

WASC 1986

History of
Gunpowder Legislation
in the UK

HISTORY OF GUNPOWDER LEGISLATION IN THE UNITED KINGDOM

- 1641 Charles I. First Act of Parliament dealing with Gunpowder. This established the principle of free trade in gunpowder, entitled "Act for the free bringing in of gunpowder and saltpetre from Forraign Parts and for the free making of gunpowder in this Realme".
- Preamble. "Whereas the importation from forraine ports hath of late times beene against Law prohibited and the making thereof within this Realme ingrossed whereby the price of gunpowder has been excessively raised many powder-makers decayed this Kingdom very much weakened and indangered the Merchants there of much damnified many Mariners, and others taken Prisoner and taken into miserable Captivity and Slavery many ships taken by Turkish and other Pirates and many other inconveniences have thence ensued and more are likely to ensue if they be not timely prevented."
- This Act repealed various monopolies, licences and proclamations made under James I and provided for complete free trade in gunpowder with no conditions or licences for manufacture, conveyance or storage.
- 1642 The Long Parliament ordered that gunpowder should not be exported or conveyed without warrant from the Committee of Citizens. This Committee was also authorised to inquire, search and examine places where gunpowder may be kept and to seize whatever gunpowder may be found for the use of Parliament.
- 1672 Restoration of Charles II. General free trade Act passed made it unlawful for anyone to restrict conveyance or export of gunpowder but the King reserved for himself the right of prohibiting traffic in arms and gunpowder.
- 1685 An Act passed prohibiting the importation of gunpowder without licence from the King.
- "Whereas to great prejudice of this Kingdom and the Discouragement and Impoverishment of Gunsmiths and other Artificers great quantities of Arms and Ammunition, have of late years been Impounded to the endangering of the peace and quiet of the Kingdome".
- 1698 William III. An Act prohibiting the throwing and firing of "Squibbes, Serpents and other Fireworks in a thoroughfare or public place".
- (Not until George II were there any serious attempts made to legislate on gunpowder for reasons of safety of the public. All previous Acts were made for reasons of State (traffic, etc)).

1719 George I

"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".

Preamble: "Whereas great quantities of Gunpowder are frequently lodged or Kept in Warehouses and other Places in and about the Cities of London and Westminster, and the suburbs thereof, to the apparent Danger, if not utter Ruin and Destruction of several Publick Offices, and of the lives and fortunes of many Thousands of his Majesties subjects:"

(a) No person shall keep more than 600 lbs gunpowder in any place in London or Westminster or suburbs or within 3 miles of the Tower of London, or 3 miles of St James Palace or within 2 miles of Royal Magazines.

(b) Two or more J.P.s can summon or question anyone thought to be breaking the law or who had been informed by two or more creditable witnesses. The Act gave J.P.s power to search and power to find.

(c) Limits the maximum carriage to 2,000 lbs and lays down conditions of carriage and covered barrels close-joined and hooped, canvass or leather bags to prevent spillage.

(d) There was a Crown Exemption.

(e) J.P.s could compulsorily purchase land outside London for establishing magazines.

1725 George I. This was an Act amended to prevent people "getting around it" and to lessen quantities kept.

Preamble. "Since making of the said Act many Dealers in Gunpowder, and others, divided their Houses and Warehouses into several small partitions for Apartments and there keep great Quantities of Gunpowder, whereby and by others Evil and Indirect Means and Practices the good Designs of the said Act are notoriously eluded and evaded to the apparent Danger of several Publick Offices, and the Lives and Fortunes of many Thousands of Your Majesties Subjects".

(a) Not more than 200 lbs gunpowder in any one place, under one roof or in yards connected to that place.

(b) J.P.s can issue search warrants if two or more householders so demand. The penalties included fines and prison sentences.

(c) The use of iron hammers or hammers shod with iron or steel were prohibited.

- 1732 George II. An Act for Regulation of Ships in Thames carrying gunpowder. No gunpowder was allowed above Blackwall.
- 1732 An Act in Parliament of Ireland against the throwing of fireworks.
- 1742 Smaller Act passed on keeping and carriage of explosives in London and Westminster.
- 1749 A similar Act on keeping and carriage of explosives elsewhere than at London and Westminster.
- 1770 George III. This was a much larger Act designed to control the keeping and carriage of gunpowder.
(We have a copy of this Act in full).
- 1772 It was recognised that the 1770 Act was at fault and did not cover manufacture. A new, larger Act was made with 31 provisions.
(We have a copy of this Act in full).
- 1860 23 and 24 Victoria C.139. This was an Act to amend the law concerning the making, keeping and carriage of Gunpowder and Compositions of a dangerous nature and concerning the manufacture, use and sale of Fireworks.

I. Repeals. 9 and 10 William III C.7
5 George II C.12(I)
12 George III C.61

(Each of these three appeals dealt with the throwing of fireworks in the street).

II. Manufacture limited to existing Mills or in licensed places. Stipulate quantities to be manufactured in one mill, mill to be properly constructed, each mill to be at a safe distance from any other.

Magazines were to be at certain distances from mills, well-built of brick or stone.

Each magazine to be licensed by Justice of the Peace.

Lightning conductors to be present.

III. Secretary of State can override safety distances if there is a good reason.

IV. Penalties.

V. Charcoal Storage.

VI. Manufacture of percussion caps, manufacture and keeping of ammunition, Fireworks, fulminate of mercury or any composition of an explosive nature. Safety distances and weights of these materials were controlled; licences were required.

VII. Penalties.

VIII. It was unlawful to sell fireworks without a licence. No sale of fireworks to persons under the age of 16. £5 fine.

IX. A fine of £5 was imposed for throwing fireworks in a public place.

X. Justices of the Peace licence mills and magazines.

XI. Justices of the Peace licence places making percussion caps etc.

XII. Notice of intention to apply for licence.

XIII. Grant of licence may be conditional.

XIV. Secretary of State may grant a licence if the Justice of the Peace refuses.

XV. Owners may make rules for preventing accidents.

XVI. Penalty.

XVII. Secretary of State may appoint an Inspector. May enter, inspect and examine at any reasonable time.

XVIII. A dealer may not keep more than 200 lbs of gunpowder, non-dealers may not keep more than 50 lbs of gunpowder in any house, mill, shop etc (as in 1771 Act).

XIX. 300 lbs may be kept for exclusive use of a mine, quarry, colliery, in a magazine or warehouse 200 yards from a house but not more than 200 yards from a mine, etc.

4,000 lbs may be kept in a magazine substantially constructed within 200 yards of the mine and not kept within 200 yards of a house provided he has licence from the Secretary of State.

XX. - XXIV. Conveyance of more than 100 lbs.

XXX. Crown exemption.

1866 29 - 30 Victoria C.69.

Carriage and deposit of dangerous goods.

1. Nitro-glycerin specially dangerous.
2. Other goods may be deemed dangerous.
3. Goods must be marked.

Notice given to carrier.

8. 25 and 26 Victoria C.66 (Keeping of Petroleum) applied to Nitro-glycerin.

1862 Sections 25 and 26 of 1860 Act apply to percussion caps etc.

1869 Nitro-glycerin Act 1869. No Nitro-glycerin may be manufactured, sold, carried or possessed without a licence from the Secretary of State.

Roger Bacon gave an anagrammatic description of gunpowder in his work "De Secretis". This anagram was not solved until this century.

The relevant passage is translated from latin as:

"Let the total weight (of the ingredients) be 30^{lb}. However of saltpetre LURO VOPO VIR CAN UTRIET of sulphur; and with such a mixture you will produce a thundering noise and bright flash if you know the trick. You may find by actual experiment whether I am writing riddles to you or the plain truth."

The latin anagram above has been interpreted to mean:

"...but take 7 parts, 5 of young hazelwood and 5..."

	Killed	Ave
874	128	32
887	75	19 7.5
1897	52	5.2
1907	69	6.9

Dramatic Effect of EA 1875

200.

1900 - 1970 -

Check Regulations made to take account
of new information → to assist
Trade.

1974 ~~1974~~

H.S.W. Act

1974 - ?

New regs to replace E.A. 1875
less ^{detailed} restrictions
New technology.



Floating magazines on Mersey

1851

~~Government~~ Explosives controlled by M.A.O.,
M.A.O. appoint officer to enforce O.B.
MGS,
Police gain powers to search vessels in Thames
& docks

1855

Powers of M.A.O. given to S.o.F.S. for War

1860

Gunpowder Act

Large explosion Birmingham 1859 with percussion caps made
Regs. for manuf. & keeping including lighting
conductors, matches, percussion caps,
ammunition, fireworks, fulminating mercury
or any other prep. or comp. of
explosive nature. 5/ license storage & manuf.

Recaps most of earlier provisions

1861

Minor change

1862

" "

1866

Carriage and Deposit of Dangerous Goods Act

- a) N.G. declared specially dangerous
- b) Goods must be marked notice given to carrier
- c) Provisions of 1862 kept for safe keeping of
Ret. released applied to N.G.

1869

N.G. Act.

Banned import, manuf. carriage, sale,
possession of N.G. or mats. containing N.G.
without licence from S.o.F.S.

19C

1851 Appointment of Inspector (Special Case)

1860 Extension to explosives other than G/P
Consolidation of ~~existing~~ reg.

1861 }
1862 } Minor changes

1866 N.G. new explosive (Special prov.)

1869 N.G. Banned

1875 Completely new Act, Extension to all explosives, ~~more detailed~~ licensing systems, better enforcement, more flexibility, more ~~and~~ less restrictions



Explosives Act 1875

Many defects of 1860 Act especially
 powers of enforcement. and non-application to ~~other~~ types
 of other explosives and too stringent in some (costs etc)

1864 large explosion at Erith, great loss of life
 destruction of property within 10 mile radius

Mt. Col. ~~Boxer~~ of ~~Woolwich~~ ^{Woolwich} ~~Chatham~~ ^{Chatham} invest. on behalf
 of S.P.S. Found appalling conditions
 Public protest

" I respectfully submit that further restrictions
 in relation to ~~all~~ ^{all} ~~factories~~ ^{factories} ~~mags~~ ^{mags} etc. are
 required for due ~~the~~ ^{the} protection of public
 all factories mags etc should be subject
 to same inspection & control as floating
 mags at Liverpool

1.10.1864 Home Sec authorized Boxer to inspect
 any mill or mag or place where
 explosives kept. Reported that condition
 could not be expected to improve by
 voluntary means and that new regs
 should be made.

1870 Col Sir Vivien Mijendic investigated
 explosion at Birmingham 53 people killed

1871 Recommended permanent Inspectors

1872 " " " and change of law.

1719

1725

1732

1742

1771

1772

18^c
Safety for London populace

" " " "

" " Ships in London

" " London populace

" " " "

" " Cities & Market Towns
Extension to Scotland

Peace of Enforcement

Safety in manufacture



1875 Act Controls manufacture, importation, keeping and conveyance (not use) Inspectors appointed.

New explosives must be 'authorized' by HMIE
Factory licensed by HMIE - great detail control of buildings construction and position (safety distances) processes, quantities of explosive, no. of persons in each building

General and Special Rules

HMIE licenses mag.

H.A.s license stores, reg. premises.

Conveyance and packaging controlled
Specifying max quantities, and conditions by ass II

1st part of Act applies only to G/P
2nd part applies 1st part to other explosives but makes other conditions

Allows Sops to vary packing rules

Queen by
Sec 43 O in C may prohibit or subject to conditions any explosive of so dangerous a character

179

1641

Free Trade

1642

Restrictions for Parliament's
advantage

1672

Free Trade

1685

Restriction for home trade
advantage

1698

Public nuisance



9.20



Gunpowder

Thought that Arabians knew of gunpowder in 8c but cannons guns not used so either did not realise potential or mixture not what we know as gunpowder but merely a burning composition

Chinese lay claim to invention at very early time

Greeks used Greek fire (mix of sulphur and pitch etc)

All These mixes probably incendiary rather than explosive. Too much to believe that firearms could have been known and forgotten for centuries as possession of these weapons would give nation immense advantage over another

Even if gunpowder was known thousands of years ago ^{W.A.I.P.} interest attached to it until it came to be used in guns. Use of guns in Europe dates back to beginning of 14c

Previous to E.R.I most g/p used in England imported

1242 Roger Bacon wrote a grammatic description of gunpowder

1313 Bertholt Suartz in Germany made g/p

1327 MS shows man firing arrow from cannon

Various MS mention g/p

1338 "un petit barrell de gunpowdre..."
1340 ref. to lab. experiment with gunpowder
1346 Edward III obtains 912 lb NaNO_3 and 880 lb saltpetre



1412 ref. to manuf. of g/p in England
1414 Gunpowder export forbidden.

However most g/p in England imported until Eliz. I.

2.3.1561 John Townworth of Waltham Abbey
Essex made g/p for ER I.
(Factory still in existence as No 1 RD
Estab) Must have been quite large
scale as record refers to purchase of
2000 cwt of Italian Brimstone
(sulphur) and Neapolitan saltpetre
at £3 10s 1 cwt (10s too dear)

1590 George Evelyn received licence to
manuf. g/p at Long Diddon & Godstone
Evelyns stated to have brought art of
making g/p from Flanders. Soon
afterwards 100 of them were appointed
sole g/p makers in S. England on
condition that they delivered a certain
quantity of "good and serviceable g/p"
to royal service every year

1648 Ref. made to mills at Waltham Abbey
saying they made more g/p than
rest of mills in England all together.
Mills blown up 5 times in 7
7 years but without loss of life

1665 1st deaths recorded "Tho. Gutridge,
killed with a powdermill, ye 4th
day; Edward Simons, carpenter,
so killed, ye 5 day".

27.5.1672 Ralph Hudson ordered by jury
of Court Baron to remove mill
at Waltham as it was erected
too close to public path

the 23rd day of November, 1768

Present

THE KINGS MOST EXCELLENT MAJESTY

LORD PRESIDENT
LORD PRIVY SEAL
DUKE OF QUEENSBERRY
DUKE OF ANCASTAR
MARQUESS OF GRANBY
LORD HEWARD
EARL OF DENBIGH
EARL OF LITCHFIELD
EARL OF ROCHFORD
EARL OF MARCHMONT

EARL OF HILLSBOROUGH
VISCOUNT WEYMOUTH
VISCOUNT FALMOUTH
VISCOUNT CLARE
LORD SANDYS
GENERAL CONWAY
SIR GILBERT ELLIOT
HANS STANLEY, ESQ.
SIR EDWARD HAWKE

PORTSMOUTH

Order for
erecting a
new gunpowder
magazine.

WHEREAS the Mayor Aldermen Burgesses and principals - Inhabitants of the Town of Portsmouth in the County of Southampton have by petition to His Majesty humbly prayed that His Majesty will be pleased to give directions that the principal Magazine for the reception of Gunpowder, situated at the west end of the said Town, facing the High Street, may be removed to such a Distance as His Majesty in His great wisdom shall think proper. His Majesty having taken the same into consideration together with Two Reports of the Board of Ordnance thereupon (dated the 27th of July and the 17th of November 1768) is pleased, with the Advice of His Privy Council, to Order, as it is hereby ordered that one of the Small Magazines with a Cooperage and other necessary Conveniences proposed to be erected at Priddy's Hard, be proceeded upon the next Year, and that the sum of £4000, be inserted in the estimate to be prepared by the Board of Ordnance for Parliament towards carrying the same into Execution; and the Master General of the Ordnance is to give the necessary directions herein accordingly - His Majesty doth hereby further Order that the proposal for erecting the two other Magazines be postponed until a convenient situation is agreed upon by the Lords Commissioners of the Admiralty and the Board of Ordnance; and that when such situation shall have been so agreed upon that the Master General of the Ordnance do cause Estimates of the Expence to be laid before His Majesty at this Board for further Directions thereupon.

Office of Ordnance,
25th November, 1768

Gentn.

Mr. Carleton having signified by Letter of Yesterday that he had obtained Judgement in the Exchequer against David Gray by which the Premises at Priddy's Hard near Portsmouth may be taken possession of

And His Majesty having by his Order in Council of the 23rd Instant been pleased to order one of the Small Magazines which was proposed to be erected at Boatswain's Hill Copice with a Cooperage and other necessary conveniences to be built at Priddy's Hard and to be postponed until a convenient situation is agreed upon by the Lords Commissioners of the Admiralty and the Principal Officers of the Ordnance

I am commanded to signify the Board's pleasure that you immediately take possession of the premises at Priddy's Hard as the same will be wanted for erecting the said Magazine with a Cooperage and other Conveniences

I am

Gentn.

