

31

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL and having  
this day passed as now printed is transmitted to the HOUSE OF  
REPRESENTATIVES for its concurrence.*

*Legislative Council,  
31st August, 1869.*

## Arms Act Amendment.

(*Hon. Mr. Gisborne.*)

### A BILL INTITULED

AN ACT to amend "The Arms Act 1860."

Title.

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 Arms Act Amend-  
ment Act 1869" "The Arms Act 1860" is hereinafter referred to as  
"the said Act."

Short Title.

2. It shall be lawful for the Governor by Proclamation in the  
*New Zealand Gazette* from time to time to divide the Colony or any  
part thereof into districts for the purposes of this Act and the said Act  
and the limits and boundaries of such districts from time to time to  
alter and define as occasion may require Every district proclaimed  
under this Act shall have a name whereby the same may be dis-  
tinguished so much of the Colony as shall not be included in any  
district so proclaimed shall nevertheless be and continue subject to  
the provisions of the said Act.

Proclamation of  
Districts.

3. It shall be lawful for the Governor from time to time to appoint  
one or more Licensing Officers for every district created under this  
Act.

Appointment of  
Licensing Officers.

4. 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 A. to this  
Act annexed 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.

Persons to apply for  
licenses to keep arms.

5. 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 such person in the form B. to this Act annexed And  
every such license shall specify the number and description of arms  
the keeping of which such license is to authorize and the letters and  
number to be 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.

Licenses to be issued  
without fee on  
certificate of two  
Justices.

6. 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 description of arms  
comprised in such license and the places at which such arms are kept

Register to be kept.

and the letters and numbers marked thereon and it shall be lawful for any Justice of the Peace or Peace Officer to inspect such book and make extracts therefrom at all reasonable times.

Revision of register.

7. 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 under this Act and of every person whose death shall be proved to his satisfaction. 5

Arms to be marked.

8. When a license for the keeping of arms shall be issued to any person within such times as the Licensing Officer shall in such license fix under the provisions of this Act the person obtaining the same shall produce to the Licensing Officer the arms specified in such license together with such license and 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 and such arms when duly marked shall be redelivered 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. 10 15 20

Notices to be given on removal of licensee to another district.

9. As often as any person who shall have any license to keep arms under this Act shall change his place of abode for any place within another district proclaimed under 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 and 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 and any 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 forfeit and pay any sum not exceeding twenty pounds. 25 30 35

Notice in case of removal to another place not in a district.

10. If any such person shall change his abode to any place not within any district proclaimed under 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. And every person who after changing his abode as aforesaid shall omit for two months to give such notice shall forfeit and pay any sum not exceeding twenty pounds. 40 45

Penalty for keeping arms without license or unmarked.

11. Any person whether licensed or not under the said 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 thirty days or more any arms without having obtained under the provisions of the fourth and fifth 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 forfeit any sum not exceeding one hundred pounds and 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. 50 55

Act not to apply to dealers.

12. Provided always that nothing in this Act relating to the possession of arms not duly marked or to the possession of arms 60

without a license to keep the same shall apply or extend 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 and that nothing herein contained relating to the possession of arms without a license shall apply or extend 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.

13. When any person shall be found carrying arms it shall be lawful for any Justice of the Peace or Officer or Constable of the Armed Constabulary or any Peace Officer 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 and 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 Officer Constable or Peace Officer 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 Session 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 Session.

Constables &c. may examine arms and demand name.

14. Any person carrying arms who shall refuse to allow any Justice Officer Constable or Peace Officer 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 forfeit any sum not exceeding two hundred pounds.

Penalty for refusing to allow examination or giving false name.

15. Upon information of the decease of any person who shall have obtained a license to keep arms under this Act and upon the production of such license and the arms to which the same may refer it shall be lawful for the Licensing Officer for the district wherein he may have resided to assign and transfer 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 endorsement but no longer and 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.

Transfer of license on death.

16. 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 Provided that 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.

Deposit of arms when transfer refused.

17. Whenever any person licensed to keep arms under this Act shall by virtue of a license to sell under the said Act sell

Notice to be given on sale of arms.

