

Laws of His Majesty's Province of Newfoundland, passed in the year 1834.

4 William IV – Chapter 3 (Session 1)

An Act to prevent dangerous quantities of Gunpowder being kept within the Town of Harbor Grace, and to provide for the safe storing of the same. (12th June, 1834.)

Whereas, large quantities of Gunpowder have been recently kept within the Town of Harbour Grace, to the great danger of the lives and property of His Majesty's subjects there: Be it therefore enacted, by the Governor, Council and Assembly, that from and after the expiration of Thirty 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 Harbor Grace, or within half a mile thereof (all buildings and places adjoining each other, and occupied together, being to be deemed on House or place within the meaning of this Act) save and except in such Magazine as shall be built and erected or provided by the Persons, and in the manner hereinafter prescribed, 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 Ship, Boat or other Vessel, in the Harbor of Harbor Grace, longer than twenty-four hours after such Ship, Boat or other Vessel shall have come alongside of any Ship, Boat or other Vessel, or shall have been anchored, moored or stationed within any distance less than One Hundred 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 of the Northern District of this Island, on complaint made upon oath by any Constable or other person that he has reasonable cause to suspect that any quantities or quantity 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 Harbor Grace or the limits aforesaid, or on board any Ship, Boat or other vessel in the Harbor of Harbor Grace, 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 any Proprietor or occupant of any such House, Storehouse, 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 said Harbor of Harbor Grace, 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 said Northern District, 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 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 Justice 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 moiety of the nett residue of the said proceeds shall be paid to the Informer, and the other moiety to His Majesty, His Heirs and Successors, to be applied towards defraying the expenses of the Fire Companies of the said Town of Harbour Grace. Provided always, that the Constable or Constables, or 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 information or complaint aforesaid.

IV. And be it further enacted, that if any Person or Persons shall after the expiration of Thirty 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 Harbor Grace or within half a mile of the same (except as hereinbefore excepted) or shall have or keep any larger or greater quantity of Gunpowder than Twenty Five Pounds, at any one time, in any one Ship, Boat, or other vessel in the Harbor of Harbor Grace, 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 One Hundred 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 and 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 done anything 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, Bill, Plaint or Information, at the suit of any Constable or Constables, or other Person or Persons, in the Circuit or Sessions Court of this Island, together with full costs of Suit: one half of the monies so recovered to be paid to the Person who shall inform and sue for the same, and the other half to His Majesty, His Heirs and Successors, to be paid to the Fire Wardens of the said Town of Harbor Grace, for the benefit and support of the Fire Companies of the said Town: 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 have been incurred.

V. And be it further enacted, that on the erection of a sufficient and safe Magazine for the storage of Gunpowder in a convenient situation near Harbor Grace aforesaid, whether the same shall be built and erected by shareholders or otherwise, it shall and may be lawful for the Owners or Proprietors thereof to charge the following Rates or prices for all Gunpowder stored or placed in the said Magazine, that is to say, for all Gunpowder stored or placed in the said Magazine, and taken out of the same within one year, there shall be paid for every Barrel, Three Shillings and Six Pence; for every Half -barrel, Two Shillings and Two Pence, and for every Quarter-barrel, One Shilling and One Penny of lawful money of Great Britain. 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 Six pence, lawful money of Great Britain, per annum.

VI. Provided always, and be it further enacted, that the Owners or Proprietors of such Magazine so to be built and erected as aforesaid, shall be, and they are hereby required to admit and receive into it, all such quantities of Gunpowder as shall be offered to be stored therein so far as such Magazine shall be capable of containing the same.

VII. And be it further enacted, that all Gunpowder which, in pursuance of the provisions of this Act, shall be carried to or removed from any Magazine or Magazines which may hereafter be built or provided under the provisions of this Act, shall at all times be conveyed and carried by water so far forth as the same can be water-borne.

VIII. And be it further enacted, that the said Town of Harbor Grace, for the purposes of this Act, shall extend from Bear's Cove to Ship's Head inclusive; and one half of a mile from high water mark, within the limits aforesaid.