Your most humble Servant

(Sgd.) JOHN BODDINGTON

Respective Officers at Portsmouth

At the Court at St. James's
the 23rd day of November 1768.

Present

The Kings most Excellent Majesty

Lord President
Lord Privy Seal
Duke of Queensberry
Duke of Newcastle
Marquess of Granby
Lord Steward
Earl of Denbigh
Earl of Litchfield
Earl of Rochford
Earl of Marchmont

Earl of Middleburgh
Viscount Roxburgh
Viscount Salisbury
Viscount Clare
Lord Sandys
General Conway
Sir Gilbert Elliot
John Hanbury Esq.
Archibald Ramsay

Ports mouth
plan for erecting a new
magnifying glass

Whereas the Mayor Aldermen Burgesses and principal
Inhabitants of the Town of Portsmouth in the County of Southampton
have by petition to His Majesty humbly prayed that His Majesty will
be pleased to give directions that the principal Magazine for the reception
of Gunpowder, situated at the west end of the said Town, facing the
High Street, may be removed to such a distance as His Majesty
in His great wisdom shall think proper. — His Majesty having
taken the same into consideration together with two reports of the
Board of Ordnance thereupon dated the 2nd of July and the 1st of
November 1768 is pleased, with the Advice of His Privy Council;
to order, as it is hereby ordered that one of the small Magazines
with a Coopersage and other necessary conveniences proposed to be
erected at Priddy's Field, be proceeded upon the next Star, and
that the sum of £3000, be inserted in the Estimate to be presented to
the Board of Ordnance for Parliament towards carrying the same
into Execution; And the Master General of the Ordnance is to give the
necessary directions herein accordingly — His Majesty doth hereby
further order that the proposal for erecting the two other Magazines
be postponed until a convenient situation is agreed upon by the
Lords Commissioners of the Admiralty and the Board of Ordnance;
and that when such situation shall have been so agreed upon
that the Master General of the Ordnance do cause Estimates of the
Expence to be laid before His Majesty at His Board for
further Directions thereupon.

suggest nothing impracticable, nothing which would be inconsistent with the carrying on of the trade in the places now lawfully existing, finally, nothing which is not recommended by considerations of trade advantage, on the one hand, or of public safety, on the other.*

With these axioms fully in view I have no hesitation in recording my decided opinion that the present Gunpowder Acts are not only quite inadequate for the purpose for which they were introduced, but that in many respects they are absolutely hurtful, and would if enforced be wholly destructive of some branches of the trade. It will, I think, be seen as I proceed that these Acts never were sufficient or satisfactory for their purpose; they appear to have been hurriedly drawn, without a full appreciation of the requirements of the trade and without due regard to the safety of the public; and to their original deficiencies must now be added the important practical objection that the trade in explosives having since the Acts were passed expanded into many new channels, while the Act itself has no corresponding power of expansion or adaptability, some portions of that trade are now not regulated at all, while other portions are subjected to regulations which unduly hamper them. The result of this is that the trade has, so to speak, taken the law into its own hands and broken through the restrictions.

As hitherto no officer has been specially charged with the duty of enforcing the law, these violations of the Acts have generally passed unnoticed; and the manufacturers have thus scarcely realized the extent to which the existing Acts are inapplicable to their present circumstances, and how seriously they might be inconvenienced if these laws were enforced.

A good example of this may be furnished, in passing, by the retail cartridge-filling trade, which is principally conducted by gunmakers. By the "Gunpowder Act," 23 & 24 Vict. cap. 139, it is not lawful to fill a cartridge within 100 yards of an inhabited house or within 20 yards of any other workshop connected with the manufacture. To enforce the law upon this point would simply destroy the whole of this important trade, which has become established since the Gunpowder Act was passed.†

The gunmakers have, however, solved the difficulty by simply treating the Act as a dead letter; and it was not until Mr. Dougall, of St. James' Street, was fined (4th of May 1871) for filling cartridges in his back shop, that they became alive to the intolerable nature of the restrictions which the existing Act, if strictly enforced, would impose upon them. I shall have more to say upon this point when I come to deal with this particular branch of the subject; for the present I desire only to adduce this single illustration of the obsolete and unsatisfactory character of the present Act. I shall have many such illustrations to supply in dealing with the subject; but it will perhaps be convenient, before I go to details, first to state of what the present law upon the subject consists, and then to show that this law has been repeatedly, I might perhaps almost say invariably, recognised as unsatisfactory by those who have had occasion to deal with it officially; that in consequence of its admitted defects its repeal or amendment was actually taken in hand by Sir George Grey as far back as 1865, and that such repeal has been since admitted to be necessary by Mr. Secretary Walpole and by yourself.

The principal Act bearing upon the regulation of the trade in explosives is the "Gunpowder Act," 23 & 24 Vict. cap. 139, which repealed the Act 12 Geo. III. cap. 61, under which gunpowder makers had worked since 1772.‡ This repeal of the old Act was rendered necessary, not so much by the requirements of the gunpowder makers, as by the necessity which became established by the terrible explosion at Mr. Pursall's ammunition and percussion cap factory, in Whittall Street, Birmingham, in 1859, for some legislative restrictions in the manufacture of articles of this description. The Act of Geo. III. contained no regulations for the making of ammunition, fireworks, percussion caps, &c., and one or two serious accidents, culminating in the one which I have named, by which 21 lives were lost, led to the introduction of the Bill of 1860.

This Bill was subsequently amended in some matters of detail by the Acts 24 and 25 Vict. cap. 130, and 25 & 26 Vict. cap. 98. Subsequently (in 1866) in consequence of some serious accidents with nitro-glycerine an Act (29 & 30 Vict. cap. 69, for regulating the carriage and deposit of dangerous goods) was passed, by which nitro-

* For these reasons I have carefully consulted the trade with regard to the measures to be adopted in order to avoid falling into any impracticable recommendations.

† At that time (1860) breech-loading cartridges were very rarely used, and thus gunmakers were not required, as now, to fill cartridges for their customers.

‡ Before 1772 there were no regulations as to the making of gunpowder.

erine was declared "specially dangerous" within the meaning of the Act, and powers were given to Her Majesty in Council to declare any other goods specially dangerous, and so to regulate their transport. In 1869 the Nitro-glycerine Act (32 & 33 Vict. cap. 113.) was passed to restrict and regulate the carriage of nitro-glycerine and its compounds, and to forbid its importation.

These five Acts (23 and 24 Vict. cap. 139.; 24 and 25 Vict. cap. 130.; 25 and 26 Vict. cap. 98.; 29 and 30 Vict. cap. 69.; 32 and 33 Vict. cap. 113.) comprise the whole of the Acts upon the subject of explosives.*

There are a number of local Acts, such as the Act 14 and 15 Vict. cap. 67., relating to floating magazines in the Mersey,† the Liverpool Gunpowder Regulation Act of 1865 (28 and 29 Vict. cap. 278.) and a number of Scotch police Acts, clauses of Acts, and powers to make byelaws conferred on railway companies, &c., which touch the subject of explosives in various places and in various degrees; but the public trade is regulated by the five Acts which I have named. And in measuring the sufficiency of the law otherwise of the existing law upon the subject of explosives it is to these Acts that we must look.

It thus appears, that almost immediately after the passing of the Gunpowder Act of 1860 (23 & 24 Vict. cap. 139.), it was found necessary to supplement it with new provisions (in 1861 by the Act 24 & 25 Vict. cap. 130., and in 1862 by the Act 25 & 26 Vict. cap. 98.), to correct some of its defects or to modify some of its provisions. And from time to time it has been found necessary to take special powers with regard to particular places (as in the case of the Liverpool Act of 1865) to supplement the deficiencies of the public Act.

When nitro-glycerine came into use, it was perceived that the existing Acts did not regulate or apply to this dangerous material.

An Act for the carriage and deposit of dangerous goods was accordingly passed in 1863; and, after many lives had been lost by the absence of sufficient restrictions, the Nitro-glycerine Act of 1869 was passed.

These circumstances afford evidence of a frequent practical recognition of the deficiencies of the Gunpowder Act, and of the application from time to time of amendments.

But the real question is not so much how the present legislation has been reached, but whether the legislation which may be said to have taken its rise in panic and to have been maintained by patchwork, is likely to be satisfactory, as whether it is satisfactory. The results may have been clumsily arrived at, but the question for present consideration is whether those results now sufficient?

I will now proceed to show that this question has been substantially answered in the affirmative over and over again by various authorities, and that a mass of evidence has been cited against the Acts as they now stand.

When the Gunpowder Act passed counsel's opinion was given to the licensing authorities that they were not empowered to limit the time for which licenses granted by them are to operate.‡

That opinion disclosed a flaw of no ordinary character; but the existence of this flaw was not generally known, or if known, the licensing authorities have treated it as non-existent. I believe I am correct in stating that all licenses granted in the Mersey and Litan district under the Gunpowder Act are licenses of limited duration, the license being granted for twelve months; but, according to the opinion of counsel cited above, it would seem that this limitation is illegal.

Combined with the fact that there is no power of suspension or abrogation of a license under the Act, we have as a result, that a place once licensed is always licensed, notwithstanding that various local circumstances may render the removal of the factory or other site essential in the interests of public safety.

The explosion of the Lottie Sleigh at Liverpool in the spring of 1864 and the explosion of Mr. Hall's magazine at Erith, in October of the same year, naturally directed public attention forcibly to the existing law upon the subject of explosives; and the result of the investigation which ensued was a strong expression of opinion as to the necessity of a revision of the law on the part of all the officers who were consulted upon the subject, and on the part of some public bodies by whom the matter was taken up.

Evidence of the recognised deficiencies of existing law furnished by the repeated attempts to remedy it by supplementary legislation.

Accumulation of testimony as to the deficiencies of the law relating to explosives. Opinion of counsel as to a defect or omission in the Act.

The serious explosions in 1864 led to the law being looked into, when it was found to be very unsatisfactory.

* Similar articles are regulated by special Acts; the present report does not deal with those of that class.

† Powers which by this Act were vested in the Master-General of the Ordnance were by 18 & 19 Vict. transferred to one of Her Majesty's Principal Secretaries.

‡ The opinion of Sir William Atherton and Sir Roundell Palmer, October 15, 1861.

suggest nothing impracticable, nothing which would be inconsistent with the carrying on of the trade in the places now lawfully existing, finally, nothing which is not recommended by considerations of trade advantage, on the one hand, or of public safety, on the other.*

With these axioms fully in view I have no hesitation in recording my decided opinion that the present Gunpowder Acts are not only quite inadequate for the purpose for which they were introduced, but that in many respects they are absolutely hurtful, and would if enforced be wholly destructive of some branches of the trade. It will, I think, be seen as I proceed that these Acts never were sufficient or satisfactory for their purpose; they appear to have been hurriedly drawn, without a full appreciation of the requirements of the trade and without due regard to the safety of the public; and to their original deficiencies must now be added the important practical objection that the trade in explosives having since the Acts were passed expanded into many new channels, while the Act itself has no corresponding power of expansion or adaptability, some portions of that trade are now not regulated at all, while other portions are subjected to regulations which unduly hamper them. The result of this is that the trade has, so to speak, taken the law into its own hands and broken through the restrictions.

As hitherto no officer has been specially charged with the duty of enforcing the law, these violations of the Acts have generally passed unnoticed; and the manufacturers have thus scarcely realized the extent to which the existing Acts are inapplicable to their present circumstances, and how seriously they might be inconvenienced if these laws were enforced.

A good example of this may be furnished, in passing, by the retail cartridge-filling trade, which is principally conducted by gunmakers. By the "Gunpowder Act," 23 & 24 Viet. cap. 139, it is not lawful to fill a cartridge within 100 yards of an inhabited house or within 20 yards of any other workshop connected with the manufacture. To enforce the law upon this point would simply destroy the whole of this important trade, which has become established since the Gunpowder Act was passed.†

The gunmakers have, however, solved the difficulty by simply treating the Act as a dead letter; and it was not until Mr. Dougall, of St. James' Street, was fined (4th of May 1871) for filling cartridges in his back shop, that they became alive to the intolerable nature of the restrictions which the existing Act, if strictly enforced, would impose upon them. I shall have more to say upon this point when I come to deal with this particular branch of the subject; for the present I desire only to adduce this single illustration of the obsolete and unsatisfactory character of the present Act. I shall have many such illustrations to supply in dealing with the subject; but it will perhaps be convenient, before I go to details, first to state of what the present law upon the subject consists, and then to show that this law has been repeatedly, I might perhaps almost say invariably, recognised as unsatisfactory by those who have had occasion to deal with it officially; that in consequence of its admitted defects its repeal or amendment was actually taken in hand by Sir George Grey as far back as 1865, and that such repeal has been since admitted to be necessary by Mr. Secretary Walpole and by yourself.

ing
with
d to
sives.

The principal Act bearing upon the regulation of the trade in explosives is the "Gunpowder Act," 23 & 24 Viet. cap. 139, which repealed the Act 12 Geo. III. cap. 61, under which gunpowder makers had worked since 1772.‡ This repeal of the old Act was rendered necessary, not so much by the requirements of the gunpowder makers, as by the necessity which became established by the terrible explosion at Mr. Pursall's ammunition and percussion cap factory, in Whittall Street, Birmingham, in 1859, for some legislative restrictions in the manufacture of articles of this description. The Act of Geo. III. contained no regulations for the making of ammunition, fireworks, percussion caps, &c., and one or two serious accidents, culminating in the one which I have named, by which 21 lives were lost, led to the introduction of the Bill of 1860.

This Bill was subsequently amended in some matters of detail by the Acts 24 and 25 Viet. cap. 130, and 25 & 26 Viet. cap. 98. Subsequently (in 1866) in consequence of some serious accidents with nitro-glycerine an Act (29 & 30 Viet. cap. 69, for regulating the carriage and deposit of dangerous goods) was passed, by which nitro-

* For these reasons I have carefully consulted the trade with regard to the measures to be adopted in order to avoid falling into any impracticable recommendations.

† At that time (1860) breech-loading cartridges were very rarely used, and thus gunmakers were not required, as now, to fill cartridges for their customers.

‡ Before 1772 there were no regulations as to the making of gunpowder.

erine was declared "specially dangerous" within the meaning of the Act, and powers were given to Her Majesty in Council to declare any other goods specially dangerous, and so to regulate their transport. In 1869 the Nitro-glycerine Act (32 & 33 Vict. cap. 113.) was passed to restrict and regulate the carriage of nitro-glycerine and its compounds, and to forbid its importation.

These five Acts (23 and 24 Vict. cap. 139.; 24 and 25 Vict. cap. 130.; 25 and 26 Vict. cap. 98.; 29 and 30 Vict. cap. 69.; 32 and 33 Vict. cap. 113.) comprise the whole of the Acts upon the subject of explosives.*

There are a number of local Acts, such as the Act 14 and 15 Vict. cap. 67., relating to floating magazines in the Mersey,† the Liverpool Gunpowder Regulation Act of 1861 (28 and 29 Vict. cap. 278.) and a number of Scotch police Acts, clauses of Acts, powers to make byelaws conferred on railway companies, &c., which touch the subject in explosives in various places and in various degrees; but the public trade is regulated by the five Acts which I have named. And in measuring the sufficiency of the existing law upon the subject of explosives it is to these Acts that we must look.

Thus appears, that almost immediately after the passing of the Gunpowder Act 1860 (23 & 24 Vict. cap. 139.), it was found necessary to supplement it with new provisions (in 1861 by the Act 24 & 25 Vict. cap. 130., and in 1862 by the Act 25 & 26 Vict. cap. 98.), to correct some of its defects or to modify some of its provisions. And from time to time it has been found necessary to take special powers with regard to particular places (as in the case of the Liverpool Act of 1865) to supplement the deficiencies of the public Act.

When nitro-glycerine came into use, it was perceived that the existing Acts did not regulate or apply to this dangerous material.

An Act for the carriage and deposit of dangerous goods was accordingly passed in 1863; and, after many lives had been lost by the absence of sufficient restrictions, a Nitro-glycerine Act of 1869 was passed.

