

No. II.

GUNPOWDER.

AN ORDINANCE to prohibit the keeping of Gunpowder exceeding a certain Quantity.

[10th August, 1847.]

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof:
1. That

Gunpowder.

- 1.** That no person being a dealer in gunpowder shall have or keep at any one time more than fifty pounds weight of gunpowder, and not being such dealer more than fifteen pounds weight of gunpowder, in any house storehouse warehouse shop cellar yard wharf building or place other than some public powder magazine, except by license granted to him for that purpose under the authority of His Excellency the Governor. The keeping of powder beyond a certain quantity prohibited.
- 2.** If any person shall have or keep any such gunpowder contrary to the provisions of this Ordinance he shall forfeit and pay for every such offence any sum not exceeding twenty pounds, to be recovered in a summary way, and all the gunpowder beyond the quantity hereby allowed to be kept, and the barrels or packages in which such gunpowder shall be contained. Penalty.
- 3.** It shall be lawful for any Justice of the Peace, on reasonable cause assigned upon oath by any person or persons, to issue a warrant under his hand for searching in the daytime any house storehouse warehouse shop cellar yard wharf ship vessel or place in which gunpowder is suspected to be kept contrary to the provisions of this Ordinance. Justice may issue search warrant.
- 4.** All gunpowder found upon such search to be kept contrary to the provisions hereof, and also the barrels and packages in which the same may be contained, shall be immediately seized by the person making such search and removed to some place of safety and there detained until it shall be adjudged on a hearing before any two Justices of the Peace whether the same shall be forfeited, and the person seizing such gunpowder shall not be liable to any suit for such detention or for any loss or damage which may happen to the same other than from his own wilful act of neglect. Powder kept illegally may be seized.
- 5.** In case of any conviction under the provisions of this Ordinance, when any person shall appear to have been active in or towards the procuring of any such conviction, it shall be lawful for His Excellency the Governor to award to such person a portion of the penalty recovered upon such conviction, but not exceeding in the whole one-half thereof, as to him shall seem meet. Reward for activity in procuring conviction.
- 6.** No person of the Native race shall be convicted of any such offence as aforesaid except on the information or complaint of some officer duly authorized in that behalf by His Excellency the Governor. In the case of Natives.
- 7.** Provided always that nothing herein contained shall extend to the keeping of gunpowder at any public powder magazine, or by or on account of the New Zealand police force, or by or on account of Her Majesty's land or sea forces. Not to extend to powder magazines &c.
- 8.** For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being. Interpretation.
- 9.** This Ordinance shall come into operation on the fifteenth day of September next in the town of Auckland, and elsewhere throughout the Colony on the first day of January, one thousand eight hundred and forty-eight. Commencement.