall contravene any

Regulation made by any such Order in Council shall be liable to a penalty not exceeding Five Hundred Pounds.

Dealers.

PROVISIONS AFFECTING DEALERS ONLY.

No person to act as a Dealer without a License.

IX. No person shall act, or pretend to act, as a Dealer without a license in the form B in the said Schedule.

X. Any person who shall offend against the foregoing Offence against such X. Any person who shall offend agree meanour.

The provision a misde-provision shall be guilty of a misdemeanour.

l'erson desiring to have a Dealer's Li-cense to make appliment of Arms, &c.

XI. Previously to the issue to any Dealer of a license as aforesaid, he shall make application in writing for such cation to Licensing License to a Licensing Officer, and shall accompany such officer with state- application with a true and full statement of all arms application with a true and full statement of all arms, gunpowder, and other warlike stores then in his possession.

Licensing Officer or applicant.

XII. Any Licensing Officer or any person authorised person authorised by him in writing may enter into the house and premises of such him may enter and search house &c., of 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.

XIII. If any such statement made by any dealer shall be Penalty for incorrect.

All1. If any such statement made by any dealer shall be ness of applicant's untrue or incorrect, he shall be liable to a penalty not exceeding statement. one hundred pounds

Dealer to keep a re-cord of Arms, &c.

XIV. Every such dealer shall keep a book, in the form C in the said schedule, and shall on the day to be named 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 foregoing provisions. Wilful breach thereof a misdemeanour.

XV. For every breach of the foregoing provision or any part thereof any such dealer shall be liable to a penalty not exceeding one hundred pounds; and, in addition thereto, for every wilful breach of such provision or any part thereof such dealer shall be guilty of a misdemeanour.

Dealer's book duceable in Court.

XVI. Any such book shall be produceable in any Court in any legal proceeding, and may be used in evidence either for or against any dealer.

The issuer of Licenses to keep a book containing a statement of contents of Liceuses issued to Dealers.

XVII. 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.

XVIII. The book to be kept as hereinbefore provided by every Dealer's book to be dealer shall be examined at the expiration of every three months by compared with such a Licensing Officer, or by some person appointed by him for this censes, and with Licenses, and shall be compared with the book to be kept by the of Arms, &c. 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.

XIX. If upon any such examination and comparison or If stock of Arms, &c. upon any examination and comparison under the general power here-ty of misdemeanour. inafter conferred upon Licensing Officers 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.

XX. A minute shall be made in each of the said books of the Licensing Officer to result of every such examination and comparison.

make a minute of result of search.

XXI. Any such examination and comparison may in like Power to Licensing manner be made as often and at such times as any Licensing officer to examine stock of Arms, &c., at Officer may think proper.

XXII. Every person who shall with intent to deceive any Lending or borrowing Arms for pur-Licensing Officer or any other person, lend or borrow any arms, ing Arms for purgunpowder or warlike stores for the purpose of being produced at a misdemeanour. any such examination as aforesaid of the stock of any Dealer shall be guilty of a misdemeanour.

OFFENCES.

Offences.

XXIII. Any person other than the Officers duly appointed Counterfeiting mark for the purpose, who shall stamp or mark, or cause or procure to he 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, shall be guilty of felony.

XXIV. Any person who shall stamp or mark or cause or pro- Deceitfully marking cure 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 shall be guilty of felony.

XXV. Any person who shall knowingly and without lawful Having in possession 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 two last preceding sections shall be guilty of a misdemeanour.

XXVI. Every person who shall import or bring into the Importation &c. of Colony or any part thereof any arms, gunpowder, or warlike stores. Arms, &c.

without a license in the form D set forth in the said Schedule shall be guilty of a misdemeanour.

Landing Arms, &ç. rom a vessel.

XXVII. Every person who 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 form D set forth in the said Schedule shall be guilty of a misdemeanour.

Selling &c., Arms, &c.

XXVIII. Every person who 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 form A in the said Schedule shall be guilty of felony.

Selling one sort of Arms, &c., under a License for a different sort. XXIX. Every person who, 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 shall be guilty of a misdemeanour.

Removing, &c. Arms, &c.

XXX. Every person who 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 form A set forth in the said Schedule shall be guilty of a misdemeanour: Provided that this provision shall not extend to any person carrying arms for the defence of his person or for sporting.

Making, repairing, &c., Arms, &c.

XXXI. Every person who shall make, construct, amend, repair, or render serviceable any arms, gunpowder, or warlike stores, without a license in the form C in the said Schedule or at any place other than the place mentioned in such license as his place of business shall be guilty of a misdemeanour.

Dealer seeping excessive quantity of Gunpowder.

XXXII. Any person who, without a license in the Form A in the said Schedule, 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 shall be guilty of a misdemeanour.

