



# WESTERN AUSTRALIA.

ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

---

No. IX.

An Ordinance to regulate the keeping and carriage of Gunpowder.

**W**HEREAS it is expedient that the keeping and Carriage of Preamble.  
Gunpowder imported into this Colony should be regulated by Law, in order to prevent the great mischiefs which may arise from explosions occasioned by the careless exposure or improper carriage thereof;—Be it therefore enacted, by His Excellency the Governor of Western Australia and its Dependencies, by and with the  
the

Master of Vessel having Gunpowder to report the same. advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, the Master of every Ship or Vessel arriving in any of the Ports or Harbours of this Colony having Gunpowder on board of such Ship or Vessel, shall immediately make a distinct and separate report of the same to the Collector or Sub-Collector of such Port or Harbour, and such Collector or Sub-Collector is hereby empowered and authorised to grant a Permit or Permits to the Master or commander of such Ship or Vessel, or to the Importer or Proprietor or Consignee of such Gunpowder, to land and deposit the same in such manner and at such time and place as hereinafter mentioned

Governor to appoint the time and place. II. AND be it enacted, that it shall be lawful for the Governor or officer administering the Government of the said Colony, with the advice of the Executive Council thereof, by any Proclamation from time to time by him issued, to appoint the Hours at which such Gunpowder shall be landed, and the place in which the same, when exceeding the quantity of One Hundred Pounds, shall be deposited within the respective Ports or Harbours or other places of the said Colony.

Gunpowder when landed to be removed immediately to Magazine. III. AND be it enacted, that it shall be incumbent upon the Importer, Consignee, or Proprietor of any gunpowder landed or deposited for reshipment at any Jetty, Quay, Shore, River, Bank or other public place within the limits of any Port, Harbour, or Town-site having water communication with the coast, to remove the same either to some private store or to some Public Magazine, as the case may require, with all reasonable despatch, and until the same shall be so removed, to have some competent person in charge thereof; and in case any Gunpowder shall be left exposed in any such place aforesaid, contrary to this provision, so that danger to life or property may be reasonably apprehended therefrom, the Importer, Consignee, or Proprietor of such Gunpowder shall for every such offence, on conviction thereof, forfeit and pay a sum not exceeding Fifty Pounds.

No more than four cwt. to be carried at one time. IV. AND be it enacted, that not more than Four Hundred weight of Gunpowder shall be conveyed at any one time in any Cart or other Carriage, and any person who shall convey any greater quantity of Gunpowder in any Cart or other Carriage shall forfeit and pay for any such offence a sum not exceeding Ten Pounds.

V.

1850.

14th Vict. No. 9.

V. AND be it enacted, that all boats or vehicles used for the conveyance of Gunpowder exceeding the quantity of Ten Pounds shall be provided with Tarpaulins for the safe and proper covering of the same, and any person who shall convey any Gunpowder in any boat or vehicle not so provided, and not having the Gunpowder exceeding the quantity of Ten Pounds, so covered, shall forfeit and pay for every such offence a sum not exceeding Ten Pounds. Boats or vehicles to have a tarpaulin.

VI. AND be it enacted, that no dealer or other person shall have or keep within any town in the said Colony more than one hundred pounds of Gunpowder at one time, and on the same premises; and any dealer or person so offending, shall for every such offence forfeit and pay a sum not exceeding Fifty pounds. No person to keep more than 100 lbs of Gunpowder at one time.

VII. AND be it enacted, that the storage rent for the depositing and keeping of Gunpowder in any Magazine or other place appointed as aforesaid, which said rent is to be paid by the importer or proprietor of such Gunpowder, shall be paid at the rate contained in the schedule hereunto annexed. Storage Rent.

VIII. AND be it enacted, That any person, whether importer, proprietor, or otherwise, who shall land or cause to be landed or removed any Gunpowder otherwise than is provided for by this Ordinance, shall upon conviction thereof, forfeit and pay any sum not exceeding Ten Pounds. Penalty for landing Gunpowder

IX. AND for the more easy discovery of the keeping and Carriage of Gunpowder contrary to the provisions of this Ordinance, Be it enacted, that it shall be lawful for any Justice of the Peace, on demand made and any reasonable cause assigned upon oath, to issue a warrant under his hand and seal, for searching in the day time any places, boats or vehicles in which Gunpowder is suspected to be kept or conveyed contrary to this Ordinance, and to cause any Gunpowder which shall be found to be so kept or conveyed as aforesaid, to be removed immediately to the nearest Magazine or place appointed as before mentioned.

X. AND be it enacted, that all informations and proceedings for offences against this Ordinance shall be commenced within three Limitation of proceedings three

Recovery and appropriation of penalties. calendar months after the offences thereby respectively charged shall have been committed, and shall be heard and determined; and the penalties and forfeitures in respect of the same, shall be awarded enforced, and appropriated in a summary manner before any two or more Justices of the Peace, according to the provisions of an Ordinance passed in the 14th year of the Reign of Her present Majesty, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace out of Sessions in the Colony of Western Australia, with respect to summary convictions and orders."

Not to extend to the Queen's magazine. XI. AND be it enacted, That this Ordinance shall not extend to the landing or keeping of Gunpowder at any storehouse or magazine belonging to Her Majesty, or to the carriage of Gunpowder to or from any such magazine under the control and management of any officer of Her Majesty's Army, Navy, Ordnance, or any person authorised on the part of the Colonial Government.

Appropriation of Storage Rent. XII. AND be it enacted, That all payments made for the storage of Gunpowder under this Ordinance in any store or magazine belonging to the Local Government shall be appropriated to the use of Her Majesty, Her Heirs and Successors, for the public uses of this Colony and the support of the Government thereof.

XIII. AND be it enacted, That the Ordinance No. 25, passed in the 12th year of the present reign, for the keeping and carriage of Gunpowder, be and the same is hereby repealed.

CHARLES FITZGERALD,  
GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Council, }  
2nd Dec., 1850. }*

T. N. YULE,  
Clerk of the Councils.

SCHEDULE