ANNO UNDECIMO

Georgii III. Regis.

CAP. XXXV.

An Act for reducing into One Act of Parliament the several Laws relating to the Keeping and Carriage of Gunpowder, and for more effectually preventing Mischiefs by keeping or carrying Gunpowder in too great Quantities.

Preamble.

WHEREAS the several Acts which regulate the keeping and Carriage of Gunpowder within England are defective, and require Amendment, and the reducing them into One Law would facilitate their Execution: And whereas there is, at present, no Provision for Regulation of the keeping and Carriage of Gunpowder in Scotland; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Person or Persons shall have or keep, at any One Time, being a Dealer or Dealers in Gunpowder,

der, more than Two hundred Pounds of Gunpowder, and not being such, more than Fifty Pounds of Gunpowder, in any House, Mill, Magazine, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Building or Place, occupied by the same Person or Persons, (all Buildings and Places adjoining to each other, and occupied together, being to be deemed One House or Place within this Act) or on any River or other Water, except in Carriages loading or unloading, or passing on the Land, or in Ships, Boats, or Vessels, loading or unloading, or passing on any River or other Water, or detained there by the Tide or bad Weather, within the following Limits; that is to say, Within the Cities of London or Westminster, or within Three Miles of either of them, or within any City, Borough, or Market Town of Great Britain, or within One Mile of the same; or within Two Miles of any Palace or House of Residence of His present Majesty, His Heirs or Successors, or of Her present Majesty the Queen, or any Queen Consort or Dowager; or within One Mile of any Gunpowder Magazine belonging to His Majesty, His Heirs or Successors; or within Half a Mile of any Parish Church; or in any other Part of Great Britain, (except in Places where it shall be lawful to keep unlimited Quantities of Gunpowder by Force of the Provisions hereinafter contained) on Pain of forfeiting all the Gunpowder in Specie, beyond the Quantity hereby allowed to be kept, and the Barrels in which such Gunpowder shall be, and also One Shilling for every Pound of Gunpowder beyond such allowed Quantity.

No Person shall convey more than 2000*lb.* Wt. of Gunpowder by Land, or 5000*lb.* Wt. by Water, &c.

And, in order to provide for the safe Carriage of Gunpowder, be it further enacted, That no Person or Persons shall have or convey, at any One Time, within Great Britain, more than Two thousand Pounds of Gunpowder in any Waggon, Cart, or other Carriage, by Land, or more than Five thousand Pounds of Gunpowder in any Barge, Boat, or other Vessel, by Water (except in Vessels with Gunpowder on Board, imported from or to be exported to any Place beyond Sea); and all Gunpowder conveyed on Land or Water (except in such Vessels for Importation or Exportation of Gunpowder, as aforesaid) shall be in Barrels close joined and hooped, without any 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 Pounds of Gunpowder; and, when conveyed by Land, shall be entirely inclosed in a Leather Bag, or a Bag commonly called a Salt Petre Bag; and every Car-

riage or Vessels (except such Vessels as aforesaid), in which Gunpowder shall be conveyed by Land or Water, shall have a compleat Covering of Wood, Painted-cloth, Tarpaulin, or Wadmill-tilts, over all that Part of the Carriage or Vessel in which the Gunpowder Barrels shall be placed; and all Gunpowder which shall be carried or conveyed (except in such Vessels for Importation or Exportation of Gunpowder as aforesaid) within any Part of Great Britain, in greater Quantity or in other Manner than is herein before prescribed, and the Barrels in which such Gunpowder shall be, may be seized by any Person or Persons, who shall have the same Authority to remove such Gunpowder and Barrels, and to use for that Purpose, (during the Space of Twenty-four Hours after Seizure) the Carriage or Vessel in which such Gunpowder shall be seized, and the Tackling, Beasts, and Accoutrements belonging thereto, on the Terms of paying a Recompence for the Use thereof, and to detain such Gunpowder and Barrels as is herein after given to Persons searching under a Warrant of a Justice of the Peace; and such Seizure shall be, for his, her, or their own Use, on Conviction of the Offender or Offenders.