These circumstances afford evidence of a frequent practical recognition of the deficiencies of the Gunpowder Act, and of the application from time to time of amendments.

The real question is not so much how the present legislation has been reached, but whether the legislation which may be said to have taken its rise in panic and to have been maintained by patchwork, is likely to be satisfactory, as whether it *is* satisfactory. The results may have been clumsily arrived at, but the question for present consideration is whether those results are now sufficient?

I will now proceed to show that this question has been substantially answered in the affirmative over and over again by various authorities, and that a mass of evidence has been cited against the Acts as they now stand.

Immediately after the Gunpowder Act passed when counsel's opinion was given to the licensing authorities are not empowered to limit the time for which licenses granted by them are to operate.‡

The opinion disclosed a flaw of no ordinary character; but the existence of this flaw was not generally known, or if known, the licensing authorities have treated it as non-existent. I believe I am correct in stating that all licenses granted in the Mersey district under the Gunpowder Act are licenses of limited duration, licenses being granted for twelve months; but, according to the opinion of counsel cited above, it would seem that this limitation is illegal.

Combined with the fact that there is no power of suspension or abrogation of a license under the Act, we have as a result, that a place once licensed is always licensed, notwithstanding that various local circumstances may render the removal of the factory or other site essential in the interests of public safety.

The explosion of the Lottie Sleigh at Liverpool in the spring of 1864 and the explosion of Messrs. Hall's magazine at Erith, in October of the same year, naturally directed public attention forcibly to the existing law upon the subject of explosives; and the result of the investigation which ensued was a strong expression of opinion as to the necessity for a revision of the law on the part of all the officers who were consulted upon the subject, and on the part of some public bodies by whom the matter was taken up.

Similar articles are regulated by special Acts; the present report does not deal with those of that class.

Powers which by this Act were vested in the Master-General of the Ordnance were by 18 & 19 Vict. transferred to one of Her Majesty's Principal Secretaries.

By order of Sir William Atherton and Sir Roundell Palmer, October 15, 1861.

Evidence of the recognised deficiencies of existing law furnished by the repeated attempts to remedy it by supplementary legislation.

Accumulation of testimony as to the deficiencies of the law relating to explosives. Opinion of counsel as to a defect or omission in the Act.

The serious explosions in 1864 led to the law being looked into, when it was found to be very unsatisfactory.

Reminder

of the third Clause of the Instruction regarding precautionary
Procedures in the Handling of all Kinds of Gunpowder
Dated July 1776

Whosoever is at Labour within or without the Powder Magazines should execute his Commission in such a respectful and reverend Silence as is seemly in such a Place where (unless the Almighty in His Grace keeps a protective Hand over the Labour) the least Lack of care may not alone cause the Loss of Life of all present, but may even in a moment transform this Place as well as its Surroundings into a heap of Stone. Everybody is charged with the utmost Caution and Prudence in the Handling of the Powder by due Observance and Knowledge of what hath been decreed to that End. Furthermore, All whether employed in the Making of the Powder or in the Transport thereof, be it out of Annoyance at Labour or still less out of Lack of Care, are most earnestly beseeched not to let emane from their Mouths Oaths or Swearwords or other light or obscene Language, whereby the Name of Our Lord is dishonored and taken in vain; as those who are themselves guilty thereof shall without Tolerance or Apology immediately leave their jobs and be delivered unto the Hands of the Sentinel until the Labour is ended; Whereupon they are to be put under Arrest and in Accordance with the Verdict be sentenced for the crime committed.

GUNPOWDER ACT 1860

- I. Repealed 9 and 10 William II c7; 5 GII c12(I); 12 GIII c61.
- II. Manufacture to take place only in a licensed place.
- Limited quantities that could be worked on in a single mill, corning house etc.
- Limited total quantities in buildings (working)
- Magazines must be provided of well and substantial construction of brick or stone.
- Magazines must be licensed.
- All finished powder to be removed diligently to magazine.
- Stores and magazines must be fitted with lightning conductors.
- III. Occupiers of existing magazines not meeting 140 yds safety distance may present a Memorial to the Secretary of State showing why it is impracticable or otherwise that the distance of 140 yds cannot or should not be met.
- IV. Penalties.
- V. No charcoal must be kept within 20 yds of a mill etc.
- VI. Licence required for manufacture of percussion caps, ammunition, fireworks, fulminating mercury, and other preparations of equally explosive power.
- The following distances must be kept from dwelling places or places of employment:
- | | |
|-------------------------|---------|
| Percussion caps | 50 yds |
| Ammunition | 100 yds |
| Fireworks | 50 yds |
| Fulminating Mercury etc | 100 yds |
- Licences required for keeping more than a minimum quantity of the above explosives.
- Lays down conditions of manufacture, safety distances, and quantities to be kept.
- VII. Penalties.
- VIII. Fireworks, licence for sale, no sale to people under 16.
- IX. Throwing fireworks in street.
- X. JP at Quarter Sessions shall licence factories and magazines for gunpowder.

- XI. JP at Quarter Sessions shall licence factories and magazines for ammunition etc.
- XII. 14 days notice of intent required when applying for licence.
In England this shall be given to the Church Warden of the Parish, in Scotland to a Schoolmaster, and in Ireland to the Clerk of the Union.
Notice to be fixed on door or wall of church.
- XIII. JPs may put conditions on licence for structures, mounds etc.
- XIV. Appeal to Secretary of State.
- XV. Rules shall be made by owners of factories and magazines.
- XVI. Penalties for doing dangerous things in mills etc.
- XVII. Secretary of State may authorise Inspector to see if regulations are obeyed.
- XVIII. Dealers shall not keep more than 200 lb of gunpowder.
A non-dealer shall not keep more than 50 lb of gunpowder.
- XIX. Mines, quarries etc may keep up to 4000 lb of gunpowder.
- XV. Conveyance. Not more than 30 barrels to be conveyed unless in specially-constructed van then 40 barrels may be conveyed with no more than 100 lb of gunpowder per barrel.
- XXI. Condemned powder.
- XXII. No smoking or lights.
- XXIII. Undue delay in loading gunpowder.
- XXIV. Only applies to more than 100 lb of gunpowder.
- XXV. JPs may issue search warrants for gunpowder.
- XXVI. Vessels in Thames.
- XXVII. Vessels in Thames.
- XXVIII. Penalties.
- XXIX. Ireland.
- XXX. Crown Exemption.
- XXXI. Crown Exemption.
- XXXII. Proof House exemption.

XXXIII. Below Blackwall.

XXXV.

XXXVI. Definitions etc.

XXXVII.

GUNPOWDER ACT 1862

Sections 25 and 27 of the Gunpowder Act 1860 apply to other explosives.

DAWR

Returned with thanks

Glae.
25.1.83

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 into great quantities.

Whereas the several Acts which regulate the keeping and carriage of gunpowder within England are defective, and require amendment, and the reducing of them into one law would facilitate their execution: and whereas there is, at present, no provision for regulating 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 of 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, more than 200lbs of gunpowder, and not being such, more than 50lbs 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 any 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 3 miles of either of them; or within any City, Borough, or market town of Great Britain, or within 1 mile of the same: or within 2 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 1 mile of any gunpowder magazine belonging to His Majesty, his heirs or successors; or within $\frac{1}{2}$ mile of any parish church; or in any other part of Britain, (except in places where it shall be lawful to keep unlimited quantities of gunpowder by force of the provisions hereinafter contained) ~~on paying or~~ 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 1 shilling for every pound of gunpowder beyond such allowed quantity.

II. And, in order to provide 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 2,000lb of gunpowder in any wagon, cart or other carriage, by land, or more than 5,000lbs 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 100lbs of gunpowder; and, when conveyed by land, shall be entirely enclosed in a leather bag, or a bag commonly called a salt petre bag; and every carriage or vessel (except such vessels as aforesaid), in which gunpowder shall be conveyed by land or water shall have a complete covering of wood, painted cloth, tarpaulin, or wadmiltits, over all flat 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 that 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 24 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 recompense for the use thereof, and to detain such

gunpowder and barrels as is hereinafter 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.

III. And, for the more easy discovery of the keeping and carriage of gunpowder, contrary to the provisions hereinbefore 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 daytime 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 carriage or vessel, may use for the purpose of removal, during the space of 24 hours after seizure, such carriage or vessel, with the tackling, beasts, and accoutrements belong thereto, paying afterwards to the owner or owners thereof a sufficient recompense for the use thereof, to be settled by the Justices before whom the complaint shall be heard, after the seizure; and in case of non-payment, immediately after settlement for such justices to be, to be recoverable by distresses and sale of the parties, goods, and chattels, as in hereafter 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 neglecting them, or the persons with whom they shall entrust the keeping thereof.

IV. 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 magazine for storehouses for keeping, unlimited quantities of gunpowder; be it therefore enacted, That it shall be lawful for the Justices of the Peace of 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, 14 days before making it, to an overseer or church warden 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 extra parochial, which overseer or church warden is hereby required to cause such notice to publicly read on the Sunday next ensuing, in the parish church after divine service), from time to time, to licence the erecting or making of such mills, magazines, or storehouses, for making or keeping unlimited quantities of gunpowder in such places, not being within London or Westminster, or any upper limits within Great Britain, hereinbefore particularly described, as to such justices shall appear most proper for that purpose.

V. 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 licences of the Justice, in any magazine or storehouse already built or used for that purpose, in any place not being within London and Westminster, and the upper limits within Great Britain, hereinafter before particularly described, until the expiration of 6 calendar months after an adjudication by the Justices of the Peace, for the County or

upper 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 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 that the witnesses produce to support or invalidate such complaint), and also that no person shall be liable any 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 Peace under the power given to them, by any of the former Acts regulating the keeping and carriage of gunpowder.

VI. And whereas leases, or agreements for leases, may have been made of magazines, storehouses, or other places keeping gunpowder, and, in consequence of the fact, it may become unlawful to keep unlimited quantities of gunpowders 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 3 calendar months notice in writing to the lessor or owner of such magazine, storehouse, or place, of the desire of the tenants who have such lease or agreement determined; and upon paying to such lessor or owner, all rent 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.

VII. And, for securing of the great number of ships and vessels lying in the River Thames, and of the dock yards, wharfs, and buildings, on the side 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, more than 25lbs 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 25lbs either before the arrival of such ship or vessel at Blackwall, or within 24 hours (if the weather shall permit) after coming to an anchor there, to the place of unloading there, and shall not afterwards have on board 25lbs of gunpowder, (except for the King's service) on paying or forfeiting, for every offence in any of these said cases, all the gunpowder found on board above the weight of 25lbs, and the barrells in which such gunpowder shall be, also 1 shilling for every pound of gunpowder above the quantity of 25lb.

VIII. 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 assistance 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 1 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, or hereby authorised, at any time between sun rising and sun setting, to enter any ship or vessel (except His Majesty's) in the River Thames above Blackwall, and to search the same for unlawful quantities of gunpowder; and also shall have the same powers for 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 hereinbefore given to persons searching for unlawful quantities of gunpowder under a warrant of a Justice of the Peace.

IX. 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 witnesses or witness, or on confession of the offender, and shall belong to the informer or informers prosecuting for the same; and where the penalty shall be pecuniary in case of non-payment, it shall be levied by distress and sale of the offenders goods, and chattels, by warrant under the hands and seals of such Justices; and the overplus of the money raised after deducting for penalty and the expenses and 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 any time not exceeding 3 months nor less than 1 month, as such Justices shall think most proper.

X. 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 committed within 14 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 anything done in pursuance of this Act, such person or persons may plead the general issue, and give this Act for the special matter in evidence that any trial to be add 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 defendant have by law in other cases.

XI. And be it further enacted, That all actions, suits, and prosecutions, to be commenced in England against any person or persons for anything 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 6 calendar months after the fact committed, and not otherwise.

XII. Provided always, that 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 such mills; or to the magazines erected for keeping gunpowder at Barking Creeks Mouth, in the County of Essex, and Erith Level, in the County of Kent; or to the magazines or storehouses now erected near Liverpool, 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.

XIII. And be it further enacted, That this Act shall begin to have force on the 1st 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 I, entitled, 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

11th year of His late Majesty King George I, entitled an Act for making more effectual an Act passed in the 5th year of His Majesty's reign, entitled an Act for preventing the mischiefs which may happen on 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 Act made in the 5th year of His late Majesty King George II, titled an Act for the better regulation and government of pilots licensed by the corporation of Trinity House for Deptford Stroud in the County of Kent; and to prevent mischiefs and annoyances upon the River Thames below London Bridge, as relates to the having and searching for the gunpowder on board ships or vessels in the Thames at or below Blackwall; and also an Act made in the 15th year of His late Majesty King George II, entitled, 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 22nd year of His said late Majesty King II, entitled, 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 gunpowder together from one place to another, shall be, and the same are hereby repealed.

Assassination of the Czar of Russia.

Among such occurrences the first place must be given to the dastardly assassination of the Czar of Russia by persons connected with the Socialist or so-called Nihilist party, on the 13th March, by means of a bomb containing a somewhat complicated collection of explosives, designed to produce an explosion by concussion, the main effect being produced by what is described as gun-cotton saturated with nitro-glycerine. The two bombs which were thrown proved fatal not only to the Czar but to three other persons (of whom one was attached to his personal escort), and injured more or less severely 17 other persons (of whom eight belonged to the Czar's personal guard).

It may be not uninteresting to place on record the circumstances connected with this most tragical event, as detailed in the official act of accusation. The account there given runs as follows:—

“ Shortly after two o'clock on March 1-13, the Emperor left the Michael Palace in his carriage, accompanied by the usual escort, and passing down Engineer Street turned to the right along the bank of the Catherine Canal. Behind, in a sledge, came Colonel Dvorjitsky, police master, and behind him again Captain Koch and Major Koolibiakin. The carriage had gone only 50 fathoms from the corner of Engineer Street when, at a quarter past two o'clock precisely, a terrible explosion took place beneath the carriage. Jumping from his sledge, and seeing that by the canal railings some soldiers were holding a man, Dvorjitsky rushed to the Imperial carriage, opened the door, and informed his Majesty, who stepped out unhurt, that the assassin was caught. By order of the Emperor the witness accompanied him to the spot where the man Reesakoff was held amidst a gathering crowd of people. Lieutenant Rudikoff, not recognising the Emperor at once exclaimed, ‘How is his Majesty?’ to which the Emperor, standing 10 paces from Reesakoff, and glancing around, said, ‘Thank God, I am unhurt; but see,’ pointing to a wounded cossack lying near the carriage, and then to a boy crying with pain. Reesakoff, hearing the words of the Emperor, said, ‘Is it thanks to God yet?’ Meantime Dvorjitsky took from the soldiers a revolver and knife found in the prisoner's pockets. The Emperor, stepping up to Reesakoff, asked if he indeed had fired, and receiving a reply in the affirmative, demanded his name and occupation. The prisoner answered ‘Glazoff, workman.’

“ As the Emperor turned and stepped a few paces towards the spot where the explosion took place, keeping to the railings of the canal, a second explosion occurred behind him close to his feet. For a few seconds a cloud of smoke, powdered snow, fragments of cloth, &c., hid everything from sight, but when it cleared off a fearful picture presented itself. The Emperor leaned with his back against a buttress of the canal, holding on to the railings with both hands, without cloak or cap, covered with blood and breathing with difficulty. His bared legs were shattered, blood poured from them, the flesh hung in pieces, and there was blood on his face. On the ground were the bloody fragments of his military cloak.

“ Dvorjitsky, also wounded, raised himself from the ground as the Emperor said, scarce audibly, ‘Help!’ and ran up, together with several others. Some one gave a handkerchief. The Emperor put it to his face, saying with a faint voice, ‘It is cold—cold.’ Then those around him took up the sufferer, who was already losing consciousness, and, assisted by the Grand Duke Michael, who came dashing up, laid him on the sledge of Colonel Dvorjitsky, Lieutenant Count Hendrikoff placing his own forage cap on the Emperor's head. The Grand Duke Michael, leaning over his brother, asked him if he could hear. The Emperor replied quietly, ‘I hear.’ To further questions how he felt he only answered, ‘Quicker, to the ‘Palace,’ and then as if in answer to the proposal of Staff-Captain Franks to carry him into the nearest house to procure help, the Emperor said, ‘Take me to the Palace, there to die.’ These were the last words of the dying monarch heard by the witnesses. The sledge was chosen because the carriage was seriously damaged. Major Koolibiakin sat with the Emperor in it, and with the help of two cossacks of the escort, conveyed him to the Winter Palace.

