

Laws of His Majesty's Province of Newfoundland, passed in the year 1833.

3 William IV – Chapter 2 (Session 1)

**An Act to Prevent dangerous quantities of Gunpowder being kept within the Town of Saint John's.
(27th March, 1833.)**

Whereas large quantities of Gunpowder are now kept within the Town of Saint John's, to the apparent danger of the lives and fortunes of His Majesty's subjects: Be it therefore enacted by the Governor, Council, and Assembly, that from and after the expiration of ten days next ensuing the passing of this Act, no person or persons shall have or keep more than Twenty-five Pounds weight of Gunpowder in any House, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Building, occupied, or used by the same person or persons in the Town of Saint John's, or within One Mile thereof, (all Buildings and places adjoining each other and occupied together being to be deemed One House or Place within the meaning of this Act,) save and except in a Magazine situate near the Crow's Nest in the said Town, or in any other Public Magazine or Magazines which may hereafter, by lawful authority, be appointed for the safe storing of Gunpowder.

II. And be it further enacted, that not more than Twenty- Five Pounds weight of Gunpowder shall be kept, at any one time, in any one Ship, Boat, or other Vessel, in the Harbor of Saint John's, longer than Twenty-Four hours after such Ship, Boat, or other Vessel, shall have come alongside of any Wharf, or alongside of any other Ship, Brig, Schooner, or other Vessel, or shall be anchored, moored or stationed within any distance less than Fifty Fathoms from any Wharf or other Building: Provided always, that this Act shall not extend, nor be construed to extend, to any Ship or Vessel of War, belonging to His Majesty, his Heirs or Successors, or to any Ship or other Vessel employed in the Public Service of the Government.

III. And be it further enacted, that it shall and may be lawful for any Magistrate or Justice of the Peace, residing within the Town of Saint John's, on complaint made upon Oath by any Constable, or other Person, that he has reasonable cause to suspect that any quantity or quantities of Gunpowder is or are deposited or kept in any House, Storehouse, Warehouse, or other Building or Place as aforesaid, within the said Town of Saint John's or the limits aforesaid, or on board any Ship, Boat, or other Vessel, in the Harbor of Saint John's, contrary to the Provisions of this Act, to issue his Warrant or Warrants to one or more Constables to Search for the same, in the day-time; and for that purpose, admittance being first demanded by such Constable or Constables, and refused by the Proprietor or Occupant or Occupants of any such House, Storehouse, or other Building or Place as aforesaid, or by the Master or other Person in charge or command of any Ship, Boat, or other Vessel, in the Harbor of Saint John's, wherein it is so suspected that Gunpowder is unlawfully kept or deposited, it shall and may be lawful for such Constable or Constables, if there shall be occasion, to break open any such House, Storehouse, or other Building or Place as aforesaid, or any such Ship, Boat, or other Vessel as aforesaid, and to enter into, examine, and search the same; and if, upon any such search or examination, a greater quantity of Gunpowder than by this Act is allowed shall be found by him or them, it shall and may be lawful for any such Constable or Constables to seize the same, and he or they shall without delay remove the Gunpowder so seized, and deposit the same in the Public Magazine, and without delay then give

information and make complaint of such seizure, before one or more of His Majesty's Justices of the Peace of the Town of Saint John's, who shall thereupon issue Process of customary Summons to the Owner or Owners of the Gunpowder so seized, and to the Person or Persons in whose House, Store, or other Building or Place, or in whose Ship, Boat, or other Vessel, or in whose keeping, the said Gunpowder shall be found, requiring the said Party or Parties to appear and answer or defend the said Information or Complaint, which shall by the said Justice or Justices be heard and determined in a summary way: and if the said Person or Persons so summoned shall make default in appearance to the said Summons, or after appearance and a due hearing of the said Complaint or Information the said Justice or Justices shall convict the Defendant or Defendants, the said Justice or Justices shall make order for the Confiscation and Sale of the said Gunpowder, and the Constable or Constables who seized the same shall sell it by Public Auction; and after payment of such reasonable Costs as the said Justice or Justices shall award to be paid out of the proceeds of the said Sale, one half of the nett residue of the said proceeds shall be paid to the Informer, and the other half to His Majesty, his Heirs and Successors, to be applied towards defraying the expenses of the Fire Companies of the Town of Saint John's: Provided always, and it is hereby enacted, that the Constable or Constables, and other Person or Persons so making the seizure of Gunpowder as aforesaid, shall be deemed and be admitted competent Witnesses to prove the facts incident to any such seizure upon the trial or hearing of any such Complaint or Information aforesaid.