Justices may grant Warrants to search for Gunpowder in Storehouses, &c. where such is suspected to be kept contrary to the Act.

And, for the more easy Discovery of the keeping and Carriage of Gunpowder, contrary to the Provisions herein before made, be it further enacted, That it shall be lawful for any Justice of the Peace, of the County or other Division within Great Britain, in which Gunpowder is suspected to be kept or carried, contrary to this Act, 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 Houses, Storehouses, Warehouses, Shops, Cellars, Yards, Wharfs, or other Places, or any Carriages, Ships, Boats, or other Vessels, in which such Gunpowder is suspected to be kept or carried, contrary to this Act; and that all Gunpowder found upon such Search, to be kept or carried 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 such Gunpowder, and the Barrels in which it shall be, to such proper Places as they, in Conformity to the Restrictions of this Act, shall think most convenient; and in the Case of any such Gunpowder seized in any Carriage or Vessel, may use for the Purpose of Removal, during the Space of Twenty-four Hours after Seizure, such Carriage or Vessel, with the

Tackling, Beasts, and Accoutrements belonging thereto, paying afterwards to the Owner or Owners thereof a sufficient Recompence for the Use thereof, to be settled by the Justices before whom the Complaint shall be heard, after the Seizure; and in case of Nonpayment immediately after Settlement by such Justices, to be recoverable by Distress and Sale of the Parties Goods and Chattels, as is herein after directed concerning the pecuniary Penalties of this Act, and may detain such Gunpowder, and the Barrels in which it shall be, till it shall be adjudged whether the same shall be forfeited, and shall not be liable to any Suit for such Detainer, or for any Loss of, or Damage which may happen, to the said Gunpowder or Barrels, other than by the wilful Acts or Neglect of them, or the Persons with whom they shall intrust the keeping thereof.

Justices to cause Notice of erecting Magazines to be read.

And whereas it may be necessary to have some Places appointed, in which it may be lawful to erect or make new Mills for making, and Magazines or Storehouses for keeping unlimited Quantities of Gunpowder; be it therefore further enacted, That it shall be lawful for the Justices of the Peace for each County, or other Division within Great Britain, at their General Quarter Sessions of the Peace, upon Application made to them by any Person or Persons (such Person or Persons having given Notice in Writing of the Intention to make such Application Fourteen Days before making it, to an Overseer or Churchwarden of the Parish or Place in which it is proposed to erect or make any such new Mill, Magazine, or Storehouse, or of an adjoining Parish, if the Place shall be extraparochial, which Overseer or Churchwarden is hereby required to cause such Notice to be publickly read on the Sunday next ensuing, in the Parish Church after Divine Service), from Time to Time, to licence the erecting or making such Mills, Magazines, or Storehouses, for making or keeping unlimited Quantities of Gunpowder in such Places, not being within London or Westminster, or any other Limits within Great Britain, herein before particularly described, as to such Justices shall appear most proper for that Purpose.

Proviso.

Provided nevertheless, and be it further enacted, That no Person shall be liable to any Penalty or Prosecution under this Act, for keeping unlimited Quantities of Gunpowder, without such Licence of the Justices, in any Magazine or Storehouse already built or used for that Purpose, in any Place not being within London and

and Westminster, and the other Limits within Great Britain, herein before particularly described, until the Expiration of Six Calendar Months after an Adjudication by the Justices of the Peace, for the County or other Division, in which any such Magazine or Storehouse shall be, at their General Quarter-sessions of the Peace, that the same is dangerous (it being hereby declared that they shall not have Authority to make any such Adjudication, except on Complaint made to them of any such Magazine or Storehouse by some Householder of the Parish or Place in which the Magazine or Storehouse shall be; and, after due Summons of the Owner or Owners of the Magazine or Storehouse complained of, to answer such Complaint and Examination, on Oath of the Witnesses produced to support or invalidate such Complaint); and also that no Person shall be liable at any Time to any Penalty or Prosecution whatsoever, for keeping unlimited Quantities of Gunpowder without such Licence of the Justices of the Peace, in any Magazine or Storehouse erected by Appointment of the Justices of the Peace, under the Power given to them, by any of the former Acts regulating the keeping and Carriage of Gunpowder.