“ The Emperor died at 3.35. Of his personal following nine were wounded more or less seriously, of whom one has since died, and of the police and others, 11 were wounded, two, including the boy before mentioned, succumbing within a few hours.”

Assassination of President Garfield.

The assassination of President Garfield, of the United States, by Guiteau, on the 2nd July 1881, although effected by the use of an explosive can scarcely, as it was a case of shooting and not of explosion proper, be deemed to fall within the scope of this Report, except in so far as a word of passing notice of the same seems to be suggested by the assassination of the Ruler of another great nation above referred to, and by the fact that it is one of the large crop of political crimes of which the year 1881 has been only too fruitful.

Explosion at Salford Barracks.

Of the malicious explosions actually accomplished in this country, that which was effected on the 14th January at the Salford Barracks is happily, though somewhat remarkably, the only one in which, to our knowledge, any loss of life occurred. On this occasion, when as it appears some dynamite had been introduced (probably through a hole in the wall formed by the removal of a “grid”) in the meat store of the barracks, and there exploded, a boy and woman were injured, and the former died afterwards from the effects. The injury done to the barracks was, except in respect of the store where the explosion actually occurred, insignificant.

An Act to regulate the making, keeping, and carriage of gunpowder, within Great Britain; and to repeal laws herebeforeto made for any of those purposes.

Whereas the manufacture of gunpowder within Great Britain, are necessary to be encouraged in respect of the value of gunpowder, as an article of defence and commerce yet ought to be regulated by law, in order to prevent the great mischiefs which may arise from explosions occasioned by the improper construction and use of the mills, engines, and buildings, employed in the making of gunpowder, and for keeping and carrying gunpowder in too great quantities, or in an improper manner: and whereas the Act passed in the last session of Parliament, entitled, An Act for reducing into 1 Act to the Parliament of 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, contains no provision for regulating the making of gunpowder, and is in other respects ineffective, on which account it may be convenient to repeal for the said Act, and, in the room thereof, to have a new law regulating, as well the making as the keeping and carriage of gunpowder; be it therefore enacted by the King's most excellent Majesty, by and with the advise and consent of the Lords of spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, That no person or persons shall use, or caused to be used any mill or mills, or other engine or engines, for the making of gunpowder, or in any manner manufacture of gunpowder in any place or places within Great Britain, except in mills and other places where the manufacture of gunpowder shall be actually carrying on at the time of the commencement of this Act, or where it shall afterwards become lawful to carry on such manufacture, by obtaining a licence for that purpose, under the provisions hereinafter contained, upon paying or forfeiting all gunpowder manufactured contrary to the aforesaid provision, and also 2 shillings for every pound of such gunpowder.

II. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall, for the making of gunpowder, employ, work, or use, any mill or engine, worked with a pestle or pestles, and commonly called Pestle Mill, upon paying or forfeiting all gunpowder manufactured therein, and also 2 shillings for every pound of such gunpowder.

III. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall, in or with any mill or engine used for the making of gunpowder, make or cause to be made, at any one time under any single pair of mill stones, any quantity of gunpowder, or materials to be made into gunpowder, exceeding 40lbs, upon paying or forfeiting all gunpowder so made at one time, and exceeding the said quantity of 40lbs, and also 2 shillings for every pound of such gunpowder.

IV. Provided all is, and be it further enacted by the authority aforesaid, That no person or persons shall liable to any prosecution under this Act, for using any pestle mill or mills in the making of gunpowder, or for making above the quantity of 40lbs of gunpowder at a time, under every single pair of mill stones in any one mill, till after the expiration of 1 year from the time of the commencement of this Act.

V. Provided always, and be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to the powder mills at this time erected in the parishes of Battle, Crowhurst, Seddlescomb, and Brede, in the County of Sussex, so far as relates to the making of such fine fouling gunpowder only, as is known and distinguished by the name of Battle powder.

VI. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall dry or cause to be dried, any one time, in any one stove or place, used for the drying of gunpowder, any quantity of gunpowder exceeding 40cwt, upon paying or forfeiting all gunpowder above the said quantity of 40cwt, and the sum of 2 shillings for every pound of such gunpowder.

VII. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person or persons whatsoever to keep in any cooling house, drying house, dusting house, or other place, used for or in the making of gunpowder, or in any building adjoining or belonging thereto, (except magazines or storehouses constructed with stone or brick, and situate 50 yards at least from the gunpowder mill or mills,) or any greater quantity of gunpowder than shall be necessary for the immediate work then carrying on in such cooling house, drying house, dusting house, or other place used for or in the making of gunpowder, upon paying or forfeiting all the gunpowder kept above such necessary quantity, and the sum of 2 shillings for every pound of such gunpowder.

VIII. And be it further enacted by the authority aforesaid, That all and every person or persons, keeping or using any mill or mills, or other engine or engines, for the making of gunpowder, shall besides the magazine or magazines, and storehouses, near their mills, have or provide a good and sufficient magazine or magazines, remote from their respective mills, for the purpose of receiving and safe keeping all the gunpowder made at such mill or mills, as soon as the same can, from time to time, be conveniently removed thereto, (which last mentioned magazine or magazines shall be well and substantially built with brick or stone, near the River Thames, and below Blackwall, or in some other convenient place to be licensed by the Justices of the Peace, in manner hereinafter mentioned,) upon paying that all and every person or persons making gunpowder, without having such magazine or magazines remote from their mills or other places of making gunpowder, shall forfeit the sum of £25 for every month during which such person or persons shall make gunpowder without having such magazine or magazines, and the sum of £5 for every day during which he, she, or they (not being hindered by the stress of weather, or other justic pediment) shall wilfully neglect or delay removing, with due diligence, the gunpowder made at such mill or mills, from thence, or from the magazine or magazines, and storehouses adjoining thereto, to the magazine or magazines so to be situate remote from the mill.

IX. Provided always, and be it further enacted by the authority aforesaid, That no maker or makers of gunpowder shall be liable to any prosecution under this Act, for not having a magazine or magazines remote from the respective gunpowder mill or mills, till after the expiration of 1 year, from the time of the commencement of this Act.

X. And be it further enacted by the authority aforesaid, That all and every maker and makers of gunpowder, who shall keep, or permit to be kept, any charcoal within 20 yards of any mill or mills, or other engine or engines, for making gunpowder, or of any drying, cooling, or dusting house, or magazine or storehouse thereto belonging, shall forfeit the sum of £5 for every week during which such charcoal shall be so kept.

XI. And be it further enacted by the authority aforesaid, That no person or persons shall have or keep, at any one time, being a dealer or dealers in gunpowder, more than 200lbs of gunpowder; and not being such, more than 50lbs 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 1 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 3 miles of either them, or within any city, borough, or market town of Great Britain, or 1 mile of the same, or within 2 miles of any Palace of House of residence of His present Majesty, his heirs or successors, or of Her present Majesty the Queen, or any Queen and Consort, or Dowager, or within 2 miles of any gunpowder magazine, belonging to His Majesty, his heirs or successors, or within $\frac{1}{2}$ a mile of any Parish Church, or in any other part of Great Britain, (except in mills or other places which at the commencement of this Act shall be used for the making of gunpowder, and the magazines, storehouses, and offices near to adjoining and belonging, and in the places where it shall be lawful to make gunpowder, or to keep greater or unlimited quantities of gunpowder, by force of the provisions hereinafter contained,) on paying or forfeiting all the gunpowder beyond the quantity hereby allowed to be kept, and the barrels in which such gunpowder shall be; and also 2 shillings for every pound of gunpowder beyond such allowed quantity.

XII. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons to keep, for the use of any mine or colliery, any quantity of gunpowder not exceeding 300lbs weight, in any magazine or warehouse, so as such magazine or warehouse be within 200 yards of the respective mine or colliery for the use of such gunpowder shall be kept, and also that such magazine or warehouse be not within any of the limits hereinbefore particularly described.

XIII. And whereas it may be necessary to have some places appointed, in which it may be lawful to erect new mills, or other engines, for making gunpowder, with proper magazines and offices adjoining thereto, and to have magazines for keeping unlimited quantities of gunpowder in places where there are no mills, be it therefore 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, as also of the place or places proposed for such purposes respectively, 14 days before making it, to an overseer or church warden of the parish or place in which it is proposed to erect or make any such new mill, and offices or magazine, or adjoining the parish, if the place shall be extra parochial; which overseer or church warden is hereby required to cause such notice to be publicly read on the Sunday next ensuing, in the parish church after divine service,) from time to time, to licence the erecting or having of such mills for making gunpowder, and proper offices adjoining thereto or such magazines for keeping unlimited quantities of gunpowder in such places not being within London or Westminster, or any other limit within Great Britian, hereinbefore particularly described.

XIV. And whereas it would be proper that the determination of the said court of quarter sessions, on any such application, should not be final, but that any person or persons who shall be refused such licence or appointment by the said court of quarter sessions, should have an opportunity of bringing his or their case before the court of King's Bench, in order that the said court may finally hear and determine the same; be it therefore enacted by the authority aforesaid, That in every case where the said court of quarter sessions shall on such application made as aforesaid, refuse to licence any such near mills and magazines for making and keeping gunpowder, or to appoint pieces of ground for magazines of gunpowder,

remote from any mills, it shall be lawful for all persons who may think themselves aggrieved by such refusal, to apply to such court or quarter sessions for a special case thereupon; and the Justices then present shall, and are hereby required, to certify the special circumstances of the case in question, together with the proofs offered for and against the application, in order that the said case and proceedings may be removed, by writ of Certiorari, into the court of King's Bench; and the said Justices shall, and they are hereby required, in their return to such writ of Certiorari, to state such special case, to the end that the said court King's Bench may judge the real merits thereof; and if upon the whole matter it shall appear to the satisfaction of the said court of King's Bench that the Justices ought not to have refused the said licence or appointment, then, and in such case, the said court shall have power, and is hereby directed to make an order upon the said Justices to grant such licence, or make such appointment, without any fresh application, at their next general quarter sessions of the peace; and to be incurred by reason of such writ of Certiorari, shall be awarded according to the discretion of the said court of King's Bench.

XV. Provided nevertheless, and be it further enacted, That no person shall be liable to pay penalty or prosecution under this Act, for keeping unlimited quantities of gunpowder, without such licences of the Justices, in any magazine apart and remote from any gunpowder mill, and already built and used for that purpose, in any place not being within London and Westminster, and the other limits within Great Britain hereinbefore particularly described, until the expiration of 6 calendar months after an adjudication by the Justices of the Peace for the County of other Division, in which such magazine 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, by some householder of the parish or place in which the magazine shall be, and after due summons of the owner or owners of the magazine complained of, to answer such complaints; and after such examination on oath the witnesses produced, to support or invalidate such complaint; and also that no person shall be liable, at any time, any penalty or prosecution whatsoever, for keeping unlimited quantities of gunpowder, without such licence of the Justices of Peace, in any magazine 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.

XVI. And whereas by this Act the makers of gunpowder will be liable to penalties for not having magazines remote from their mills and in some cases they may not be able to agree for the purchase of pieces of ground proper for such magazines; be it therefore enacted by the authority aforesaid, That the Justices of the Peace for each County or upper Division within Great Britain, shall on application made to them at their general quarter sessions of the peace, by any maker or makers of gunpowder, from time to time, the point proper and convenient pieces of ground, (not being within London or Westminster, or any other limits of Great Britain, hereinbefore particularly described, and not exceeding 1 acre in any one place,) with the use of convenient road thereto, on which pieces so to be appointed, such makers of gunpowder may erect magazines for keeping gunpowder in any quantity, after having agreed with the owner on such grounds for the purchase of the same; and if any such owner shall not agree, or by reason of any pediment cannot so agree, such Justices shall issue a warrant to the Sheriff of the County, or other officer having return of writs within their jurisdiction, to empower and return before them at such time and places as shall be appointed by such warrant, a sufficient jury, who, upon their oaths, to be administered by the said Justices, shall enquire into the true value of the said pieces of ground, with the use of such convenient roads thereto, and their verdict shall be kept with the records of the

said sessions respectively; and the judgement of the said Justices thereon shall be final and conclusive to all parties; and for that end the said Justices shall have power to send for any persons interested, and to examine any parties or witnesses upon oath; and the sums of money so to be assessed and adjudged not exceeding 30 years of purchase shall be paid to the owners of the said land, according to their respective interest therein, in such proportions and shall be adjudged by the said Justices; and such payment, or in case of refusal to accept the money, then upon leaving the same with the Justices, for the benefit of the owners, the inheritance of the said ground, and the use of the said roads thereto, shall be vested in the purchases thereof, theirs heirs and assigns, for the purpose aforesaid and not otherwise.

XVII. And whereas leases or agreements for leases may have been made of magazines 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 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 or place for keeping gunpowder, to make void any such lease or agreement, upon giving 3 calendar months notice in writing to the lessor or owner for such magazine 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.

XVIII. And be it further enacted, That no person or persons shall have or convey at any one time within Great Britain more than 25 barrels of gunpowder, in any wagon, cart, or other carriage by land, or more than 200 barrels of gunpowder, in any barge, boat, or other vessel by water, (except in vessels with gunpowder imported from, or to be exported to, any place beyond the sea, or going postwise,) and all gunpowder conveyed on land or water, (except in such vessels for importation or exportation of gunpowder, or going coastwise,) 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 100lbs of gunpowder; and when conveyed by land it shall be entirely enclosed in a leather bag, or a bag commonly called a salt petre bag; and every carriage in which gunpowder shall be conveyed by land, it shall have a complete covering of wood, painted cloth, tarpaulin, or wadmill-tilts, over all the gunpowder therein contained: and also no gunpowder shall be conveyed in any barge, boat, upper vessel by water, (except in vessels with gunpowder imported, or to be exported in the manner of aforesaid, for coastwise,) that had not pay close deck; and soon as any gunpowder is put on board such vessel, all such gunpowder shall be covered with raw hides or tarpaulins; and all gunpowder which shall be carried or conveyed, (except in such vessels with gunpowder for importation or exportation aforesaid, or going coastwise,) within any part of Great Britain, in greater quantity, or in other manner than is hereinbefore 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 24 hours after seizure, the carriage or vessel in which such gunpowder shall be seized, and the tackling, beasts, and accoutrements belonging thereto, on terms of paying a recompense for the use thereof; and to detain such gunpowder and barrels as is hereinafter given to persons searching under a warrant of a Justice of the Peace; and such seizures shall be for his, her, or their own use, on conviction of the offender or offenders.

XIX. And be it further enacted by the authority aforesaid, That when any boat, barge, or vessel, having stale, condemned, returned gunpowder on board, arrives at the wharf, key, or other place where the same is intended to be landed, no

persons shall begin to unload, or shall bring down to such wharf, key, or other place, with intent to load in such vessel any other gunpowder, until the whole, or part of such stale, condemned, or returned gunpowder, be first unloaded and carried away from such wharf, key, or other place of landing; and after such unloading and carrying away part of such gunpowder, no person or persons shall begin to load, or shall bring down, with intent to load, any greater quantity of other gunpowder and the part unloaded carried away, on paying or forfeiting all such gunpowder as shall be so brought down or loaded contrary to the aforesaid provision.

XX. And be it further enacted by the authority aforesaid, That if any person or persons, having the care or management of any barge, boat, or other vessel whatsoever, (except ships or vessels with gunpowder on board imported from, or to be exported to places beyond sea, or going coastwise), loaded with gunpowder, or any other person on board the same, shall bring, have, or use, or permit any person or persons to bring, have, or use any charcoal or other combustible matter, or any fire or lighted candle, or shall smook, or wittingly permit any person to smook, on board the same, all and every such person and persons shall forfeit the sum of £5.