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 and 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 forfeit and pay any sum not exceeding one hundred pounds. 5

**Production of arms.**

18. Every person licensed under 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 Officer or Constable in the Armed Constabulary or Peace Officer 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 Officer Constable or Peace Officer and 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 subject to the penalty herein provided for having arms without having a license to keep arms. 10 15 20

**Withdrawal of license.**

19. It shall be lawful for the Licensing Officer for every district to withdraw if he shall think fit any license for the keeping of arms theretofore granted. 25

**Arms to be given up on withdrawal of license.**

20. 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 subject to the penalty herein provided for persons having arms without a license to keep the same except when it shall appear to the Justices or Resident Magistrate before whom the offence is prosecuted that the delay arose from accidental circumstances and not from wilful neglect And 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. 30 35

**Power to search for arms.**

21. 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 any person is in the 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 it shall be lawful for such Justices or Resident Magistrate to enter and search or by warrant under their or his hand and seal to authorize and empower any officer or constable of the Armed Constabulary or any Peace Officer 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 45 50

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

22. 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 55 60

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 and if any maker of or dealer in gunpowder shall sell or deliver any

5 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 forfeit any sum not exceeding one hundred pounds.

10 **23.** It shall be lawful for any one or more Justices of the Peace to 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 or their judgment

Certificate for purchase of blasting powder.

15 a fit person to be intrusted therewith.

20 **24.** 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" And 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 forfeit any sum not exceeding two hundred pounds.

Notice to be given on sale of arms by dealer.

25 **25.** 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 thereof to the nearest Licensing Officer and every such person who shall neglect to give such notice shall be liable to forfeit and pay any sum not exceeding two hundred pounds.

Notice on sale of gunpowder and ammunition.

30 **26.** 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

Gunpowder when removed to be in marked packages.

35 pain of forfeiting the same to Her Majesty and the person who shall have caused such gunpowder or ammunition to be carried without being so marked shall forfeit for each offence any sum not exceeding two hundred pounds.

40 **27.** 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 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

Penalty on lending licenses certificates &c.

45 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

50 exceeding two hundred pounds.

**28.** It shall be lawful for the Governor by warrant under his hand from time to time whenever and so often as shall seem expedient and for such period of time as shall be expressed in such warrant to recall suspend annul or prohibit the acting under any license to deal

Governor may suspend all licenses.

55 in and sell gunpowder and ammunition or to make repair or sell arms and on notice of the same being served at the dwelling house 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

60 mentioned.

Reward to informers.

**29.** 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 and placed to the credit of the Consolidated Fund.

Mitigation of penalties.

**30.** It shall be lawful for the Governor to remit or mitigate at his discretion any penalty forfeiture or punishment incurred under this Act and to order the restoration of any arms gunpowder or ammunition seized under this Act and in every case to 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.

Any person may prosecute.

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

Burden of proof.

**32.** 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.

Selling arms &amp;c. to rebels.

**33.** 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 for 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.

Act not to apply to arms &amp;c. of Her Majesty or of General or Provincial Government.

**34.** Nothing in this Act shall be deemed to apply to any arms gunpowder or warlike stores the property of Her Majesty or of the General or any Provincial 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 Constabulary or any Militia or Volunteers within the Colony or any Forces for the time being in the service of the Colony.

Repeal of Arms Ordinance.

**35.** The Ordinance of the Governor and late Legislative Council of New Zealand made in the ninth year of the reign of Her Majesty intitled "An Ordinance to empower the Governor of New Zealand to regulate the Importation and Sale of Arms Gunpowder and other Warlike Stores" and all Proclamations made thereunder and the Ordinance of the said Governor and Legislative Council made in the tenth year of the reign of Her Majesty intitled "An Ordinance to regulate the Removal and the Making and Repairing of Arms Gunpowder and other Warlike Stores within the Colony of New Zealand" is hereby repealed Provided that all offences committed and all penalties and forfeitures incurred under the said Statutes or any of them before the passing of this Act may be prosecuted punished recovered seized and taken as if this Act had not been passed.

Punishment for felonies under said Act extended.

**36.** And whereas it is enacted by section sixty-one of the said Act that any person convicted of felony under the provisions of the said Act shall be liable to penal servitude for any term not exceeding six years and not less than three years be it enacted that the word "fourteen" shall be inserted in lieu of the word "six" in the said recited provision.

SCHEDULE.

Schedule.

FORM A.

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

Date.

Signature.

Guns.	Pistols.	Other Arms—describing them.

To the Licensing Officer at

FORM B.

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 .

Licensing Officer.