Dealer having in possession excessive number of Arms. XXXIII. Every person who, being a Dealer, shall have in his possession a greater number of arms than he shall be authorised to have by licenses proving legal possession by him shall be guilty of a misdemeanour.

Persons holding Arms under License failing to account for the same.

XXXIV. In all cases in which a License has been or may hereafter be issued by the authority of the Governor authorising 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, it shall be lawful for any two Justices of the

Peace, upon the application in that behalf of a Licensing Officer to 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 authorising him to sell or dispose of such Arms, or otherwise to account for his nonpossession of such Arms to the satisfaction of such Justices, and 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 £100.

XXXV. Any person who shall make, do, or practice, or be Fraudulently eviding concerned in any fraudulent act, contrivance, or device whatsoever, misdemeanour. not specially provided for in this Act with intent or design to evade or render inoperative any of the provisions of this Act shall be guilty of a misdemeanour.

PROVISIONS RESPECTING SHIPS.

Ships

XXXVI. Every person who, being the master of or a person on Receiving Arms, &c. board of, any coasting ship or ship on a coasting voyage, shall from another ship. knowingly receive on board such ship from another ship 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 in the form D in the said Schedule shall be guilty of a misdemeanour.

XXXVII. The master of every ship arriving in any port or Master sto report 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 ship 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; and if no officer of Customs shall within two hours after such arrival, visit such ship, 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.

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

XXXIX. If any ship shall be found within the limits of the Ship found with less jurisdiction of the Government of the Colony with a smaller master to forfeit £500. or a different quantity or description of arms, gunpowder, or warlike stores on board, than may be proved by any such statement or otherwise to have been on board such ship 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.

Ships may be searched.

XL. 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 ship and rummage and search the cabin, and all other parts of such ship for arms, gunpowder, and warlike stores.

Penalty on person impeding officers searching ship. XLI. 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 ship arriving foreign.

XLII. The chief officer of Customs at any port shall as soon as may be after the arrival at such port of any ship from across the seas deliver or cause to be delivered to the master of such ship 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.

Proviso with respect to ships trading to Australian Colonies,

XLIII. Provided that 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 ship known to be a regular trader between this Colony and the Australian Colonies, so long as she shall continue in such trade.

General Provisions.

GENERAL PROVISIONS.

Power to Justice of Peace or person with warrant of a Justice of the Peace to enter and search houses.

XLIV. It shall be lawful for any Justice of the Peace upon information on Oath to enter and search, or to 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 a Resident Magistrate or 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.

XLV. 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, Harbor Master, Officer of Customs, Police Officer, Constable, or Peace Officer, 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.

XLVI. 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.

XLVII. It shall be lawful for any person whomsoever to seize Person committing a and apprehend any person in the act of committing any of the may be apprehended. offences hereinbefore declared to be felony or a misdemeanour

XLVIII. It shall be lawful for the Governor, by Procla- Governor empowered mation published in the New Zealand Gazette, from time to time, to declare what shall be deemed warlike to declare what articles shall be considered as warlike stores for stores. the purposes of this Act, and also for the purposes of an Ordinance of the Lieutenant-Governor and Legislative Council of New Zealand, passed in the sixth session of the said Council, intituled "An Ordinance to empower the Governor of New Zealand to regulate the Importation and Sale of Arms, Gunpowder, and other Warlike Stores."

FORFEITURES.

Forfeitures.

XLIX. All Arms, Gunpowder, and warlike stores which Arms, &c. the subject may be the subject of any offence hereinbefore created, described, of an offence under this Act, forfeited. or mentioned shall be forfeited to Her Majesty.

L. All questions respecting forfeitures under this Act Questions about for. may be heard and decided by the Court where the proceedings of feitures how to be decided. which they shall be the subject shall have been heard and determined or by two Justices of the Feace.

LI. All forfeitures under this Act shall be applied and disposed rethe Public Uses of the Colony as the Governor may direct.

Forfeitures to be at the disposal of the Governor. of for the Public Uses of the Colony as the Governor may direct.

LEGAL PROCEEDINGS.

Legal Proceedings.

LII. All Penalties under this Act shall be payable to Penalties how to be Her Majesty, Her Heirs, and Successors, for the Public Uses of the Colony, and shall be recoverable by action in the Supreme Court, or in a summary way before any two Justices of the Peace: Provided that it shall not be lawful for any such Justices of the Peace to impose or adjudge a Penalty exceeding £100 for any offence against the provisions of this Act, notwithstanding that such offence may by the provisions of this Act be punishable by a Penalty exceeding £100.

LIII. No proceeding under this Act for any Penalty before Proceedings not to any Justice of the Peace may be removed into the Supreme be removed into the Supreme Certiforari. Court by Writ of Certiorari or otherwise.

LIV. In all informations and other legal proceedings under Specification of ship Sections 30 and 36 it shall be sufficient to allege and to prove in legal proceedings. that such transhipment 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.