XXI. And be it further enacted by the authority aforesaid, That no person or persons having in the care of any wagon, cart, or other carriage, used for the conveyance of gunpowder by land, shall, after beginning to place or load therein any quantity of gunpowder, or beginning to unload the same thereout, stock or stay at any place of loading, or in the loading or unloading, suffer any longer time to pass with the use of all due diligence shall be reasonably necessary for the purpose of loading or unloading; and no person or persons having the charge or care of any barge, boat, or other vessel used for the conveyance of gunpowder by water, (except in the case of vessels loading for importation or exportation of gunpowder to or from places beyond the sea, or going coastwise), shall, after beginning to load or unload any quantity of gunpowder, stock or stay at any wharf, key, or other place of loading, or in the loading or unloading thereof suffer any longer time to pass than with the use of all due diligence shall be reasonably necessary for the purpose or loading or unloading, not exceeding 18 hours, unless hindered by the weather; and every such barge, boat, or vessel, (except such vessels as aforesaid), having so completed her loading shall depart from the place of loading under a course be first ensuing the tide, unless hindered by stress of weather, or other just impediment; and no person shall load, taking, carry, or convey, in any wagon, cart, or other land carriage labelled with gunpowder, or in any barge, boat, vessel labelled with gunpowder, on any river, (except in the case of vessels labelled with gunpowder for importation from, or exportation to, places beyond sea, or going coastwise), any other laiding of any kind whatsoever; and all and every person and persons offending against any of the aforesaid provisions for loading and unloading, shall, for each offence, forfeit the sum of £10.

XXII. Provided always, and be it further enacted by the authority aforesaid, That none of the aforesaid provisions for, or relative to, the conveyance of gunpowder, or the loading or unloading thereof, shall extend to any other wagon, cart, or a land carriage, or any other barge, boat, or vessel, then such as shall be loaded with, employed in, conveying a quantity of gunpowder exceeding 100lbs weight.

XXIII. And, for the more easy discovery of the making, keeping, carriage of gunpowder contrary to the provisions hereinbefore made, be it further enacted, That it shall be lawful for any Justice of the Peace of any County, or upper Division within Great Britain, in which gunpowder is suspected to be made, kept, or carried, contrary to this Act, on demand made, and that 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 daytime, any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any carriage, ship, boat, or vessel, in which such gunpowder is suspected to be made, kept, or carried, contrary to this Act; and that all gunpowder found upon such search to be made, kept, or carried, contrary to this Act, and also the gunpowder barrels, shall be immediately seized of a searcher or searchers, who shall, with all convenient speed after the seizure, remove such gunpowder and barrels in which it shall be, to such proper places as they, in conformity to the restrictions of this Act, shall think fit; 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 24 hours after the seizure, to such carriage or vessel, with the tackling, beasts, accoutrements belonging to, (paying afterwards to the owner or owners thereof as sufficient recompense for the use thereof, to be settled by Justices before whom the complaint shall be heard, after the seizure; and in case of non-payment, immediately after settlement by such Justices, to be recoverable by distress and sale of the parties goods and chattels, as is hereinafter 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, on a hearing before any two or more such Justices, where 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 of or damage which may happen to the said gunpowder or barrels, other than by the lawful acts or neglects of them, or the persons with whom they shall entrust the keeping thereof.

XXIV. 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 commander 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 more than 25lbs of gunpowder, (except for the King's service) before the 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 the conformity to the restrictions of this Act, all the gunpowder on board such ship or vessel above the quantity of 25lbs, either before the arrival of such ship or vessel at Blackwall, or within 24 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 25lbs of gunpowder, (except for the King's service), on paying or forfeiting for every offence, in any of the said cases, all the gunpowder found on board above the weight of 25lbs, and the barrels in which such gunpowder shall be, and also 2 shillings for every pound of gunpowder above the quantity of 25lbs.

XXV. 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 assistance for the corporation of the Trinity House of Deptford Strand, in the County of Kent, for the time being, shall, from time to time, to appoint one or more person or persons, a searcher or searchers for unlawful quantities of gunpowder in ships or other vessels in the River Thames, which person or persons, so appointed, or 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 hereinbefore given to persons searching for unlawful quantities of gunpowder under warrant of the Justice of the Peace.

XXVI. 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, or proof of the offence, by the oath or oaths of one or more credible witnesses or witness, or on confession of the offender; and one moiety of each penalty shall belong to His Majesty, his heirs or successors, and the other moiety thereof to the informer or informers prosecuting for the same; and where the penalty shall be pecuniary, in case of non-payment, it shall be levied by distress and sale of the offenders 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 the 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 6 months, nor less than 3 months, as such Justices shall think most proper,

XXVII. 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 14 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 anything done in pursuance of this Act such person or persons may plead the general issue, may give this Act, or the special matter in evidence, and any trial to be add thereupon, and that the same was done by authority of this Act; and if a person 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, or if upon 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.

XXVIII. And be it further enacted, That all actions suits, and prosecutions, to be commenced in England, against any person or persons, for anything to be done in pursuance of this Act, shall be laid and tried in the county or place where the act was committed, and shall be commenced within 6 calendar months after the fact committed, and not otherwise.

XXIX. Provided always, and be it further enacted, That this Act shall not extend, or be any ways construed to extend, to any mills or other buildings erected, or which may hereafter be erected, for the purpose of making gunpowder, in any lands belonging to His Majesty, his heirs or successors, or to the keeping of gunpowder or any storehouse or magazine belonging to His Majesty, his heirs or successors, or to hinder the trial of gunpowder by His Majesty's officers, and is usual, for the service of His Majesty, his heirs or successors, or to the keeping of gunpowder at the magazines that now erected for that purpose, of Barking, Creeks Mouth, in the County of Essex and Erith Level, in the County of Kent, or to the keeping of gunpowder of the magazines or storehouses now erected near Liverpool, in the County of Lancaster, or the City of Bristol, or to the carriage of gunpowder, to or from the King's magazine, under a special and expressed order of the King's Board of Ordnance; such order to contain the quantity of gunpowder so to be carried, and the time for which such ordnance shall be enforced; or to the carriage of gunpowder with forces on their march, or with the militia, during their annual exercise; or which shall be sent for the use of such forces or militias.

XXX. Provided also, and be it further enacted, that this present Act shall not extend to hinder any person or persons from carrying or conveying an unlimited quantity of gunpowder, in such close decked vessels, and manner as hereinbefore directed, from any ships or vessels lying below Blackwall, to any of the

magazines for gunpowder, so situate below Blackwall, or from such magazines to any ships or vessels lying below Blackwall, and going to any place beyond sea, or coastwise.

XXXI. And be it further enacted by the authority aforesaid, That this Act shall commence, and begin to be enforced, on the 1st day of July, One Thousand Seven Hundred and Seventy-Two; and from and immediately after the commencement thereof, an Act made of the last session of this present Parliament, (entitled, An Act for reducing into one Act of Parliament several laws relating to the keeping and carriage of gunpowder, and for the more effectually preventing mischiefs, by keeping or carrying gunpowder into great quantities), and all form of statutes so far as they relate to the keeping and carriage of gunpowder, shall be and the same are hereby repealed.

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 into great quantities.

Whereas the several Acts which regulate the keeping and carriage of gunpowder within England are defective, and require amendment, and the reducing of them into one law would facilitate their execution: and whereas there is, at present, no provision for regulating 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 of 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, more than 200lbs of gunpowder, and not being such, more than 50lbs 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 any 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 3 miles of either of them; or within any City, Borough, or market town of Great Britain, or within 1 mile of the same: or within 2 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 1 mile of any gunpowder magazine belonging to His Majesty, his heirs or successors; or within $\frac{1}{2}$ mile of any parish church; or in any other part of Britain, (except in places where it shall be lawful to keep unlimited quantities of gunpowder by force of the provisions hereinafter contained) ~~on paying~~ or 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 1 shilling for every pound of gunpowder beyond such allowed quantity.

II. And, in order to provide 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 2,000lb of gunpowder in any wagon, cart or other carriage, by land, or more than 5,000lbs 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 100lbs of gunpowder; and, when conveyed by land, shall be entirely enclosed in a leather bag, or a bag commonly called a salt petre bag; and every carriage or vessel (except such vessels as aforesaid), in which gunpowder shall be conveyed by land or water shall have a complete covering of wood, painted cloth, tarpaulin, or wadmiltits, over all flat 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 that 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 24 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 recompense for the use thereof, and to detain such

gunpowder and barrels as is hereinafter 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.

III. And, for the more easy discovery of the keeping and carriage of gunpowder, contrary to the provisions hereinbefore 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 daytime 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 carriage or vessel, may use for the purpose of removal, during the space of 24 hours after seizure, such carriage or vessel, with the tackling, beasts, and accoutrements belong thereto, paying afterwards to the owner or owners thereof a sufficient recompense for the use thereof, to be settled by the Justices before whom the complaint shall be heard, after the seizure; and in case of non-payment, immediately after settlement for such justices to be, to be recoverable by distresses and sale of the parties, goods, and chattels, as in hereafter 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 neglecting them, or the persons with whom they shall entrust the keeping thereof.

IV. 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 magazine for storehouses for keeping, unlimited quantities of gunpowder; be it therefore enacted, That it shall be lawful for the Justices of the Peace of 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, 14 days before making it, to an overseer or church warden 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 extra parochial, which overseer or church warden is hereby required to cause such notice to publicly read on the Sunday next ensuing, in the parish church after divine service), from time to time, to licence the erecting or making of such mills, magazines, or storehouses, for making or keeping unlimited quantities of gunpowder in such places, not being within London or Westminster, or any upper limits within Great Britain, hereinbefore particularly described, as to such justices shall appear most proper for that purpose.

V. 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 licences of the Justice, in any magazine or storehouse already built or used for that purpose, in any place not being within London and Westminster, and the upper limits within Great Britain, hereinafter before particularly described, until the expiration of 6 calendar months after an adjudication by the Justices of the Peace, for the County or

upper 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 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 that the witnesses produce to support or invalidate such complaint), and also that no person shall be liable any 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 Peace under the power given to them, by any of the former Acts regulating the keeping and carriage of gunpowder.

VI. And whereas leases, or agreements for leases, may have been made of magazines, storehouses, or other places keeping gunpowder, and, in consequence of the fact, it may become unlawful to keep unlimited quantities of gunpowders 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 3 calendar months notice in writing to the lessor or owner of such magazine, storehouse, or place, of the desire of the tenants who have such lease or agreement determined; and upon paying to such lessor or owner, all rent 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.

VII. And, for securing of the great number of ships and vessels lying in the River Thames, and of the dock yards, wharfs, and buildings, on the side 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, more than 25lbs 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 25lbs either before the arrival of such ship or vessel at Blackwall, or within 24 hours (if the weather shall permit) after coming to an anchor there, to the place of unloading there, and shall not afterwards have on board 25lbs of gunpowder, (except for the King's service) on paying or forfeiting, for every offence in any of these said cases, all the gunpowder found on board above the weight of 25lbs, and the barrells in which such gunpowder shall be, also 1 shilling for every pound of gunpowder above the quantity of 25lb.

VIII. 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 assistance 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 1 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, or hereby authorised, at any time between sun rising and sun setting, to enter any ship or vessel (except His Majesty's) in the River Thames above Blackwall, and to search the same for unlawful quantities of gunpowder; and also shall have the same powers for 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 hereinbefore given to persons searching for unlawful quantities of gunpowder under a warrant of a Justice of the Peace.

IX. 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 witnesses or witness, or on confession of the offender, and shall belong to the informer or informers prosecuting for the same; and where the penalty shall be pecuniary in case of non-payment, it shall be levied by distress and sale of the offenders goods, and chattels, by warrant under the hands and seals of such Justices; and the overplus of the money raised after deducting for penalty and the expenses and 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 any time not exceeding 3 months nor less than 1 month, as such Justices shall think most proper.

X. 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 committed within 14 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 anything done in pursuance of this Act, such person or persons may plead the general issue, and give this Act for the special matter in evidence that any trial to be add 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 defendant have by law in other cases.

XI. And be it further enacted, That all actions, suits, and prosecutions, to be commenced in England against any person or persons for anything 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 6 calendar months after the fact committed, and not otherwise.

XII. Provided always, that 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 such mills; or to the magazines erected for keeping gunpowder at Barking Creeks Mouth, in the County of Essex, and Erith Level, in the County of Kent; or to the magazines or storehouses now erected near Liverpool, 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.

XIII. And be it further enacted, That this Act shall begin to have force on the 1st 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 I, entitled, 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

11th year of His late Majesty King George I, entitled an Act for making more effectual an Act passed in the 5th year of His Majesty's reign, entitled an Act for preventing the mischiefs which may happen on 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 Act made in the 5th year of His late Majesty King George II, titled an Act for the better regulation and government of pilots licensed by the corporation of Trinity House for Deptford Stroud in the County of Kent; and to prevent mischiefs and annoyances upon the River Thames below London Bridge, as relates to the having and searching for the gunpowder on board ships or vessels in the Thames at or below Blackwall; and also an Act made in the 15th year of His late Majesty King George II, entitled, 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 22nd year of His said late Majesty King II, entitled, 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 gunpowder together from one place to another, shall be, and the same are hereby repealed.

GUNPOWDER ACT 1860

- I. Repealed 9 and 10 William II c7; 5 GII c12(I); 12 GIII c61.
- II. Manufacture to take place only in a licensed place.
- Limited quantities that could be worked on in a single mill, corning house etc.
- Limited total quantities in buildings (working)
- Magazines must be provided of well and substantial construction of brick or stone.
- Magazines must be licensed.
- All finished powder to be removed diligently to magazine.
- Stores and magazines must be fitted with lightning conductors.
- III. Occupiers of existing magazines not meeting 140 yds safety distance may present a Memorial to the Secretary of State showing why it is impracticable or otherwise that the distance of 140 yds cannot or should not be met.
- IV. Penalties.
- V. No charcoal must be kept within 20 yds of a mill etc.
- VI. Licence required for manufacture of percussion caps, ammunition, fireworks, fulminating mercury, and other preparations of equally explosive power.
- The following distances must be kept from dwelling places or places of employment:
- | | |
|-------------------------|---------|
| Percussion caps | 50 yds |
| Ammunition | 100 yds |
| Fireworks | 50 yds |
| Fulminating Mercury etc | 100 yds |
- Licences required for keeping more than a minimum quantity of the above explosives.
- Lays down conditions of manufacture, safety distances, and quantities to be kept.
- VII. Penalties.
- VIII. Fireworks, licence for sale, no sale to people under 16.
- IX. Throwing fireworks in street.
- X. JP at Quarter Sessions shall licence factories and magazines for gunpowder.

- XI. JP at Quarter Sessions shall licence factories and magazines for ammunition etc.
- XII. 14 days notice of intent required when applying for licence.

In England this shall be given to the Church Warden of the Parish, in Scotland to a Schoolmaster, and in Ireland to the Clerk of the Union.

Notice to be fixed on door or wall of church.
- XIII. JPs may put conditions on licence for structures, mounds etc.
- XIV. Appeal to Secretary of State.
- XV. Rules shall be made by owners of factories and magazines.
- XVI. Penalties for doing dangerous things in mills etc.
- XVII. Secretary of State may authorise Inspector to see if regulations are obeyed.
- XVIII. Dealers shall not keep more than 200 lb of gunpowder.

A non-dealer shall not keep more than 50 lb of gunpowder.
- XIX. Mines, quarries etc may keep up to 4000 lb of gunpowder.
- XV. Conveyance. Not more than 30 barrels to be conveyed unless in specially-constructed van then 40 barrels may be conveyed with no more than 100 lb of gunpowder per barrel.
- XXI. Condemned powder.
- XXII. No smoking or lights.
- XXIII. Undue delay in loading gunpowder.
- XXIV. Only applies to more than 100 lb of gunpowder.
- XXV. JPs may issue search warrants for gunpowder.
- XXVI. Vessels in Thames.
- XXVII. Vessels in Thames.
- XXVIII. Penalties.
- XXIX. Ireland.
- XXX. Crown Exemption.
- XXXI. Crown Exemption.
- XXXII. Proof House exemption.

XXXIII. Below Blackwall.

XXXV.

XXXVI. Definitions etc.

XXXVII.

GUNPOWDER ACT 1862

Sections 25 and 27 of the Gunpowder Act 1860 apply to other explosives.

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 into great quantities.

Whereas the several Acts which regulate the keeping and carriage of gunpowder within England are defective, and require amendment, and the reducing of them into one law would facilitate their execution: and whereas there is, at present, no provision for regulating 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 of 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, more than 200lbs of gunpowder, and not being such, more than 50lbs 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 any 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 3 miles of either of them; or within any City, Borough, or market town of Great Britain, or within 1 mile of the same: or within 2 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 1 mile of any gunpowder magazine belonging to His Majesty, his heirs or successors; or within $\frac{1}{2}$ mile of any parish church; or in any other part of Britain, (except in places where it shall be lawful to keep unlimited quantities of gunpowder by force of the provisions hereinafter contained) on paying or 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 1 shilling for every pound of gunpowder beyond such allowed quantity.

