

No. XLVII.

An Act for the Establishment of the Colonial Gunpowder Magazine lately erected on Goat Island. [28th December, 1852.]

GUNPOWDER
MAGAZINE.

WHEREAS the Gunpowder belonging to private individuals at Preamble. Sydney has hitherto been stored in a Magazine belonging to Her Majesty's Imperial Government and under the charge of the Ordnance Storkeeper at Sydney by the consent of Her Majesty's Imperial Government and under the authority and subject to the provisions contained in an Act of the Governor and Legislative Council of New South Wales passed in the seventh year of the reign of the late King William the Fourth intituled "An Act for better regulating 7 Wm. IV. No. 7. the keeping and carriage of Gunpowder" and subject to the provisions contained in a certain other Act of the said Governor and Council passed in the fifth year of the reign of Her present Majesty intituled "An Act to amend an Act intituled 'An Act for better regulating the 5 Vic. No. 11. keeping and carriage of Gunpowder'" And whereas Her Majesty's Government has required that such Gunpowder should be no longer kept in the said Gunpowder Magazine but has consented that a Magazine for the storage of Gunpowder belonging to the Colonial Government and to private individuals in the said Colony should be erected by the Colonial Government on the Island belonging to the Board of Ordnance known as Goat Island in the Harbour of Port Jackson to be under the control of the Governor for the time being of the said Colony but to be in charge of Her Majesty's Ordnance Storekeeper for the time being at Sydney And whereas a Colonial Gunpowder Magazine has been erected accordingly on the said Island at the expense of the Colonial Government And whereas it is expedient that such new Magazine should be established by law as the Magazine for storing Colonial Gunpowder and that proper officers should be appointed

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appointed for that purpose and that all payments for the storage of Gunpowder therein should be required to be made to the said Colonial Government. Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

Magazine to be under control of the Governor but in charge of the Ordnance Storekeeper. Governor to appoint officers and servants for management of Magazine.

Private Gunpowder stored in Her Majesty's Magazine to be removed to Colonial Magazine.

Previous to removal packages and barrels to be examined.

Payment of rent due on Gunpowder.

Recited Acts to be applied to Colonial Magazine and Gunpowder.

All payments and expenses incurred for new packages &c. to be made by Governor's warrant on Colonial Treasury.

Colonial Treasurer to account for all moneys paid to him on account of Magazine.

1. Such new Powder Magazine shall be under the control of the Governor for the time being of the Colony but in charge of Her Majesty's Ordnance Storekeeper at Sydney and proper and efficient officers and servants shall and may be provided and appointed by the said Governor for the care and management of the said Magazine and the Powder therein under the general superintendence and charge of such Ordnance Storekeeper and the said Ordnance Storekeeper shall possess and exercise in respect of and in relation to such Colonial Magazine and of and to the storage of Gunpowder therein the same powers as were conferred upon him by the said recited Acts or either of them.

2. All Gunpowder belonging to private individuals now stored in Her Majesty's Magazine at Goat Island shall be removed to and deposited in the said Colonial Magazine to be therein kept at and subject to the rents by the first of the said recited Acts imposed or such other rents as may from time to time be fixed and imposed but previous to such removal the packages and barrels containing such Gunpowder shall be examined and wherever such packages are found to be insecure the Gunpowder therein shall be removed at the expense of the owner thereof into secure and proper packages as provided by the said first recited Act in respect of Powder on its original removal from the ship or vessel in which the same may have been imported.

3. In respect of all Gunpowder under deposit in Her Majesty's Powder Magazine upon which rent for a less period than three years shall at the time of such removal be due the rent and other charges (if any) due in respect thereof up to the date of such removal shall be paid to the Ordnance Storekeeper by the owners of such Gunpowder and in default of payment thereof before or at the time of such removal to the Colonial Magazine the amount thereof when paid shall on the subsequent payment thereof to the Colonial Treasurer as hereinafter provided be by him paid over to the said Ordnance Storekeeper on account of Her Majesty or other sufficient authority in that behalf.

4. The said recited Acts shall be applied to the intended Colonial Magazine and the Gunpowder to be stored therein and in all respects in relation to the said Magazine and Powder in the same manner as if the said Acts respectively had been passed with reference to the storage of Gunpowder in a Colonial Magazine in charge of the Ordnance Storekeeper but under the control of the Governor of this Colony except only in so far as the same are inconsistent with any of the provisions herein contained or may be in their nature inapplicable.

5. All payments and expenses which may happen to be made or incurred or be required to be made or incurred by the Ordnance Storekeeper in providing new packages or barrels for Gunpowder not properly secured or otherwise howsoever in relation to the said Magazine and Gunpowder and to his charge thereof shall be made and paid by the Governor for the time being under warrant addressed to the Colonial Treasurer unless the same shall be immediately paid by the owner of any such Gunpowder charged therewith.

6. The storage rent payable for storage in the said Colonial Magazine and all other sums of money payable and recoverable under the said recited Acts by or from the owners of any such Gunpowder shall be paid into the hands of the said Colonial Treasurer and be accounted for by him as part of the General Revenue of the Colony.

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7. When and so often as a sum of money for rent and other charges amounting to three years rent shall be due and in arrear in respect of any Gunpowder deposited in the said Colonial Magazine it shall be lawful for the Governor for the time being to cause notice to be given to the owners if known or to be published in the *New South Wales Government Gazette* if such owners shall be unknown that the same will be forfeited to the Government of the Colony unless all moneys due thereon be paid within three months from the giving of such notice and thereupon if default in such payment shall be made the said Gunpowder shall and may be declared by the said Governor and the same shall thereupon be forfeited to Her Majesty for the public uses of the Colony and the same shall and may be either sold by and under the order of the said Governor and the balance if any after payment of all dues and expenses be handed to the owner if the Governor shall so think fit or be retained in the hands of the Government or be otherwise disposed of as to the said Governor shall seem proper.