Lessees of Magazines to make void Agreements, giving Three Months Notice.

And whereas Leases, or Agreements for Leases, may have been made of Magazines, Storehouses, or other Places for keeping Gunpowder, and, in consequence of this Act, it may become unlawful to keep unlimited Quantities of Gunpowder in some of such Magazines, Storehouses, or Places; be it therefore enacted, That in every such Case it shall and may be lawful for the Lessee or Tenant of any such Magazine, Storehouse, or Place for keeping Gunpowder, to make void any such Lease or Agreement, upon giving Three Calendar Months Notice in Writing to the Lessor or Owner of such Magazine, Storehouse, or Place, of the Desire of the Tenant to have such Lease or Agreement determined, and upon paying to such Lessor or Owner all Rents and Sums of Money which shall become due for the same, to the Time of Determination limited in such Notice, and upon performing all Covenants and Agreements on the Part of the Lessee or Tenant to that Time.

No outward-bound Vessel to have above 25 *lb.* of Gunpowder on Board before she reaches *Blackwall*.

And, for Security of the great Number of Ships and Vessels lying in the River Thames, and of the Dock Yards, Wharfs, and Buildings, on the Sides of the Thames above Blackwall; be it further enacted, That no Master or Commanders of any Ship or other Vessel, lying in the Thames, and outward bound, shall receive, or permit to be received, on Board any such Ship or Vessel,

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more than Twenty-five Pounds of Gunpowder (except for the King's Service) before Arrival of such Ship or Vessel at, over-against, or below Blackwall; and that the Master or Commander of every Ship or Vessel coming into the River Thames, shall (except in the Case of Gunpowder for the King's Service) put on Shore in proper Places, in Conformity to the Restrictions of this Act, all the Gunpowder on Board such Ship or Vessel, above the Quantity of Twenty-five Pounds, either before the Arrival of such Ship or Vessel at Blackwall, or within Twenty-four Hours (if the Weather shall permit) after coming to an Anchor there, or to the Place of unloading there, and shall not afterwards have on Board more than Twenty-five Pounds of Gunpowder, (except for the King's Service) on Pain of forfeiting, for every Offence in any of the said Cases, all the Gunpowder found on Board above the Weight of Twenty-five Pounds, and the Barrels in which such Gunpowder shall be, and also One Shilling for every Pound of Gunpowder above the Quantity of Twenty-five Pounds.

nor have a greater Quantity on returning.

Searchers for unlawful Quantities of Powder to be appointed.

And, for the better Discovery of Masters or Commanders of inward or outward bound Ships, who shall have Gunpowder in their Ships or Vessels in the Thames, contrary to this Act, be it further enacted, That the Master Warden, and Assistants of the Corporation of the Trinity House of Deptford Stroud, in the County of Kent, for the Time being, shall, from Time to Time, appoint One or more Person or Persons a Searcher or Searchers for unlawful Quantities of Gunpowder in Ships or other Vessels in the Thames; which Person or Persons, so appointed, are hereby authorised, at any Time between Sun-rising and Sun-setting, to enter any Ship or Vessel (except His Majesty's Ships) in the River Thames above Blackwall, and to search the same for unlawful Quantities of Gunpowder; and also shall have the same Powers of seizing, removing to proper Places, and detaining all such unlawful Quantities of Gunpowder found on Board any such Ship or Vessel, and the Barrels in which such Gunpowder shall be, as are herein before given to Persons searching for unlawful Quantities of Gunpowder under a Warrant of a Justice of the Peace.

Penalties recoverable before Justices in the County where Offences are committed.

And be it further enacted, That all Penalties created by this Act shall be recoverable before Two or more Justices of the Peace for the County or other Division in which the Offence shall be committed, on Proof of the Offence by the Oath or Oaths of One or more credible Witness or Witnesses, or on Confession of the Offender, and shall belong to the Informer or Informers prosecuting

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ing for the same; and where the Penalty shall be pecuniary in case of Nonpayment, 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 Expences 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 Labour for any Time not exceeding Three Months, nor less than One Month, as such Justices shall think most proper.