II. And, in order to provide 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 2,000lb of gunpowder in any wagon, cart or other carriage, by land, or more than 5,000lbs 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 100lbs of gunpowder; and, when conveyed by land, shall be entirely enclosed in a leather bag, or a bag commonly called a salt petre bag; and every carriage or vessel (except such vessels as aforesaid), in which gunpowder shall be conveyed by land or water shall have a complete covering of wood, painted cloth, tarpaulin, or wadmilt-tilts, over all flat 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 that 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 24 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 recompense for the use thereof, and to detain such

gunpowder and barrels as is hereinafter 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.

III. And, for the more easy discovery of the keeping and carriage of gunpowder, contrary to the provisions hereinbefore 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 daytime 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 carriage or vessel, may use for the purpose of removal, during the space of 24 hours after seizure, such carriage or vessel, with the tackling, beasts, and accoutrements belong thereto, paying afterwards to the owner or owners thereof a sufficient recompense for the use thereof, to be settled by the Justices before whom the complaint shall be heard, after the seizure; and in case of non-payment, immediately after settlement for such justices to be, to be recoverable by distresses and sale of the parties, goods, and chattels, as in hereafter 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 neglecting them, or the persons with whom they shall entrust the keeping thereof.

IV. 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 magazine for storehouses for keeping, unlimited quantities of gunpowder; be it therefore enacted, That it shall be lawful for the Justices of the Peace of 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, 14 days before making it, to an overseer or church warden 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 extra parochial, which overseer or church warden is hereby required to cause such notice to publicly read on the Sunday next ensuing, in the parish church after divine service), from time to time, to licence the erecting or making of such mills, magazines, or storehouses, for making or keeping unlimited quantities of gunpowder in such places, not being within London or Westminster, or any upper limits within Great Britain, hereinbefore particularly described, as to such justices shall appear most proper for that purpose.

V. 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 licences of the Justice, in any magazine or storehouse already built or used for that purpose, in any place not being within London and Westminster, and the upper limits within Great Britain, hereinafter before particularly described, until the expiration of 6 calendar months after an adjudication by the Justices of the Peace, for the County or

upper 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 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 that the witnesses produce to support or invalidate such complaint), and also that no person shall be liable any 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 Peace under the power given to them, by any of the former Acts regulating the keeping and carriage of gunpowder.

VI. And whereas leases, or agreements for leases, may have been made of magazines, storehouses, or other places keeping gunpowder, and, in consequence of the fact, it may become unlawful to keep unlimited quantities of gunpowders 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 3 calendar months notice in writing to the lessor or owner of such magazine, storehouse, or place, of the desire of the tenants who have such lease or agreement determined; and upon paying to such lessor or owner, all rent 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.

VII. And, for securing of the great number of ships and vessels lying in the River Thames, and of the dock yards, wharfs, and buildings, on the side 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, more than 25lbs 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 25lbs either before the arrival of such ship or vessel at Blackwall, or within 24 hours (if the weather shall permit) after coming to an anchor there, to the place of unloading there, and shall not afterwards have on board 25lbs of gunpowder, (except for the King's service) on paying or forfeiting, for every offence in any of these said cases, all the gunpowder found on board above the weight of 25lbs, and the barrells in which such gunpowder shall be, also 1 shilling for every pound of gunpowder above the quantity of 25lb.

VIII. 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 assistance 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 1 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, or hereby authorised, at any time between sun rising and sun setting, to enter any ship or vessel (except His Majesty's) in the River Thames above Blackwall, and to search the same for unlawful quantities of gunpowder; and also shall have the same powers for 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 hereinbefore given to persons searching for unlawful quantities of gunpowder under a warrant of a Justice of the Peace.

IX. 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 witnesses or witness, or on confession of the offender, and shall belong to the informer or informers prosecuting for the same; and where the penalty shall be pecuniary in case of non-payment, it shall be levied by distress and sale of the offenders goods, and chattels, by warrant under the hands and seals of such Justices; and the overplus of the money raised after deducting for penalty and the expenses and 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 any time not exceeding 3 months nor less than 1 month, as such Justices shall think most proper.

X. 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 committed within 14 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 anything done in pursuance of this Act, such person or persons may plead the general issue, and give this Act for the special matter in evidence that any trial to be add 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 defendant have by law in other cases.

XI. And be it further enacted, That all actions, suits, and prosecutions, to be commenced in England against any person or persons for anything 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 6 calendar months after the fact committed, and not otherwise.

XII. Provided always, that 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 such mills; or to the magazines erected for keeping gunpowder at Barking Creeks Mouth, in the County of Essex, and Erith Level, in the County of Kent; or to the magazines or storehouses now erected near Liverpool, 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.

XIII. And be it further enacted, That this Act shall begin to have force on the 1st 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 I, entitled, 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

11th year of His late Majesty King George I, entitled an Act for making more effectual an Act passed in the 5th year of His Majesty's reign, entitled an Act for preventing the mischiefs which may happen on 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 Act made in the 5th year of His late Majesty King George II, titled an Act for the better regulation and government of pilots licensed by the corporation of Trinity House for Deptford Stroud in the County of Kent; and to prevent mischiefs and annoyances upon the River Thames below London Bridge, as relates to the having and searching for the gunpowder on board ships or vessels in the Thames at or below Blackwall; and also an Act made in the 15th year of His late Majesty King George II, entitled, 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 22nd year of His said late Majesty King II, entitled, 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 gunpowder together from one place to another, shall be, and the same are hereby repealed.

An Act to regulate the making, keeping, and carriage of gunpowder, within Great Britain; and to repeal laws herebeforeto made for any of those purposes.

Whereas the manufacture of gunpowder within Great Britain, are necessary to be encouraged in respect of the value of gunpowder, as an article of defence and commerce yet ought to be regulated by law, in order to prevent the great mischiefs which may arise from explosions occasioned by the improper construction and use of the mills, engines, and buildings, employed in the making of gunpowder, and for keeping and carrying gunpowder in too great quantities, or in an improper manner: and whereas the Act passed in the last session of Parliament, entitled, An Act for reducing into 1 Act to the Parliament of 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, contains no provision for regulating the making of gunpowder, and is in other respects effective, on which account it may be convenient to repeal for the said Act, and, in the room thereof, to have a new law regulating, as well the making as the keeping and carriage of gunpowder; be it therefore enacted by the King's most excellent Majesty, by and with the advise and consent of the Lords of spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, That no person or persons shall use, or caused to be used any mill or mills, or other engine or engines, for the making of gunpowder, or in any manner manufacture of gunpowder in any place or places within Great Britain, except in mills and other places where the manufacture of gunpowder shall be actually carrying on at the time of the commencement of this Act, or where it shall afterwards become lawful to carry on such manufacture, by obtaining a licence for that purpose, under the provisions hereinafter contained, upon paying or forfeiting all gunpowder manufactured contrary to the aforesaid provision, and also 2 shillings for every pound of such gunpowder.

II. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall, for the making of gunpowder, employ, work, or use, any mill or engine, worked with a pestle or pestles, and commonly called Pestle Mill, upon paying or forfeiting all gunpowder manufactured therein, and also 2 shillings for every pound of such gunpowder.

III. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall, in or with any mill or engine used for the making of gunpowder, make or cause to be made, at any one time under any single pair of mill stones, any quantity of gunpowder, or materials to be made into gunpowder, exceeding 40lbs, upon paying or forfeiting all gunpowder so made at one time, and exceeding the said quantity of 40lbs, and also 2 shillings for every pound of such gunpowder.

IV. Provided all is, and be it further enacted by the authority aforesaid, That no person or persons shall liable to any prosecution under this Act, for using any pestle mill or mills in the making of gunpowder, or for making above the quantity of 40lbs of gunpowder at a time, under every single pair of mill stones in any one mill, till after the expiration of 1 year from the time of the commencement of this Act.

V. Provided always, and be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to the powder mills at this time erected in the parishes of Battle, Crowhurst, Seddlescomb, and Brede, in the County of Sussex, so far as relates to the making of such fine fouling gunpowder only, as is known and distinguished by the name of Battle powder.

VI. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall dry or cause to be dried, any one time, in any one stove or place, used for the drying of gunpowder, any quantity of gunpowder exceeding 40cwt, upon paying or forfeiting all gunpowder above the said quantity of 40cwt, and the sum of 2 shillings for every pound of such gunpowder.

VII. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person or persons whatsoever to keep in any cooling house, drying house, dusting house, or other place, used for or in the making of gunpowder, or in any building adjoining or belonging thereto, (except magazines or storehouses constructed with stone or brick, and situate 50 yards at least from the gunpowder mill or mills,) or any greater quantity of gunpowder than shall be necessary for the immediate work then carrying on in such cooling house, drying house, dusting house, or other place used for or in the making of gunpowder, upon paying or forfeiting all the gunpowder kept above such necessary quantity, and the sum of 2 shillings for every pound of such gunpowder.

VIII. And be it further enacted by the authority aforesaid, That all and every person or persons, keeping or using any mill or mills, or other engine or engines, for the making of gunpowder, shall besides the magazine or magazines, and storehouses, near their mills, have or provide a good and sufficient magazine or magazines, remote from their respective mills, for the purpose of receiving and safe keeping all the gunpowder made at such mill or mills, as soon as the same can, from time to time, be conveniently removed thereto, (which last mentioned magazine or magazines shall be well and substantially built with brick or stone, near the River Thames, and below Blackwall, or in some other convenient place to be licensed by the Justices of the Peace, in manner hereinafter mentioned,) upon paying that all and every person or persons making gunpowder, without having such magazine or magazines remote from their mills or other places of making gunpowder, shall forfeit the sum of £25 for every month during which such person or persons shall make gunpowder without having such magazine or magazines, and the sum of £5 for every day during which he, she, or they (not being hindered by the stress of weather, or other justic pediment) shall wilfully neglect or delay removing, with due diligence, the gunpowder made at such mill or mills, from thence, or from the magazine or magazines, and storehouses adjoining thereto, to the magazine or magazines so to be situate remote from the mill.

IX. Provided always, and be it further enacted by the authority aforesaid, That no maker or makers of gunpowder shall be liable to any prosecution under this Act, for not having a magazine or magazines remote from the respective gunpowder mill or mills, till after the expiration of 1 year, from the time of the commencement of this Act.

X. And be it further enacted by the authority aforesaid, That all and every maker and makers of gunpowder, who shall keep, or permit to be kept, any charcoal within 20 yards of any mill or mills, or other engine or engines, for making gunpowder, or of any drying, cooling, or dusting house, or magazine or storehouse thereto belonging; shall forfeit the sum of £5 for every week during which such charcoal shall be so kept.

XI. And be it further enacted by the authority aforesaid, That no person or persons shall have or keep, at any one time, being a dealer or dealers in gunpowder, more than 200lbs of gunpowder; and not being such, more than 50lbs 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 1 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 3 miles of either them, or within any city, borough, or market town of Great Britain, or 1 mile of the same, or within 2 miles of any Palace of House of residence of His present Majesty, his heirs or successors, or of Her present Majesty the Queen, or any Queen and Consort, or Dowager, or within 2 miles of any gunpowder magazine, belonging to His Majesty, his heirs or successors, or within $\frac{1}{2}$ a mile of any Parish Church, or in any other part of Great Britain, (except in mills or other places which at the commencement of this Act shall be used for the making of gunpowder, and the magazines, storehouses, and offices near to adjoining and belonging, and in the places where it shall be lawful to make gunpowder, or to keep greater or unlimited quantities of gunpowder, by force of the provisions hereinafter contained,) on paying or forfeiting all the gunpowder beyond the quantity hereby allowed to be kept, and the barrels in which such gunpowder shall be; and also 2 shillings for every pound of gunpowder beyond such allowed quantity.

XII. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons to keep, for the use of any mine or colliery, any quantity of gunpowder not exceeding 300lbs weight, in any magazine or warehouse, so as such magazine or warehouse be within 200 yards of the respective mine or colliery for the use of such gunpowder shall be kept, and also that such magazine or warehouse be not within any of the limits hereinbefore particularly described.

XIII. And whereas it may be necessary to have some places appointed, in which it may be lawful to erect new mills, or other engines, for making gunpowder, with proper magazines and offices adjoining thereto, and to have magazines for keeping unlimited quantities of gunpowder in places where there are no mills, be it therefore 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, as also of the place or places proposed for such purposes respectively, 14 days before making it, to an overseer or church warden of the parish or place in which it is proposed to erect or make any such new mill, and offices or magazine, or adjoining the parish, if the place shall be extra parochial; which overseer or church warden is hereby required to cause such notice to be publicly read on the Sunday next ensuing, in the parish church after divine service,) from time to time, to licence the erecting or having of such mills for making gunpowder, and proper offices adjoining thereto or such magazines for keeping unlimited quantities of gunpowder in such places not being within London or Westminster, or any other limit within Great Britian, hereinbefore particularly described.

XIV. And whereas it would be proper that the determination of the said court of quarter sessions, on any such application, should not be final, but that any person or persons who shall be refused such licence or appointment by the said court of quarter sessions, should have an opportunity of bringing his or their case before the court of King's Bench, in order that the said court may finally hear and determine the same; be it therefore enacted by the authority aforesaid, That in every case where the said court of quarter sessions shall on such application made as aforesaid, refuse to licence any such near mills and magazines for making and keeping gunpowder, or to appoint pieces of ground for magazines of gunpowder,

remote from any mills, it shall be lawful for all persons who may think themselves aggrieved by such refusal, to apply to such court or quarter sessions for a special case thereupon; and the Justices then present shall, and are hereby required, to certify the special circumstances of the case in question, together with the proofs offered for and against the application, in order that the said case and proceedings may be removed, by writ of Certiorari, into the court of King's Bench; and the said Justices shall, and they are hereby required, in their return to such writ of Certiorari, to state such special case, to the end that the said court King's Bench may judge the real merits thereof; and if upon the whole matter it shall appear to the satisfaction of the said court of King's Bench that the Justices ought not to have refused the said licence or appointment, then, and in such case, the said court shall have power, and is hereby directed to make an order upon the said Justices to grant such licence, or make such appointment, without any fresh application, at their next general quarter sessions of the peace; and to be incurred by reason of such writ of Certiorari, shall be awarded according to the discretion of the said court of King's Bench.

XV. Provided nevertheless, and be it further enacted, That no person shall be liable to pay penalty or prosecution under this Act, for keeping unlimited quantities of gunpowder, without such licences of the Justices, in any magazine apart and remote from any gunpowder mill, and already built and used for that purpose, in any place not being within London and Westminster, and the other limits within Great Britain hereinbefore particularly described, until the expiration of 6 calendar months after an adjudication by the Justices of the Peace for the County or other Division, in which such magazine 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, by some householder of the parish or place in which the magazine shall be, and after due summons of the owner or owners of the magazine complained of, to answer such complaints; and after such examination on oath the witnesses produced, to support or invalidate such complaint; and also that no person shall be liable, at any time, any penalty or prosecution whatsoever, for keeping unlimited quantities of gunpowder, without such licence of the Justices of Peace, in any magazine 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.

XVI. And whereas by this Act the makers of gunpowder will be liable to penalties for not having magazines remote from their mills and in some cases they may not be able to agree for the purchase of pieces of ground proper for such magazines; be it therefore enacted by the authority aforesaid, That the Justices of the Peace for each County or upper Division within Great Britain, shall on application made to them at their general quarter sessions of the peace, by any maker or makers of gunpowder, from time to time, the point proper and convenient pieces of ground, (not being within London or Westminster, or any other limits of Great Britain, hereinbefore particularly described, and not exceeding 1 acre in any one place,) with the use of convenient road thereto, on which pieces so to be appointed, such makers of gunpowder may erect magazines for keeping gunpowder in any quantity, after having agreed with the owner on such grounds for the purchase of the same; and if any such owner shall not agree, or by reason of any impediment cannot so agree, such Justices shall issue a warrant to the Sheriff of the County, or other officer having return of writs within their jurisdiction, to empower and return before them at such time and places as shall be appointed by such warrant, a sufficient jury, who, upon their oaths, to be administered by the said Justices, shall enquire into the true value of the said pieces of ground, with the use of such convenient roads thereto, and their verdict shall be kept with the records of the

said sessions respectively; and the judgement of the said Justices thereon shall be final and conclusive to all parties; and for that end the said Justices shall have power to send for any persons interested, and to examine any parties or witnesses upon oath; and the sums of money so to be assessed and adjudged not exceeding 30 years of purchase shall be paid to the owners of the said land, according to their respective interest therein, in such proportions and shall be adjudged by the said Justices; and such payment, or in case of refusal to accept the money, then upon leaving the same with the Justices, for the benefit of the owners, the inheritance of the said ground, and the use of the said roads thereto, shall be vested in the purchases thereof, theirs heirs and assigns, for the purpose aforesaid and not otherwise.

