

No. L.

An Act to regulate the keeping and carriage of Gunpowder imported into that part of the Colony of New South Wales called Port Phillip. [15th June, 1848.]

PORT PHILLIP
GUNPOWDER.

WHEREAS it is expedient that the keeping and carriage of gun-
powder imported into that part of New South Wales known as
the District of Port Phillip 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 enacted by His
Excellency the Governor of New South Wales with the advice and
consent of the Legislative Council thereof That all and every person
or persons importing gunpowder into the Port of Melbourne or other
place within the said District of Port Phillip 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 or package of gun-
powder that shall be landed otherwise than as aforesaid.

Preamble.

Gunpowder to be
landed between the
hours of seven A.M.
and five P.M. under
a penalty of £5 per
barrel.

2. And be it enacted That all and every person or persons who
shall import gunpowder into the Port of Melbourne shall immediately
on its arrival in harbour report the same to the Collector or other
Chief Officer of Customs for the time being and as soon as the same
shall be reported to the Collector or other Chief Officer of Customs for
the time being he shall and he is hereby authorized to grant a permit
or permits to the importer of gunpowder as aforesaid or to the pro-
prietor thereof in order that the same may be deposited in one of the
Magazines belonging to Government and the Storekeeper thereof shall
receive the same into his custody and charge and enter in a book to
be kept by him for that purpose the name of such importer or pro-
prietor together with the particulars of the packages of the gunpowder
so to be deposited.

Gunpowder on arri-
val to be reported to
the Collector or Chief
Officer of Customs
who shall grant per-
mits for depositing
the same in Govern-
ment Magazine.

3. And be it enacted That the master of any ship or vessel
arriving in the Port of Melbourne in the District of Port Phillip shall
land at the Government Magazine in the manner required by the pro-
visions of this Act all gunpowder which may be on board such ship or
vessel

Masters of vessels to
land at the Govern-
ment Magazine all
gunpowder which
may be on board

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under penalty of not less than £5 nor more than £50 for every package.

Vessels arriving in Hobson's Bay having gunpowder on board to hoist the Union Jack under penalty.

Sale or transfer to be reported to the Storekeeper of the Magazine.

Boats &c. conveying gunpowder to be provided with tarpaulins or housed over under penalty.

Gunpowder to be landed or shipped at the Magazine Wharf only under penalty.

Gunpowder to be delivered from Magazine between 7 and 10 A.M.

Gunpowder to be landed between the hours of 7 A.M. and 5 A.M.

Magazine to be subject to the superintendence of the Chief Officer of Customs.

vessel whether as cargo or stores and that no ship or vessel shall be allowed to enter Hobson's Bay to the north of the black buoy off Gellibrand's Point on the River Yarra Yarra until all gunpowder which may be on board shall be first landed as aforesaid and the master of every ship or vessel lying either in Hobson's Bay to the north of the black buoy off Gellibrand's Point or in the River Yarra Yarra at any time after the passing of this Act on board of which any gunpowder shall be found shall be liable to a fine of not less than five nor more than fifty pounds for every barrel or package of such gunpowder so found Provided that twenty-four hours from the time of anchorage shall be allowed to the master of every ship or vessel anchoring in Hobson's Bay or in the River Yarra Yarra for the landing of such gunpowder not exceeding twenty pounds in weight as he may have brought as stores in such ship or vessel.

4. And be it enacted That all ships or vessels arriving in Hobson's Bay having gunpowder on board exceeding the quantity allowed as stores are to hoist an Union Jack at the main-mast-head upon being required so to do by the Harbour Master or Pilot in charge of such ship or vessel which Union Jack shall not be hauled down until the gunpowder on board be landed according to law under a penalty in each case of ten pounds.

5. And be it enacted That in case any such importer or proprietor of gunpowder as aforesaid shall at any time whilst it shall be deposited in manner aforesaid sell or transfer the whole or any part of the same to any other person or persons such sale or transfer shall be immediately reported in writing to the Storekeeper of the Magazine and a certificate of such sale or transfer from the original importer or proprietor shall also be produced to the said Storekeeper in order that the same may be duly registered and in case of failure thereof it shall be lawful for the said Storekeeper to refuse to deliver up the said gunpowder so in his charge.