No Person liable to Prosecution for Offences, unless commenced within 14 Days after Seizure.

And be it further enacted, That no Person shall be liable to any Prosecution for any Offence against this Act, unless such Prosecution shall be commenced within Fourteen Days after Seizure of the Gunpowder, or Commission of the Offence where there shall not be any Seizure; and that if any Suit or Action shall be prosecuted in England against any Person or Persons for any Thing done in pursuance of this Act, such Person or Persons may plead the General Issue, and give this Act or the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done by Authority of this Act; and if a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action or Actions after issue joined; and if, on Demurrer, or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as any Defendants have by Law in other Cases.

General Issue.

Treble Costs.

Actions to be tried in the County where Offences are committed.

And be it further enacted, That all Actions, Suits, and Prosecutions, to be commenced in England against any Person or Persons for any Thing to be done in pursuance of this Act, shall be laid and tried in the County or Place where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise.

Not to extend to Store-houses, &c. longing to His Majesty.

Provided always, and be it further enacted, That this Act shall not extend to any Storehouse-mill or Magazine belonging to His Majesty, His Heirs or Successors, wherein Gunpowder, or other Stores, shall be kept; or to hinder the Trial of Gunpowder by His Majesty's Officers, as is usual for the Service of His Majesty, His Heirs or Successors; or to any Mill belonging to private Persons already built, and used for making Gunpowder; or to any Storehouses, Magazines, or other Offices, near or adjoining to such Mills; or to the Magazines now erected for keeping Gunpowder at Barking Creek's Mouth,

in the County of Eſſex, and Erith Level, in the County of Kent; or to the Magazines or Storehouſes now erected near Liverpoole, in the County of Lancaſter, or the City of Briſtol; or to the Carriage of Gunpowder to or from the King's Magazines under an Order of the King's Board of Ordnance, or with Forces on their March.

This Act to commence on *Auguſt* 1, 1771.

And be it further enacted, That this act ſhall begin to have Force on the Firſt Day of Auguſt, One thouſand ſeven hundred and ſeventy-one; and that from and immediately after the Commencement thereof, an Act made in the Fifth Year of His late Majeſty King George the

Act 5 *Geo.* I. Firſt, intituled, An Act for preventing the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in or near the Cities of *London* and *Weſtminſter*, or the Suburbs thereof; and alſo an Act made in the Eleventh Year

Act 11 *Geo.* I. of His ſaid late Majeſty King George the Firſt, intituled, An Act for making more effectual an Act paſſed in the Fifth Year of His Majeſty's Reign, intituled, *An Act for preventing the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in or near the Cities of* London *and* Weſtminſter, *or the Suburbs thereof*; and alſo ſo much of an

Clauſe in Act 5 *Geo.* II. Act made in the Fifth Year of His late Majeſty King George the Second, intituled, An Act for the better Regulation and Government of Pilots licenſed by the Corporation of *Trinity Houſe* of *Deptford Stroud*, in the County of *Kent*; and to prevent Miſchiefs and Annoyances upon the River of *Thames* below *London Bridge*, as relates to the having and ſearching for Gunpowder on board Ships or Veſſels in the Thames at or below Blackwall; and alſo

Act 15 *Geo.* II. an Act made in the Fifteenth Year of His late Majeſty King George the Second, intituled, An Act for preventing the Miſchiefs which may happen by keeping dangerous Quantities of Gunpowder in or near the Cities of *London* and *Weſtminſter*; and alſo an Act made in the Twenty-

and Act 22. *Geo.* II. ſecond Year of His ſaid late Majeſty King George the Second, intituled, An Act to prevent the Miſchiefs which may happen by keeping too great Quantities of Gunpowder in any one Place, or carrying too great Quantities of Gun-

are hereby repealed. powder together from one Place to another, ſhall be, and the ſame are hereby repealed.

FINIS.

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