XVII. And whereas leases or agreements for leases may have been made of magazines 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 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 or place for keeping gunpowder, to make void any such lease or agreement, upon giving 3 calendar months notice in writing to the lessor or owner for such magazine 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.

XVIII. And be it further enacted, That no person or persons shall have or convey at any one time within Great Britain more than 25 barrels of gunpowder, in any wagon, cart, or other carriage by land, or more than 200 barrels of gunpowder, in any barge, boat, or other vessel by water, (except in vessels with gunpowder imported from, or to be exported to, any place beyond the sea, or going postwise,) and all gunpowder conveyed on land or water, (except in such vessels for importation or exportation of gunpowder, or going coastwise,) 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 100lbs of gunpowder; and when conveyed by land it shall be entirely enclosed in a leather bag, or a bag commonly called a salt petre bag; and every carriage in which gunpowder shall be conveyed by land, it shall have a complete covering of wood, painted cloth, tarpaulin, or wadmilt-tilts, over all the gunpowder therein contained: and also no gunpowder shall be conveyed in any barge, boat, upper vessel by water, (except in vessels with gunpowder imported, or to be exported in the manner of aforesaid, for coastwise,) that had not pay close deck; and soon as any gunpowder is put on board such vessel, all such gunpowder shall be covered with raw hides or tarpaulins; and all gunpowder which shall be carried or conveyed, (except in such vessels with gunpowder for importation or exportation aforesaid, or going coastwise,) within any part of Great Britain, in greater quantity, or in other manner than is hereinbefore 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 24 hours after seizure, the carriage or vessel in which such gunpowder shall be seized, and the tackling, beasts, and accoutrements belonging thereto, on terms of paying a recompense for the use thereof; and to detain such gunpowder and barrels as is hereinafter given to persons searching under a warrant of a Justice of the Peace; and such seizures shall be for his, her, or their own use, on conviction of the offender or offenders.

XIX. And be it further enacted by the authority aforesaid, That when any boat, barge, or vessel, having stale, condemned, returned gunpowder on board, arrives at the wharf, key, or other place where the same is intended to be landed, no

persons shall begin to unload, or shall bring down to such wharf, key, or other place, with intent to load in such vessel any other gunpowder, until the whole, or part of such stale, condemned, or returned gunpowder, be first unloaded and carried away from such wharf, key, or other place of landing; and after such unloading and carrying away part of such gunpowder, no person or persons shall begin to load, or shall bring down, with intent to load, any greater quantity of other gunpowder and the part unloaded carried away, on paying or forfeiting all such gunpowder as shall be so brought down or loaded contrary to the aforesaid provision.

XX. And be it further enacted by the authority aforesaid, That if any person or persons, having the care or management of any barge, boat, or other vessel whatsoever, (except ships or vessels with gunpowder on board imported from, or to be exported to places beyond sea, or going coastwise), loaded with gunpowder, or any other person on board the same, shall bring, have, or use, or permit any person or persons to bring, have, or use any charcoal or other combustible matter, or any fire or lighted candle, or shall smook, or wittingly permit any person to smook, on board the same, all and every such person and persons shall forfeit the sum of £5.

XXI. And be it further enacted by the authority aforesaid, That no person or persons having in the care of any wagon, cart, or other carriage, used for the conveyance of gunpowder by land, shall, after beginning to place or load therein any quantity of gunpowder, or beginning to unload the same thereout, stock or stay at any place of loading, or in the loading or unloading, suffer any longer time to pass with the use of all due diligence shall be reasonably necessary for the purpose of loading or unloading; and no person or persons having the charge or care of any barge, boat, or other vessel used for the conveyance of gunpowder by water, (except in the case of vessels loading for importation or exportation of gunpowder to or from places beyond the sea, or going coastwise), shall, after beginning to load or unload any quantity of gunpowder, stock or stay at any wharf, key, or other place of loading, or in the loading or unloading thereof suffer any longer time to pass than with the use of all due diligence shall be reasonably necessary for the purpose or loading or unloading, not exceeding 18 hours, unless hindered by the weather; and every such barge, boat, or vessel, (except such vessels as aforesaid), having so completed her loading shall depart from the place of loading under a course be first ensuing the tide, unless hindered by stress of weather, or other just impediment; and no person shall load, taking, carry, or convey, in any wagon, cart, or other land carriage labelled with gunpowder, or in any barge, boat, vessel labelled with gunpowder, on any river, (except in the case of vessels labelled with gunpowder for importation from, or exportation to, places beyond sea, or going coastwise), any other lading of any kind whatsoever; and all and every person and persons offending against any of the aforesaid provisions for loading and unloading, shall, for each offence, forfeit the sum of £10.

XXII. Provided always, and be it further enacted by the authority aforesaid, That none of the aforesaid provisions for, or relative to, the conveyance of gunpowder, or the loading or unloading thereof, shall extend to any other wagon, cart, or a land carriage, or any other barge, boat, or vessel, then such as shall be loaded with, employed in, conveying a quantity of gunpowder exceeding 100lbs weight.

XXIII. And, for the more easy discovery of the making, keeping, carriage of gunpowder contrary to the provisions hereinbefore made, be it further enacted, That it shall be lawful for any Justice of the Peace of any County, or upper Division within Great Britain, in which gunpowder is suspected to be made, kept, or carried, contrary to this Act, on demand made, and that 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 daytime, any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any carriage, ship, boat, or vessel, in which such gunpowder is suspected to be made, kept, or carried, contrary to this Act; and that all gunpowder found upon such search to be made, kept, or carried, contrary to this Act, and also the gunpowder barrels, shall be immediately seized of a searcher or searchers, who shall, with all convenient speed after the seizure, remove such gunpowder and barrels in which it shall be, to such proper places as they, in conformity to the restrictions of this Act, shall think fit; 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 24 hours after the seizure, to such carriage or vessel, with the tackling, beasts, accoutrements belonging to, (paying afterwards to the owner or owners thereof as sufficient recompense for the use thereof, to be settled by Justices before whom the complaint shall be heard, after the seizure; and in case of non-payment, immediately after settlement by such Justices, to be recoverable by distress and sale of the parties goods and chattels, as is hereinafter 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, on a hearing before any two or more such Justices, where the same shall be forfeited; and such searcher or searchers, seizer of seizers, 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 lawful acts or neglects of them, or the persons with whom they shall entrust the keeping thereof.

XXIV. 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 commander 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 more than 25lbs of gunpowder, (except for the King's service) before the 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 the conformity to the restrictions of this Act, all the gunpowder on board such ship or vessel above the quantity of 25lbs, either before the arrival of such ship or vessel at Blackwall, or within 24 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 25lbs of gunpowder, (except for the King's service), on paying or forfeiting for every offence, in any of the said cases, all the gunpowder found on board above the weight of 25lbs, and the barrels in which such gunpowder shall be, and also 2 shillings for every pound of gunpowder above the quantity of 25lbs.

XXV. 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 assistance for the corporation of the Trinity House of Deptford Strand, in the County of Kent, for the time being, shall, from time to time, to appoint one or more person or persons, a searcher or searchers for unlawful quantities of gunpowder in ships or other vessels in the River Thames, which person or persons, so appointed, or 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 hereinbefore given to persons searching for unlawful quantities of gunpowder under warrant of the Justice of the Peace.

XXVI. 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, or proof of the offence, by the oath or oaths of one or more credible witnesses or witness, or on confession of the offender; and one moiety of each penalty shall belong to His Majesty, his heirs or successors, and the other moiety thereof to the informer or informers prosecuting for the same; and where the penalty shall be pecuniary, in case of non-payment, it shall be levied by distress and sale of the offenders 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 the 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 6 months, nor less than 3 months, as such Justices shall think most proper,

XXVII. 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 14 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 anything done in pursuance of this Act such person or persons may plead the general issue, may give this Act, or the special matter in evidence, and any trial to be add thereupon, and that the same was done by authority of this Act; and if a person 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, or if upon 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.

XXVIII. And be it further enacted, That all actions suits, and prosecutions, to be commenced in England, against any person or persons, for anything to be done in pursuance of this Act, shall be laid and tried in the county or place where the act was committed, and shall be commenced within 6 calendar months after the fact committed, and not otherwise.

XXIX. Provided always, and be it further enacted, That this Act shall not extend, or be any ways construed to extend, to any mills or other buildings erected, or which may hereafter be erected, for the purpose of making gunpowder, in any lands belonging to His Majesty, his heirs or successors, or to the keeping of gunpowder or any storehouse or magazine belonging to His Majesty, his heirs or successors, or to hinder the trial of gunpowder by His Majesty's officers, and is usual, for the service of His Majesty, his heirs or successors, or to the keeping of gunpowder at the magazines that now erected for that purpose, of Barking, Creeks Mouth, in the County of Essex and Erith Level, in the County of Kent, or to the keeping of gunpowder of the magazines or storehouses now erected near Liverpool, in the County of Lancaster, or the City of Bristol, or to the carriage of gunpowder, to or from the King's magazine, under a special and expresse order of the King's Board of Ordnance; such order to contain the quantity of gunpowder so to be carried, and the time for which such ordnance shall be enforced; or to the carriage of gunpowder with forces on their march, or with the militia, during their annual exercise; or which shall be sent for the use of such forces or militias.

XXX. Provided also, and be it further enacted, that this present Act shall not extend to hinder any person or persons from carrying or conveying an unlimited quantity of gunpowder, in such close decked vessels, and manner as hereinbefore directed, from any ships or vessels lying below Blackwall, to any of the

magazines for gunpowder, so situate below Blackwall, or from such magazines to any ships or vessels lying below Blackwall, and going to any place beyond sea, or coastwise.

XXXI. And be it further enacted by the authority aforesaid, That this Act shall commence, and begin to be enforced, on the 1st day of July, One Thousand Seven Hundred and Seventy-Two; and from and immediately after the commencement thereof, an Act made of the last session of this present Parliament, (entitled, An Act for reducing into one Act of Parliament several laws relating to the keeping and carriage of gunpowder, and for the more effectually preventing mischiefs, by keeping or carrying gunpowder into great quantities), and all form of statutes so far as they relate to the keeping and carriage of gunpowder, shall be and the same are hereby repealed.

An Act to regulate the making, keeping, and carriage of gunpowder, within Great Britain; and to repeal laws herebeforeto made for any of those purposes.

Whereas the manufacture of gunpowder within Great Britain, are necessary to be encouraged in respect of the value of gunpowder, as an article of defence and commerce yet ought to be regulated by law, in order to prevent the great mischiefs which may arise from explosions occasioned by the improper construction and use of the mills, engines, and buildings, employed in the making of gunpowder, and for keeping and carrying gunpowder in too great quantities, or in an improper manner: and whereas the Act passed in the last session of Parliament, entitled, An Act for reducing into 1 Act to the Parliament of 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, contains no provision for regulating the making of gunpowder, and is in other respects ^deffective, on which account it may be convenient to repeal for the said Act, and, in the room thereof, to have a new law regulating, as well the making as the keeping and carriage of gunpowder; be it therefore enacted by the King's most excellent Majesty, by and with the advise and consent of the Lords of spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, That no person or persons shall use, or caused to be used any mill or mills, or other engine or engines, for the making of gunpowder, or in any manner manufacture of gunpowder in any place or places within Great Britain, except in mills and other places where the manufacture of gunpowder shall be actually carrying on at the time of the commencement of this Act, or where it shall afterwards become lawful to carry on such manufacture, by obtaining a licence for that purpose, under the provisions hereinafter contained, upon paying or forfeiting all gunpowder manufactured contrary to the aforesaid provision, and also 2 shillings for every pound of such gunpowder.

II. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall, for the making of gunpowder, employ, work, or use, any mill or engine, worked with a pestle or pestles, and commonly called Pestle Mill, upon paying or forfeiting all gunpowder manufactured therein, and also 2 shillings for every pound of such gunpowder.

III. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall, in or with any mill or engine used for the making of gunpowder, make or cause to be made, at any one time under any single pair of mill stones, any quantity of gunpowder, or materials to be made into gunpowder, exceeding 40lbs, upon paying or forfeiting all gunpowder so made at one time, and exceeding the said quantity of 40lbs, and also 2 shillings for every pound of such gunpowder.

IV. Provided all is, and be it further enacted by the authority aforesaid, That no person or persons shall liable to any prosecution under this Act, for using any pestle mill or mills in the making of gunpowder, or for making above the quantity of 40lbs of gunpowder at a time, under every single pair of mill stones in any one mill, till after the expiration of 1 year from the time of the commencement of this Act.

V. Provided always, and be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to the powder mills at this time erected in the parishes of Battle, Crowhurst, Seddlescomb, and Brede, in the County of Sussex, so far as relates to the making of such fine fouling gunpowder only, as is known and distinguished by the name of Battle powder.

VI. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall dry or cause to be dried, any one time, in any one stove or place, used for the drying of gunpowder, any quantity of gunpowder exceeding 40cwt, upon paying or forfeiting all gunpowder above the said quantity of 40cwt, and the sum of 2 shillings for every pound of such gunpowder.

VII. And be it further enacted by the authority aforesaid, That it shall not be lawful for any person or persons whatsoever to keep in any cooling house, drying house, dusting house, or other place, used for or in the making of gunpowder, or in any building adjoining or belonging thereto, (except magazines or storehouses constructed with stone or brick, and situate 50 yards at least from the gunpowder mill or mills,) or any greater quantity of gunpowder than shall be necessary for the immediate work then carrying on in such cooling house, drying house, dusting house, or other place used for or in the making of gunpowder, upon paying or forfeiting all the gunpowder kept above such necessary quantity, and the sum of 2 shillings for every pound of such gunpowder.

VIII. And be it further enacted by the authority aforesaid, That all and every person or persons, keeping or using any mill or mills, or other engine or engines, for the making of gunpowder, shall besides the magazine or magazines, and storehouses, near their mills, have or provide a good and sufficient magazine or magazines, remote from their respective mills, for the purpose of receiving and safe keeping all the gunpowder made at such mill or mills, as soon as the same can, from time to time, be conveniently removed thereto, (which last mentioned magazine or magazines shall be well and substantially built with brick or stone, near the River Thames, and below Blackwall, or in some other convenient place to be licensed by the Justices of the Peace, in manner hereinafter mentioned,) upon paying that all and every person or persons making gunpowder, without having such magazine or magazines remote from their mills or other places of making gunpowder, shall forfeit the sum of £25 for every month during which such person or persons shall make gunpowder without having such magazine or magazines, and the sum of £5 for every day during which he, she, or they (not being hindered by the stress of weather, or other justic pediment) shall wilfully neglect or delay removing, with due diligence, the gunpowder made at such mill or mills, from thence, or from the magazine or magazines, and storehouses adjoining thereto, to the magazine or magazines so to be situate remote from the mill.

IX. Provided always, and be it further enacted by the authority aforesaid, That no maker or makers of gunpowder shall be liable to any prosecution under this Act, for not having a magazine or magazines remote from the respective gunpowder mill or mills, till after the expiration of 1 year, from the time of the commencement of this Act.

X. And be it further enacted by the authority aforesaid, That all and every maker and makers of gunpowder, who shall keep, or permit to be kept, any charcoal within 20 yards of any mill or mills, or other engine or engines, for making gunpowder, or of any drying, cooling, or dusting house, or magazine or storehouse thereto belonging, shall forfeit the sum of £5 for every week during which such charcoal shall be so kept.