6. And be it enacted That all boats or other conveyances used in the removal of gunpowder shall be provided with tarpaulins or be properly housed over and any person who shall remove or cause to be removed any gunpowder in any boat or other conveyance not so provided with tarpaulins or properly housed over as aforesaid shall forfeit and pay the fine of ten pounds sterling for every such offence.

7. And be it enacted That no gunpowder which shall be imported into the Port of Melbourne shall be landed from or placed in boats for shipment on board any ship or vessel in any part of the harbour other than at the Magazine Wharf and any person who shall land or attempt to land or who shall ship or attempt to ship any gunpowder contrary to the provisions hereof shall forfeit and pay the sum of five pounds for every barrel or package of gunpowder so landed or attempted to be landed or so shipped or attempted to be shipped.

8. And be it enacted That no gunpowder shall be delivered from the Magazine at any time other than between the hours of seven and ten in the morning.

9. And be it enacted That any gunpowder which may be so permitted to be deposited in the Government Magazine as aforesaid shall be removed between the hours aforesaid from the ship or vessel in which the same may be imported and when and so often as any quantity or quantities of gunpowder shall be so removed the same shall be brought direct from such ship or vessel to the Government Magazine by and at the expense of the importer or proprietor thereof.

10. And be it enacted That the Magazine or Magazines belonging to the Government in the said District of Port Phillip shall be subject to the superintendence and control of the Collector or other Chief Officer of Customs.

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11. And be it enacted That all gunpowder so removed as aforesaid shall be in packages or barrels closely joined or hooped without any iron about them and not containing in any one package or barrel more than one hundred pounds in weight and the said packages or barrels shall be so secured that no part of the gunpowder can be scattered in the removal thereof and in case of failure thereof the Storekeeper of the Magazine for the time being or other person who may receive the same on his behalf shall be and he is hereby authorized and empowered to remove the contents of the said packages or barrels into secure and proper packages and to charge the expense attending the same to the importer or proprietor thereof and the said Storekeeper may refuse to deliver the gunpowder so removed into fresh packages until the said expenses shall be first paid.

Packages of gunpowder to be properly secured and no package to contain more than 100 lbs. in weight.

12. And be it enacted That all applications for the delivery of the whole or any part of the gunpowder so deposited in the Government Magazine as aforesaid shall be made to the Storekeeper of the Magazine for the time being who shall deliver the same accordingly to the person properly authorized to receive the same at the Magazine Provided always that no such delivery shall be made until all storage rent and other expenses which may have been incurred of and concerning the depositing of such gunpowder as aforesaid shall have been paid and discharged.

Delivery of gunpowder out of the Magazine.

13. And be it enacted That the storage rent for the depositing of gunpowder in the Government Magazine as aforesaid and to be paid by the importer or proprietor of such gunpowder shall be fixed at the rate contained in the Schedule marked A hereunto annexed.

Regulating storage rent.

14. And be it enacted That such storage rent shall be payable at least once in every twelve months and if it be not paid it shall be lawful for the Superintendent or Chief Executive Officer of said district to cause any gunpowder for which the same shall be due to be sold by public auction in order to defray the storage rent of same and also of the necessary expenses incurred in repairing the packages in which it is kept thirty days notice being first given in the *Port Phillip Government Gazette* prior to every such sale Provided always that no powder shall be delivered out of such Magazine until all rent and other expenses shall be paid and provided that any balance remaining after the payment of such storage rent and expenses of repairs shall be paid to the importer or proprietor of such gunpowder.

Rent payable at least once in every twelve months and proceedings if not paid.

15. And be it enacted That the importer or owner of such gunpowder shall be held liable for the payment of storage rent and all other expenses until the transfer in the property of such powder has been duly notified and registered.

Importer or owner liable for rent unless transfer notified and registered.