IV. And be it further enacted, that if any person or persons shall after the expiration of ten days next ensuing the passing of this Act, have or keep any larger or greater quantity of Gunpowder than Twenty-Five Pounds at any one time, in any House, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Place, within the said Town of Saint John's, or within one mile of the same, (except as herein before excepted,) or shall have or keep any larger or greater quantity of Gunpowder than Twenty-Five Pounds, at one time, in any one Ship, Boat, or other Vessel, in the Harbour of Saint John's, longer than twenty-four hours after such Ship, Boat, or other Vessel, shall have come alongside of any Wharf, or alongside of any other Ship, Brig, Schooner or other Vessel, or shall be anchored, moored or stationed within any distance less than fifty fathoms from any Wharf or other Building contrary to the provisions of this Act, all such Gunpowder, over and above the aforesaid allowed weight of Twenty-five Pounds, shall become forfeited, and all and every such Person and Persons, being Owner or Owners of the said forfeited Gunpowder, and the Person and Persons having the same in charge or keeping, and the Occupant and Occupants of the House, Storehouse, or other Building or Place, wherein the same shall be unlawfully deposited or kept, and the Owner or Master of the Ship, Boat, or other Vessel, wherein such Gunpowder shall be unlawfully deposited or kept, shall, on due conviction of having wilfully done any thing contrary to the provisions of this Act, whereby any such Gunpowder aforesaid shall have become liable to forfeiture, respectively forfeit and pay, for the first offence Ten Pounds, for the second offence Twenty Pounds, and for the third offence Thirty Pounds, lawful money of Great Britain, to be recovered, by any Action, Plaint, Bill or Information, at the suit of any Constable or Constables of the Town of Saint John's, or other Person or Persons, in the Supreme, Circuit, or Sessions Courts of this Island, together with full costs of suit; one half of the monies so recovered, to be paid to the Constable or other Person who shall inform and sue for the same, and the other half to His Majesty, his Heirs and Successors, to be applied towards defraying the expenses of the Fire Companies of the Town of Saint John's: Provided always, that such Action, Plaint, Bill, or Information, shall be commenced, sued, and prosecuted, within Twelve Months next after such forfeiture or penalty shall be incurred.

V. And Whereas the Owners and Proprietors of a Magazine for Gunpowder which has already been constructed and erected at a place called the Crow's Nest, situate near the Eastern suburbs of the Town of Saint John's, have expressed their readiness to receive and keep in the said Magazine, to the use of the Public and the purposes of this Act, all such Gunpowder as may, under the Provisions herein before contained, be delivered at the said Magazine, (not exceeding such quantity as its space will contain,) and to receive and accept such allowance for the Storage and keeping of Gunpowder therein as shall be established by Law: Be it further enacted, that for all Gunpowder stored or placed in the said Magazine, and taken out of the same within One Year, the following rates and prices shall be paid, that is to say, for every Barrel, Two Shillings and Sixpence; for every Half Barrel, One Shilling and Sixpence; and for every Quarter Barrel, One Shilling, of lawful Current money of this Island; and if such Gunpowder shall be stored in the said Magazine for any greater time than One Year, then there shall be paid for every Hundred Pounds weight of the same, at and after the rate of Two Shillings and Sixpence, Current money of this Island, per annum.

VI. And be it further enacted, that all Gunpowder which, in pursuance of the Provisions of this Act, shall be carried to and removed from the said Public Magazine, or any other Public Magazine hereafter to be built and appointed under the Provisions of this Act, shall at all times be conveyed and carried by water, as far forth as the same can be water-borne.