

immediately or in default of the same being done and completed within a limited time by the owner.

An application under this section may be made by motion in a summary way.

Upon any such motion the Court may require notice to be given to any person or may make a peremptory or a conditional order, and may at any time discharge, suspend or vary such order upon such terms, if any, as the Court deems proper, and may make such order as to costs as it deems just.

Costs ordered to be paid under this section may be recovered in the same manner as costs ordered to be paid upon any proceeding in Equity.

For the purposes of this section any Judge or Judges of the Supreme Civil Court, at any time and place, shall be sufficient to constitute the Court, but a single Judge shall not, except where he is satisfied that the case is one of urgency, make a final order under this section.

Any expenses incurred by the Director of Public Works in executing any work authorised under this section shall be recoverable in the same manner as expenses which, by the forty-seventh section of the principal Ordinance are ordered to be borne and paid by the owner, are recoverable.

Passed in Council this twentieth day of December, in the year of our Lord, one thousand eight hundred and seventy-seven.

A. C. ROSS,  
*Clerk of the Council.*

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No. 22.—1877.

*31st December.*

AN ORDINANCE to impose a Duty on Licenses to use Guns.

(L. S.) HENRY T. IRVING.  
*28th February 1878.*

**B**E it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows :—

1. This Ordinance may be cited for all purposes as Short title.  
 "The License for Guns Ordinance, 1877."

2. In this Ordinance

Definitions.

The term "Gun" includes a firearm of any description and an air gun or any other kind of gun from which any shot, bullet or other missile can be discharged; and

The term "Curtilage" means an enclosed space through which there is no public way surrounding or immediately contiguous to a dwelling house.

3. From and after the passing of this Ordinance there shall be paid unto and for the use of Her Majesty <sup>Duty on gun license.</sup> for the purposes of this Colony for and in respect of every license to be taken out yearly by every person who uses or carries a gun the sum of Five shillings.

4. The said duty may be paid to and the said license <sup>Persons authorised to grant licenses.</sup> may be granted by the Receiver General, Sub-Receiver or any Warden. All moneys received by the Receiver General, Sub-Receiver or any Warden on account of such duty shall be accounted for and paid over as moneys received by such Receiver General, Sub-Receiver or Warden for the use of Her Majesty and in case of any default or mis-application such Receiver General, Sub-Receiver or Warden shall be liable to the same actions, suits, proceedings, penalties, forfeitures and punishments as they respectively are liable to in the case of any other public moneys received for the use of Her Majesty.

5. Every license to be granted under this Ordinance <sup>Form of license.</sup> shall be in such form as the Receiver General directs and shall contain the name, description and place of residence of the person to whom the same is granted, and shall be dated on the day on which the same is granted, and shall expire on the thirty-first day of May next following, but no license under this Ordinance shall be granted upon payment of a less sum than the duty for a whole year, nor shall any such license be transferable.

Register of  
licenses.

6. Every person who grants licenses under this Ordinance shall keep a register of all licenses granted by him, specifying the name, description and place of residence of every person licensed, and the date of such license, and any person may at any convenient time inspect such register of licenses for the current or preceding year. Every person who grants licenses under this Ordinance shall on or before the eighth day of each month transmit to the Inspector Commandant a return shewing the names, descriptions and places of residence of all persons to whom licenses have been granted by him during the preceding month, and the dates of such licenses.

Penalty for  
unlicensed  
gun.

7. Every person who uses or carries a gun elsewhere than in a dwelling house or the curtilage thereof without having in force a license under this Ordinance shall be guilty of an offence against this Ordinance and be liable to a penalty not exceeding Fifty pounds :

Provided that the said penalty shall not be incurred by the following persons ; namely :—

- (1.) By any person in the naval, military or volunteer service of Her Majesty, or in the police force, or any prison-officer using or carrying any gun in the performance of his duty ; or,
- (2.) By any Warden or other public officer using or carrying a gun for personal protection ; or,
- (3.) By any person using or carrying on any lands, the occupier whereof has in force a license under this Ordinance, a gun belonging to such occupier and by order of such occupier, if the person carrying the gun upon the request of any person gives his true name and address, and also the true name and address of his employer.

In any information for the recovery of the penalty imposed by this section it shall be sufficient to allege that the defendant used or carried a gun without having a license in force under this Ordinance, and it shall lie upon the defendant to prove that he is a person not liable to the penalty by virtue of the proviso contained in this section.

8. Where a gun is carried in parts by two or more persons in company, each and every one of such persons shall be deemed to carry a gun. Gun carried in parts.

9. It shall be lawful for any person to demand from any person using or carrying a gun (not being a warden or other public officer using or carrying a gun for personal protection, or a person in the naval, military, or volunteer service of Her Majesty, or in the police force, or a prison officer, using or carrying a gun in the performance of his duty), the production of a license granted under this Ordinance to such person using or carrying a gun. Power to demand license.

If the person upon whom the demand is made does not produce a license duly granted to him under this Ordinance, and allow the person making the demand to read such license, it shall be lawful for the person making the demand to require the person upon whom the demand is made to declare immediately his name, description, and place of residence, and if such last-mentioned person refuses or fails to declare his name, description, and place of residence, or makes any false declaration in respect of any of the matters aforesaid, he shall in respect of such refusal or false declaration be guilty of an offence against this Ordinance, and shall for such offence be liable to a penalty not exceeding ten pounds over and above any other penalty to which he is liable under this Ordinance.

10. It shall be lawful for any warden or police or other constable to enter and remain so long as may be necessary upon any lands or upon any premises (other than a dwelling-house or the curtilage thereof), for the purpose of ascertaining whether any person whom he sees using or carrying a gun has a license in force under this Ordinance. Power to enter upon lands.

11. Every offence against this Ordinance shall be an offence punishable on summary conviction. Procedure.

Where any such offence is committed within view of

any Justice of the Peace, warden, or police, or other constable, it shall be lawful for such Justice of the Peace, warden, or constable, and for any person whom he may call to his assistance to arrest the person committing the offence, and to convey him before any Justice of the Peace having jurisdiction at the place where the offence was committed.

Application  
of penalties

12. Of any penalty imposed under this Ordinance, one moiety shall be paid to the person laying the information or complaint, unless such person be a member of the police force, in which case such moiety shall be paid into the Colonial Treasury, subject to the provisions of the Penalties Application Ordinance, 1876: Provided that the Governor on behalf of Her Majesty may remit the whole or any part of any such penalty, or of any imprisonment in default of payment thereof.

Repeal of  
Ordinance 6  
of 1877.

13. The "Gun License Ordinance, 1877" is hereby repealed: Provided that this repeal shall not invalidate any license granted under the said Ordinance, or affect anything done under the authority of the said Ordinance, or any right accrued or liability, penalty, or forfeiture incurred under the said Ordinance, or any remedy or procedure in respect of any such right, liability, penalty or forfeiture, and that the power of inspecting the registers of licenses kept under the sixth section of the said Ordinance shall continue in force in the same manner as if the said Ordinance had not been repealed.

Passed in Council this thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-seven.

A. C. ROSS,  
*Clerk of the Council.*

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