16. And be it enacted That if any person who shall import any gunpowder into the said Port of Melbourne or who shall be the proprietor of any such gunpowder or if any other person or persons shall land or cause to be landed or removed any gunpowder otherwise than is provided for by this Act any person being convicted thereof shall forfeit the sum of five pounds for each and every barrel or package that shall be landed or removed other than as aforesaid.

Penalty for landing or removing gunpowder contrary to Act.

17. And be it enacted That all payments made for the storage of gunpowder and all fines and penalties imposed under and by virtue of this Act shall be paid to Her Majesty Her Heirs and Successors to and for the public uses of the said Colony and in support of the Government thereof in such manner as may from time to time be directed by any Act of the said Governor and Legislative Council.

Amount of rent &c. how to be applied.

18. And be it enacted That no steam vessel engaged in the coasting or colonial trade of the said district shall carry gunpowder either as stores or cargo and the master or owner of any steam vessel

Steam vessels prohibited from carrying gunpowder under penalty.

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Proviso.

on board which any gunpowder may be found contrary to the provisions of this Act shall forfeit and pay for every such offence any sum not exceeding fifty pounds nor less than ten pounds Provided that nothing herein contained shall prevent or be construed to prevent any steam vessel bound to any port or ports beyond seas to carry any such reasonable quantity of gunpowder as may be required for the purpose of making signals.

Dealers in gunpowder not to keep more than two cwt. in their own possession under penalty.

19. And be it enacted That no person or persons being a dealer or dealers in gunpowder shall have or keep within any town in the said district at any one time more than two hundred weight of gunpowder and not being such dealer or dealers more than one hundred weight of gunpowder in any house storehouse 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.

Justice on information on oath to issue a search warrant.

20. And for the more easy discovery of the keeping and carriage of gunpowder contrary to the provisions hereinbefore contained Be it enacted That it shall be lawful for any Justice of the Peace within the said district on demand made and a reasonable cause assigned upon oath by any person or persons to issue a warrant or warrants under his hand for searching in the day time any house storehouse 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 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 until it shall be adjudged on a hearing before any two or more of 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.

Recovery and appropriation of penalties.

21. And be it enacted That all penalties enacted by this Act shall be recoverable in a summary way before two or more Justices of the Peace within the said District of Port Phillip on proof of the offence on the oath or oaths of one or more credible witness or witnesses or on the confession of the offender 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.

Not to extend to gunpowder belonging to the Queen.

22. Provided always and be it enacted That this Act shall not extend to the keeping of gunpowder at any storehouse or magazine belonging to Her Majesty Her Heirs or Successors or to the carriage of gunpowder to or from the Queen's Magazines under a special and express order of His Excellency the Governor or Acting Governor for the time being or the Superintendent of said district.

Commencement of Act.

23. And be it enacted That this Act shall commence and take effect on the first day of July one thousand eight hundred and forty-eight.

Sydney and Melbourne Police Rate.

 SCHEDULE REFERRED TO.

Rates of Storage.

	s.	d.
For each and every barrel or package containing not more than 12½lbs. of gunpowder for any period not exceeding six weeks	0	0½
For each and every barrel or package containing not more than 12½lbs. of gunpowder for any period above six weeks per week...	0	0¼
For each and every barrel or package containing not more than 25lbs. of gunpowder for any period not exceeding six weeks	0	3
For each and every barrel or package containing not more than 25lbs. of gunpowder above six weeks per week... ..	0	0½
For each and every barrel or package containing more than 25lbs. and not more than 50lbs. of gunpowder for any period not exceeding six weeks	0	6
For each and every barrel or package containing more than 25lbs. and not more than 50lbs. of gunpowder for any period above six weeks per week... ..	0	1
For each and every barrel or package containing more than 50lbs. and not more than 100lbs. of gunpowder for any period not exceeding six weeks... ..	1	0
For each and every barrel or package containing more than 50lbs. and not more than 100lbs. of gunpowder for any period above six weeks per week	0	2
For each and every barrel or package containing more than 100lbs. of gunpowder for any period not exceeding six weeks	2	0
For each and every barrel or package containing more than 100lbs. of gunpowder for any period above six weeks per week	0	4