XI. And be it further enacted by the authority aforesaid, That no person or persons shall have or keep, at any one time, being a dealer or dealers in gunpowder, more than 200lbs of gunpowder; and not being such, more than 50lbs 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 1 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 3 miles of either them, or within any city, borough, or market town of Great Britain, or 1 mile of the same, or within 2 miles of any Palace of House of residence of His present Majesty, his heirs or successors, or of Her present Majesty the Queen, or any Queen and Consort, or Dowager, or within 2 miles of any gunpowder magazine, belonging to His Majesty, his heirs or successors, or within $\frac{1}{2}$ a mile of any Parish Church, or in any other part of Great Britain, (except in mills or other places which at the commencement of this Act shall be used for the making of gunpowder, and the magazines, storehouses, and offices near to adjoining and belonging, and in the places where it shall be lawful to make gunpowder, or to keep greater or unlimited quantities of gunpowder, by force of the provisions hereinafter contained,) on paying or forfeiting all the gunpowder beyond the quantity hereby allowed to be kept, and the barrels in which such gunpowder shall be; and also 2 shillings for every pound of gunpowder beyond such allowed quantity.

XII. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons to keep, for the use of any mine or colliery, any quantity of gunpowder not exceeding 300lbs weight, in any magazine or warehouse, so as such magazine or warehouse be within 200 yards of the respective mine or colliery for the use of such gunpowder shall be kept, and also that such magazine or warehouse be not within any of the limits hereinbefore particularly described.

XIII. And whereas it may be necessary to have some places appointed, in which it may be lawful to erect new mills, or other engines, for making gunpowder, with proper magazines and offices adjoining thereto, and to have magazines for keeping unlimited quantities of gunpowder in places where there are no mills, be it therefore 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, as also of the place or places proposed for such purposes respectively, 14 days before making it, to an overseer or church warden of the parish or place in which it is proposed to erect or make any such new mill, and offices or magazine, or adjoining the parish, if the place shall be extra parochial; which overseer or church warden is hereby required to cause such notice to be publicly read on the Sunday next ensuing, in the parish church after divine service,) from time to time, to licence the erecting or having of such mills for making gunpowder, and proper offices adjoining thereto or such magazines for keeping unlimited quantities of gunpowder in such places not being within London or Westminster, or any other limit within Great Britian, hereinbefore particularly described.

XIV. And whereas it would be proper that the determination of the said court of quarter sessions, on any such application, should not be final, but that any person or persons who shall be refused such licence or appointment by the said court of quarter sessions, should have an opportunity of bringing his or their case before the court of King's Bench, in order that the said court may finally hear and determine the same; be it therefore enacted by the authority aforesaid, That in every case where the said court of quarter sessions shall on such application made as aforesaid, refuse to licence any such near mills and magazines for making and keeping gunpowder, or to appoint pieces of ground for magazines of gunpowder,

remote from any mills, it shall be lawful for all persons who may think themselves aggrieved by such refusal, to apply to such court or quarter sessions for a special case thereupon; and the Justices then present shall, and are hereby required, to certify the special circumstances of the case in question, together with the proofs offered for and against the application, in order that the said case and proceedings may be removed, by writ of Certiorari, into the court of King's Bench; and the said Justices shall, and they are hereby required, in their return to such writ of Certiorari, to state such special case, to the end that the said court King's Bench may judge the real merits thereof; and if upon the whole matter it shall appear to the satisfaction of the said court of King's Bench that the Justices ought not to have refused the said licence or appointment, then, and in such case, the said court shall have power, and is hereby directed to make an order upon the said Justices to grant such licence, or make such appointment, without any fresh application, at their next general quarter sessions of the peace; and costs to be incurred by reason of such writ of Certiorari, shall be awarded according to the discretion of the said court of King's Bench.

XV. Provided nevertheless, and be it further enacted, That no person shall be liable to pay penalty or prosecution under this Act, for keeping unlimited quantities of gunpowder, without such licences of the Justices, in any magazine apart and remote from any gunpowder mill, and already built and used for that purpose, in any place not being within London and Westminster, and the other limits within Great Britain hereinbefore particularly described, until the expiration of 6 calendar months after an adjudication by the Justices of the Peace for the County of other Division, in which such magazine 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, by some householder of the parish or place in which the magazine shall be, and after due summons of the owner or owners of the magazine complained of, to answer such complaints; and after such examination on oath the witnesses produced, to support or invalidate such complaint; and also that no person shall be liable, at any time, any penalty or prosecution whatsoever, for keeping unlimited quantities of gunpowder, without such licence of the Justices of Peace, in any magazine 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.

XVI. And whereas by this Act the makers of gunpowder will be liable to penalties for not having magazines remote from their mills and in some cases they may not be able to agree for the purchase of pieces of ground proper for such magazines; be it therefore enacted by the authority aforesaid, That the Justices of the Peace for each County or upper Division within Great Britain, shall on application made to them at their general quarter sessions of the peace, by any maker or makers of gunpowder, from time to time, the point proper and convenient pieces of ground, (not being within London or Westminster, or any other limits of Great Britain, hereinbefore particularly described, and not exceeding 1 acre in any one place,) with the use of convenient road thereto, on which pieces so to be appointed, such makers of gunpowder may erect magazines for keeping gunpowder in any quantity, after having agreed with the owner on such grounds for the purchase of the same; and if any such owner shall not agree, or by reason of any pediment cannot so agree, such Justices shall issue a warrant to the Sheriff of the County, or other officer having return of writs within their jurisdiction, to empower and return before them at such time and places as shall be appointed by such warrant, a sufficient jury, who, upon their oaths, to be administered by the said Justices, shall enquire into the true value of the said pieces of ground, with the use of such convenient roads thereto, and their verdict shall be kept with the records of the

said sessions respectively; and the judgement of the said Justices thereon shall be final and conclusive to all parties; and for that end the said Justices shall have power to send for any persons interested, and to examine any parties or witnesses upon oath; and the sums of money so to be assessed and adjudged not exceeding 30 years of purchase shall be paid to the owners of the said land, according to their respective interest therein, in such proportions and shall be adjudged by the said Justices; and such payment, or in case of refusal to accept the money, then upon leaving the same with the Justices, for the benefit of the owners, the inheritance of the said ground, and the use of the said roads thereto, shall be vested in the purchases thereof, theirs heirs and assigns, for the purpose aforesaid and not otherwise.

XVII. And whereas leases or agreements for leases may have been made of magazines 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 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 or place for keeping gunpowder, to make void any such lease or agreement, upon giving 3 calendar months notice in writing to the lessor or owner for such magazine 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.

XVIII. And be it further enacted, That no person or persons shall have or convey at any one time within Great Britain more than 25 barrels of gunpowder, in any wagon, cart, or other carriage by land, or more than 200 barrels of gunpowder, in any barge, boat, or other vessel by water, (except in vessels with gunpowder imported from, or to be exported to, any place beyond the sea, or going postwise,) and all gunpowder conveyed on land or water, (except in such vessels for importation or exportation of gunpowder, or going coastwise,) 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 100lbs of gunpowder; and when conveyed by land it shall be entirely enclosed in a leather bag, or a bag commonly called a salt petre bag; and every carriage in which gunpowder shall be conveyed by land, it shall have a complete covering of wood, painted cloth, tarpaulin, or wadmil-tilts, over all the gunpowder therein contained: and also no gunpowder shall be conveyed in any barge, boat, upper vessel by water, (except in vessels with gunpowder imported, or to be exported in the manner of aforesaid, for coastwise,) that had not pay close deck; and soon as any gunpowder is put on board such vessel, all such gunpowder shall be covered with raw hides or tarpaulins; and all gunpowder which shall be carried or conveyed, (except in such vessels with gunpowder for importation or exportation aforesaid, or going coastwise,) within any part of Great Britain, in greater quantity, or in other manner than is hereinbefore 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 24 hours after seizure, the carriage or vessel in which such gunpowder shall be seized, and the tackling, beasts, and accoutrements belonging thereto, on terms of paying a recompense for the use thereof; and to detain such gunpowder and barrels as is hereinafter given to persons searching under a warrant of a Justice of the Peace; and such seizures shall be for his, her, or their own use, on conviction of the offender or offenders.

XIX. And be it further enacted by the authority aforesaid, That when any boat, barge, or vessel, having stale, condemned, returned gunpowder on board, arrives at the wharf, key, or other place where the same is intended to be landed, no

persons shall begin to unload, or shall bring down to such wharf, key, or other place, with intent to load in such vessel any other gunpowder, until the whole, or part of such stale, condemned, or returned gunpowder, be first unloaded and carried away from such wharf, key, or other place of landing; and after such unloading and carrying away part of such gunpowder, no person or persons shall begin to load, or shall bring down, with intent to load, any greater quantity of other gunpowder and the part unloaded carried away, on paying or forfeiting all such gunpowder as shall be so brought down or loaded contrary to the aforesaid provision.

XX. And be it further enacted by the authority aforesaid, That if any person or persons, having the care or management of any barge, boat, or other vessel whatsoever, (except ships or vessels with gunpowder on board imported from, or to be exported to places beyond sea, or going coastwise), loaded with gunpowder, or any other person on board the same, shall bring, have, or use, or permit any person or persons to bring, have, or use any charcoal or other combustible matter, or any fire or lighted candle, or shall smook, or wittingly permit any person to smook, on board the same, all and every such person and persons shall forfeit the sum of £5.

XXI. And be it further enacted by the authority aforesaid, That no person or persons having in the care of any wagon, cart, or other carriage, used for the conveyance of gunpowder by land, shall, after beginning to place or load therein any quantity of gunpowder, or beginning to unload the same thereout, stock or stay at any place of loading, or in the loading or unloading, suffer any longer time to pass with the use of all due diligence shall be reasonably necessary for the purpose of loading or unloading; and no person or persons having the charge or care of any barge, boat, or other vessel used for the conveyance of gunpowder by water, (except in the case of vessels loading for importation or exportation of gunpowder to or from places beyond the sea, or going coastwise), shall, after beginning to load or unload any quantity of gunpowder, stock or stay at any wharf, key, or other place of loading, or in the loading or unloading thereof suffer any longer time to pass than with the use of all due diligence shall be reasonably necessary for the purpose or loading or unloading, not exceeding 18 hours, unless hindered by the weather; and every such barge, boat, or vessel, (except such vessels as aforesaid), having so completed her loading shall depart from the place of loading under a course be first ensuing the tide, unless hindered by stress of weather, or other just impediment; and no person shall load, taking, carry, or convey, in any wagon, cart, or other land carriage labelled with gunpowder, or in any barge, boat, vessel labelled with gunpowder, on any river, (except in the case of vessels labelled with gunpowder for importation from, or exportation to, places beyond sea, or going coastwise), any other laiding of any kind whatsoever; and all and every person and persons offending against any of the aforesaid provisions for loading and unloading, shall, for each offence, forfeit the sum of £10.

XXII. Provided always, and be it further enacted by the authority aforesaid, That none of the aforesaid provisions for, or relative to, the conveyance of gunpowder, or the loading or unloading thereof, shall extend to any other wagon, cart, or a land carriage, or any other barge, boat, or vessel, then such as shall be loaded with, employed in, conveying a quantity of gunpowder exceeding 100lbs weight.

XXIII. And, for the more easy discovery of the making, keeping, carriage of gunpowder contrary to the provisions hereinbefore made, be it further enacted, That it shall be lawful for any Justice of the Peace of any County, or upper Division within Great Britain, in which gunpowder is suspected to be made, kept, or carried, contrary to this Act, on demand made, and that 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 daytime, any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any carriage, ship, boat, or vessel, in which such gunpowder is suspected to be made, kept, or carried, contrary to this Act; and that all gunpowder found upon such search to be made, kept, or carried, contrary to this Act, and also the gunpowder barrels, shall be immediately seized of a searcher or searchers, who shall, with all convenient speed after the seizure, remove such gunpowder and barrels in which it shall be, to such proper places as they, in conformity to the restrictions of this Act, shall think fit; 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 24 hours after the seizure, to such carriage or vessel, with the tackling, beasts, accoutrements belonging to, (paying afterwards to the owner or owners thereof as sufficient recompense for the use thereof, to be settled by Justices before whom the complaint shall be heard, after the seizure; and in case of non-payment, immediately after settlement by such Justices, to be recoverable by distress and sale of the parties goods and chattels, as is hereinafter 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, on a hearing before any two or more such Justices, where the same shall be forfeited; and such searcher or searchers, seizer of seizers, 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 lawful acts or neglects of them, or the persons with whom they shall entrust the keeping thereof.

XXIV. 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 commander 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 more than 25lbs of gunpowder, (except for the King's service) before the 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 the conformity to the restrictions of this Act, all the gunpowder on board such ship or vessel above the quantity of 25lbs, either before the arrival of such ship or vessel at Blackwall, or within 24 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 25lbs of gunpowder, (except for the King's service), on paying or forfeiting for every offence, in any of the said cases, all the gunpowder found on board above the weight of 25lbs, and the barrels in which such gunpowder shall be, and also 2 shillings for every pound of gunpowder above the quantity of 25lbs.

XXV. 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 assistance for the corporation of the Trinity House of Deptford Strand, in the County of Kent, for the time being, shall, from time to time, to appoint one or more person or persons, a searcher or searchers for unlawful quantities of gunpowder in ships or other vessels in the River Thames, which person or persons, so appointed, or 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 hereinbefore given to persons searching for unlawful quantities of gunpowder under warrant of the Justice of the Peace.

XXVI. 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, or proof of the offence, by the oath or oaths of one or more credible witnesses or witness, or on confession of the offender; and one moiety of each penalty shall belong to His Majesty, his heirs or successors, and the other moiety thereof to the informer or informers prosecuting for the same; and where the penalty shall be pecuniary, in case of non-payment, it shall be levied by distress and sale of the offenders 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 the 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 6 months, nor less than 3 months, as such Justices shall think most proper.

XXVII. 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 14 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 anything done in pursuance of this Act such person or persons may plead the general issue, may give this Act, or the special matter in evidence, and any trial to be add thereupon, and that the same was done by authority of this Act; and if a person 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, or if upon 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.

XXVIII. And be it further enacted, That all actions suits, and prosecutions, to be commenced in England, against any person or persons, for anything to be done in pursuance of this Act, shall be laid and tried in the county or place where the act was committed, and shall be commenced within 6 calendar months after the fact committed, and not otherwise.

XXIX. Provided always, and be it further enacted, That this Act shall not extend, or be any ways construed to extend, to any mills or other buildings erected, or which may hereafter be erected, for the purpose of making gunpowder, in any lands belonging to His Majesty, his heirs or successors, or to the keeping of gunpowder or any storehouse or magazine belonging to His Majesty, his heirs or successors, or to hinder the trial of gunpowder by His Majesty's officers, and is usual, for the service of His Majesty, his heirs or successors, or to the keeping of gunpowder at the magazines that now erected for that purpose, of Barking, Creeks Mouth, in the County of Essex and Erith Level, in the County of Kent, or to the keeping of gunpowder of the magazines or storehouses now erected near Liverpool, in the County of Lancaster, or the City of Bristol, or to the carriage of gunpowder, to or from the King's magazine, under a special and expressed order of the King's Board of Ordnance; such order to contain the quantity of gunpowder so to be carried, and the time for which such ordnance shall be enforced; or to the carriage of gunpowder with forces on their march, or with the militia, during their annual exercise; or which shall be sent for the use of such forces or militias.

XXX. Provided also, and be it further enacted, that this present Act shall not extend to hinder any person or persons from carrying or conveying an unlimited quantity of gunpowder, in such close decked vessels, and manner as hereinbefore directed, from any ships or vessels lying below Blackwall, to any of the

magazines for gunpowder, so situate below Blackwall, or from such magazines to any ships or vessels lying below Blackwall, and going to any place beyond sea, or coastwise.

XXXI. And be it further enacted by the authority aforesaid, That this Act shall commence, and begin to be enforced, on the 1st day of July, One Thousand Seven Hundred and Seventy-Two; and from and immediately after the commencement thereof, an Act made of the last session of this present Parliament, (entitled, An Act for reducing into one Act of Parliament several laws relating to the keeping and carriage of gunpowder, and for the more effectually preventing mischiefs, by keeping or carrying gunpowder into great quantities), and all form of statutes so far as they relate to the keeping and carriage of gunpowder, shall be and the same are hereby repealed.