License may be proved by production of verified duplicate or production of register. LV. 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.

Penalties may be sued for by any person.

LVI. All prosecutions in a summary way under this Act for any offence against the provisions thereof, or for any act or neglect by this Act declared to be an offence, may be commenced, prosecuted, and completed by any person whomsoever.

No limitation of actions.

LVII. 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.

Attorney General may en er a noll. pros.

I.VIII. 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.

Provision respecting Aboriginal Natives.

LIX. No Aboriginal Native shall be convicted of any offence under this Act, except on the information or complaint of some officer duly authorised in that behalf by the Governor by writing under his hand.

Prosecutions for felony or misdemeanour to be by authorised person. LX. No indictment or information shall be preferred or proceedings instituted against any person for an offence declared by this Act to be a felony or a misdemeanour, except by or at the instance of a person duly authorised either generally or specially in this behalf by the Governor by writing under his hand.

Punishments.

PUNISHMENTS.

For felony

LXI. Every person convicted of felony under the provisions of this Act, shall be liable to penal servitude for any term not exceeding six years, and not less than three years.

For misdemeanour.

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

Fees.

FEES.

Fees to be paid.

LXIII. There shall be paid to the Licensing Officer the fees set forth in the said Schedule, to be paid by him to the Colonial Treasurer, for the Public Uses of the Colony.

· Arms.

EXPENSES OF PROSECUTIONS.

LXIV. In case any person shall have incurred any expense Expenses of prosecuor 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 the Ordinary Revenue of the Colony his reasonable costs and expenses incurred as aforesaid, not exceeding in amount one hundred pounds.

Expenses of obtaining

HER MAJESTY'S FORCES.

LXV. Nothing herein contained shall be deemed to apply to Her Majesty's Forces any Arms, Gunpowder, or warlike stores, the property of Her Malestv or of the General or any Provincial Government of the Colony,
to Her Majesty, &c. and lawfully borne or possessed by or on account of Her Majesty's and lawfully borne or Land or Sea Forces, or by or on account of the New Zealand Police possessed. Force, or by or on account of any person acting under or by virtue of any law for the time being in force for the Regulation of Militia or Volunteers within the Colony or to any person importing, having, bearing, removing, making, repairing, or dealing with or disposing of the same or any of them under proper authority.

LXVI. Nothing herein contained shall extend to the keeping of Gunpowder at any Public Powder Magazine.

Act not to extend to Powder Magazines.

LXVII. This Act shall only continue in force until the Duration of Act end of the next Session of the General Assembly: Provided always that all persons having committed offences under this Act during the time that the same shall be in force, shall and may be prosecuted convicted and punished notwithstanding the repeal or expiration of this Act.

SCHEDULE.

FORM A.

ARMS ACT, 1860.

Ordinary License.

Colony of New Zealand,

Mark and No. of Arms

(if any)

This is to authorise A. B. of days from the date hereof, to sell, or dispose of, to C. D. settler, [or to remove, or have in poswithin of session, or otherwise as the case may require,] the undermentioned Arms, Gunpowder, or warlike stores, viz.:-

(2 lbs. of Sporting Gunpowder.)
(1 Double Barrel Gun—No. in Registry.)

Dated the

day of

186 .

E. F.

N.B. This License will be void, and may not be exercised after the expiration of seven days from the date thereof.

If the License is "to have in possession," the limitation of time must be omitted.

Arms. .

FORM B.

ARMS ACT, 1860.

Dealer's Licenses

Colony of New Zealand,

This is to authorise A. B. of settler, to make, repair, amend, and deal in Arms, Gunpowder, and other warlikestores, at (describe his place of business) in but not elsewhere for the period of one year.

Dated the

day o

18: .

E. F.

FORM C.

Form of Book for Record of Arms, Gunpowder, and Warlike Stores, to be kept by a Dealer.

ARMS ACT, 186.0.

Colony of New Zealand,

Kept by A. B. (signature), Licensed Dealer.

Number of Entry.	Date of Receipt.	Date of License.	Description and Quantity of Arms, Gunpowder, and Warlike Stores received.	From whom received.	Objects for which received.	Date of Sale or Disposal.	Date of License.	Description and quantity of Arms, Gunpowder, and Warlike Stores sold or parted with.	To whom Delivered.	Object of delivery.	Reference to previous No. of Entry among Receipts.

FORM D.

ARMS ACT, 1860,

License to Import.

Colony of New Zealand, Port of

This is to authorise A.B. of Merchant, 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, Gunpowder, and warlike stores, viz.

Dated this

day of

18 .

E. F.

TABLE OF FEES.

For Registration or Registration and Marking of any Arm, each time	£		
For License—Form A, Form D, each	0	1	0
For License—Form B.			