

Hon. Sir P. A. Buckley.]

POISONS IMPORTATION AND CARRIAGE.

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A BILL INTITULED

AN ACT to regulate the Importation and Carriage of Poisons. Title.

WHEREAS it is expedient to make better provision for regulating the importation and carriage of poisons by land or water, particularly when carried with articles of food: Preamble.

BE IT THEREFORE 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 is "The Poisons Importation and Carriage Act, 1893"; and it shall come into force on the *first* day of *January*, one thousand eight hundred and ninety-four. Short Title.

2. In this Act, unless inconsistent with the context,— Interpretation.

15 "Carrier" includes every person or body of persons carrying goods for hire by any means, and whether by land or water:

"Package" means any case, cask, keg, jar, bottle, vessel, or receptacle, or covering of any kind, in which poison is packed or contained:

20 "Poison" means any one or more of the poisons or compounds of poisons or goods mentioned in the Schedule to this Act:

"Proper officer of Customs" means any person employed on any duty or service relating to the Customs under any law for the time being in force:

"Ship" includes vessel of every kind :

"Warehouse-owner" includes every person or body of persons owning, managing, or controlling any warehouse, store, wharf, quay, or other place or premises in or on which goods are deposited.

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Package delivered to warehouse-owner or carrier to be marked "Poison."

3. No person shall deliver any package containing poison to any warehouse-owner or carrier, or send or carry or cause to be sent or carried any such package, containing poison wholly or in part, to or from any port or place in New Zealand, unless the true name or description of such poison, with the addition of the word "Poison," is distinctly written, printed, or marked in easily-legible characters on the outside of the package; nor, in the case of delivery to or deposit with any warehouse-owner or carrier of any such package, without also giving notice in writing to him of the name or description of such package, and that it contains poison.

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Packages of poison to be securely packed.

4. Every package containing poison which shall be imported by any person into the colony, or shall be sent by any person by means of any carrier for delivery at any place within the colony, shall be strongly and securely packed; and every person importing or sending any package containing poison as aforesaid shall be required to see that the same is packed as required by this Act, that is to say,—

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How poison to be packed.

(1.) If such poison shall be in a dry or solid state it shall be packed in iron watertight drums, or watertight oaken cases, casks, or kegs bound with hoop-iron; or

(2.) If such poison shall be in a liquid state, it shall be placed in securely covered or fastened glass or earthenware jars or bottles or other like vessels contained in a suitable case or covering packed with all necessary precautions to avoid injury by breakage, leakage, or any other injury incident to its carriage.

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(3.) Any such package may be contained in any case or covering of any kind with any other goods not being goods suitable for the food of men or animals.

Poison to be kept separate from food during transit.

5. Every warehouse-owner, and every carrier, whether by land or by water, shall be bound to see that any package containing poison is kept separate and distinct from any goods of any kind suitable for food of men or animals deposited with or carried by him, and so as not in case of breakage or leakage to intermix with, contaminate, or injuriously affect such goods; and if he has not at the time space for the storage or carriage of any such package without committing a breach of this Act he shall be entitled to refuse to accept delivery of or to carry the same, as the case may be.

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Penalty.

6. If any person shall commit a breach of any of the foregoing sections, he shall be liable to a penalty not exceeding *one hundred pounds*: Provided that if any such person shall show that he was merely an agent or servant in the importation, carriage, or delivery of any such package, and had no actual knowledge or had no reason to suspect that such package contained poison, he shall not be liable to such penalty.

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Agent not liable if unaware of contents.

7. (1.) When any ship which shall hereafter arrive in the colony, whether British or foreign, shall have on board any package or packages containing poison, it shall be the duty of the master of such ship,

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Master of ship, on arrival, to inform Collector what poison on board.

upon reporting her arrival to the Customs as required by law, to inform the Collector at the port or place of arrival, in writing, what packages containing poison are on board the ship, and the place or position in which such packages are stowed; and it shall not be
 5 lawful for the master of such ship or any other person to remove, land, or discharge any such package until the proper officer of Customs has viewed and examined the same in the position where it is stowed.

(2.) Every such officer may inspect every such package, and, if
 10 any such package shall be contained in any other case or covering of any kind, he may require that such case or covering be opened, in order that he may see the state and condition of the package containing poison.

Officer to inspect packages before removal.

(3.) If the master of such ship or any other person shall commit
 15 or suffer any breach of the provisions of this section, he shall be liable to a penalty not exceeding *fifty* pounds.

Penalty.

8. If on any such inspection it appears to the proper officer of
 Customs that any package has not been stowed apart from goods of
 any kind suitable for the food of men or animals, and that by reason
 20 of breakage or leakage or from any other cause there is reasonable ground in his judgment, or in that of any skilled person whom he may call to his assistance, for believing that the contents of any such package may have in any manner become mixed with, contaminated, or injuriously affected any such goods, he shall refuse to allow such
 25 goods to be landed.

Goods suitable for food not to be landed if mixed with or contaminated by poison.

For the purposes of this and the *last-preceding* section, every officer of Customs shall have and may exercise all such powers and authorities as he could or might exercise under the provisions of
 “The Customs Laws Consolidation Act, 1882,” in respect of goods
 30 imported into the colony from beyond seas.

9. The Commissioner of Trade and Customs may direct such
 steps as he shall think fit to be taken for the valuation of the goods
 so refused to be landed; and the amount thereof, with all costs and
 expenses of such valuation and arising thereout, including the cost of
 35 the assistance of any skilled person, shall be recovered from the owner or master of the ship as a debt due to Her Majesty in accordance with the provisions of “The Crown Suits Act, 1881.”

Such goods to be valued, and value recovered from owner or master of ship.

10. Any goods the landing of which shall not be permitted
 under this Act shall be forfeited to Her Majesty the Queen, and
 40 may be disposed of in such manner as the Commissioner of Trade and Customs directs, whether any person is liable to be convicted of a breach of this Act or not; but the value of such goods, to be ascertained as aforesaid, when recovered as before provided, shall be paid by the Commissioner to the owner of the goods or other person law-
 45 fully entitled thereto.

Goods to be forfeited, and value recovered paid to consignee.

11. If any person knowingly sends or attempts to send by, or
 carries or attempts to carry in, any ship, British or foreign, or sends
 or delivers to any warehouse-owner or carrier, any package containing
 poison under a false description, or falsely describes the sender or
 50 carrier thereof, he shall be liable to a penalty not exceeding *one*
hundred pounds.

Penalty for sending or carrying poison under false description.

How penalties
recoverable.

12. All penalties recoverable under this Act shall be recovered in a summary way before any Resident Magistrate, or two or more Justices of the Peace, in the manner provided by "The Justices of the Peace Act, 1882."

Schedule.

SCHEDULE.

Arsenic and its preparations.

Prussic acid.

Cyanides of potassium and all metallic cyanides.

Strychnine and all poisonous vegetable alkaloids and their salts.

Aconite and its preparations.

Emetic tartar.

Corrosive sublimate.

Cantharides.

Savin and its oil.

Ergot of rye and its preparations.

Oxalic acid.

Chloroform.

Belladonna and its preparations.

Essential oil of almonds (unless deprived of its prussic acid).

Opium, and all preparations of opium or of poppies.