

No. VII.

GUNPOWDER.

An Act to regulate the keeping and carriage of Gunpowder imported into the Colony of New South Wales. [3rd July, 1828.]

Preamble.

Gunpowder to be landed between the hours of seven and five.

Penalty £5 per barrel.

All Gunpowder shall be deposited in the Government Magazines.

Upon pain of forfeiting £5 per barrel.

WHEREAS it is expedient that the keeping and carriage of Gunpowder imported into this Colony should be regulated by law in order to prevent the great mischiefs which may arise from explosions occasioned by the improper exposure or carriage thereof Be it therefore enacted by His Excellency the Governor of New South Wales by and with the advice of the Legislative Council That from and after the passing of this Act all and every person or persons importing Gunpowder into this Colony shall land or cause the same to be landed between the hours of seven in the morning and five in the afternoon and at no other time or times whatever upon pain of forfeiting the sum of Five Pounds for every barrel of Gunpowder that shall be landed other than as aforesaid.

2. And be it further enacted That the Collector of Internal Revenue of the said Colony for the time-being upon each and every application made to him for that purpose shall and he is hereby authorized and required to issue a permit or permits to every importer or proprietor of Gunpowder for allowing him or them to have such Gunpowder received into one of the Government Powder Magazines in the said Colony and the said Collector at the time of issuing such permit is to enter the same in a book to be kept by him for that purpose and upon production of such permit to the keeper of such magazine the said keeper is hereby authorized and required to receive such Gunpowder into his charge accordingly.

3. And be it further enacted by the authority aforesaid That when and as often as any quantity or quantities of Gunpowder shall have been so landed the importer or proprietor thereof shall and will immediately convey or cause the same to be conveyed to such Government Powder Magazines in the said Colony upon pain of forfeiting the sum of Five Pounds per barrel for every such barrel of Gunpowder as shall be left exposed for one hour after it shall have been landed or after five o'clock in the afternoon.

Gunpowder.

4. And be it further enacted That all Gunpowder so landed as Powder how to be aforesaid shall be in barrels closely joined and hooped without any secured. iron about them and so secured that no part of the Gunpowder be scattered in the passage and each barrel shall contain no more than one hundred weight of Gunpowder and no person or persons shall convey at any one time more than ten barrels of Gunpowder in any waggon cart or other carriage and every carriage in which Gunpowder shall be conveyed shall have a complete covering of wood painted cloth tarpaulin or woollen cloth tilts over all the Gunpowder contained therein and all and every person or persons conveying Gunpowder or causing the same to be conveyed within any part of this Colony in greater quantity or in other manner than is hereinbefore prescribed shall for every offence forfeit the sum of Ten Pounds.

Penalty £10.

5. And be it further enacted by the authority aforesaid That no person or persons shall have or keep within any town in the said Colony at any one time being a dealer or dealers in Gunpowder more than two hundred weight of Gunpowder and not being such more than one hundred weight of Gunpowder in any house store-house warehouse shop cellar yard wharf or any other building or place occupied by the same person or persons on pain of forfeiting all the Gunpowder beyond the quantity hereby allowed to be kept and the barrels in which such Gunpowder shall be and also the sum of Two Shillings for every pound of Gunpowder beyond such allowed quantity.

Dealers not to keep more than two hundred weight in their own possession.

6. And be it further enacted by the authority aforesaid That for every barrel or cask of Gunpowder belonging to private individuals which shall be lodged in any of the Government Store-houses or Magazines as aforesaid there shall be paid and payable a storage rent of one shilling provided the same shall not have remained in such magazine for a longer period than six weeks and after the rate of two-pence weekly for every such barrel of Gunpowder that shall remain in such store-house or magazine for any period above six weeks and not exceeding six months and after the rate of one penny weekly for any time that the said quantity of Gunpowder shall be left in such store-house or magazine beyond the said period of six months and such storage rent shall be paid and payable to the Collector of Internal Revenue for the time-being who is hereby required upon such payment being made to him by the owner or owners of the Gunpowder as aforesaid to deliver a permit signed with his hand requiring the keeper of the Government Store-house or Magazine to deliver to the bearer of such permit the quantity of Gunpowder therein specified.

7. And be it further enacted That all payments made for the storage of Gunpowder under and by virtue of this Act shall be applied for and towards the erection and keeping in repair of the Government Store-houses and Magazines as also for and towards the payment of the officers or persons in charge of such store-houses or magazines respectively.

Amount of rent how to be applied.

8. And for the more easy discovery of the keeping and carriage of Gunpowder contrary to the provisions hereinbefore contained be it further enacted That it shall be lawful for any Justice of the Peace within and for the Territory of New South Wales or any district thereof on demand made and a reasonable cause assigned upon oath by any person or persons to issue a warrant or warrants under his hand and seal for searching in the day-time any house store-house warehouse shop cellar yard wharf or other building or place in which gunpowder is suspected to be kept contrary to this Act and that all Gunpowder found upon search to be kept contrary to this Act and also the gunpowder barrels shall be immediately seized by the searcher or

On the oath of one person of Gunpowder being kept contrary to this Act any Justice may issue a search warrant.

Apprenticeship.

or searchers who shall with all convenient speed after the seizure remove the same to such proper places as they in conformity with the restrictions of this Act shall think fit and may detain such Gunpowder and the barrels containing the same till it shall be adjudged on a hearing before any two or more such Justices whether the same shall be forfeited and such searcher or searchers seizer or seizers shall not be liable to any suit for such detainer or for any loss or damage which may happen to the said Gunpowder or barrels other than by wilful acts or neglects of them or the persons with whom they shall trust the keeping thereof.

Penalties recoverable before two Justices by distress.

Half the penalty to be given to the informer.

This Act not to extend to Gunpowder belonging to the King.

9. And be it further enacted by the authority aforesaid That all penalties enacted by this Act shall be recoverable before two or more Justices of the Peace within and for the Territory of New South Wales or any district thereof on proof of the offence on the oath or oaths of one or more credible witness or witnesses or on confession of the offender and one moiety of each penalty shall belong to His Majesty His Heirs and Successors and the other moiety thereof to the informer or informers prosecuting for the same and where the penalty shall be pecuniary in case of non-payment it shall be levied by distress and sale of the offender's goods and chattels by warrant under the hands and seals of such Justices and the overplus of the money raised after deducting the penalty and the expenses of the distress and sale shall be rendered to the owner and for want of sufficient distress the offender shall be sent by such Justices to the house of correction there to be kept to hard labor for any term not exceeding three months nor less than one month as such Justices shall think most proper.

10. Provided always and be it further enacted by the authority aforesaid That this Act shall not extend to the keeping of Gunpowder at any store-house or magazine belonging to His Majesty His Heirs or Successors or to the carriage of Gunpowder to or from the King's magazines under a special and express order of the Governor or Acting Governor for the time-being.