



1846.

No. 2.

ORDINANCE Enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.

Further to regulate the Keeping and Carriage of Gunpowder.

[8th July, 1846.]

WHEREAS an Ordinance was passed on the twenty-seventh day of October, one thousand eight hundred and forty-two, intituled "An Act to regulate the keeping and carriage of Gunpowder:" And whereas it is expedient to amend the said Ordinance in manner aftermentioned:

Preamble.

6 Vic., No. 5.

BE IT THEREFORE ENACTED, by the Governor of South Australia, with the advice and consent of the Legislative Council thereof, that from and after the passing hereof, if the storage rent due upon, and all other charges and expenses incurred in respect of, any gunpowder heretofore or hereafter, to be deposited in any magazine subject to the provisions of the recited Ordinance, shall not be paid within twelve months after such gunpowder shall have

Gunpowder may be sold for payment of charges.

have been so deposited, or within one month after demand shall be made by the storekeeper, or other officer appointed in that behalf; it shall be lawful for such storekeeper or other officer to cause such gunpowder, or so much thereof as may appear to be necessary to satisfy all such storage rent and other charges and expenses, to be sold by public auction, and the produce thereof shall be applied, first to the payment of such storage rent and all other charges and expenses as aforesaid, and the surplus, if any, shall be paid to the importer or proprietor, or other person duly authorized to receive the same.

Permits may be obtained for landing and conveying of gunpowder to private stores under certain conditions.

II. AND BE IT ENACTED, that nothing in the recited Ordinance contained shall prevent any importer of gunpowder, who shall be certified by two Justices of the Peace to have provided a suitable store or magazine, being built of brick or stone, and having a lightning conductor thereto, and standing separate and being at a distance of not less than two hundred yards from all other buildings whatever, and from any public road, and not being within any town, or the suburbs thereof, from obtaining a permit for the removal of gunpowder imported by him, from the importing vessel, to such store or magazine, in like manner as he may to the Government magazine, subject to the terms and conditions imposed by the recited Ordinance: Provided that such gunpowder shall be landed and removed at such time and place, and under such regulations as the Harbor Master may from time to time prescribe.

Repeal of sec. 13, of recited Ordinance and new provisions as to the quantity, and securing of gunpowder in carriages.

III. AND BE IT ENACTED, that section thirteenth of the recited Ordinance which prohibits the conveyance at one time, in any cart or other carriage, of more than eight hundred weight of gunpowder, shall be and is hereby repealed; and it shall be lawful to convey at one time, and in one carriage, any quantity of gunpowder not exceeding one ton in weight; and every cart or other carriage used in conveying gunpowder in any quantity exceeding one hundred pounds weight, shall be closely boarded in every part, without iron fastenings of any kind, and shall be lined with wooled sheepskins, or furnished with a sufficient quantity of skins, to ensure the several casks or parcels being safely and securely packed; and the door or opening of every such cart or carriage shall be secured by a lock, the key whereof shall not be in the custody of the conductors thereof; and the word "Gunpowder," shall be painted in letters not less than two inches long, on at least two conspicuous places of the cover, so as to be easily seen and read, and the owner's name and the number of such cart or carriage shall be legibly painted on both sides thereof; and every such cart or carriage shall be conducted, or taken charge of by more than one person: And whosoever shall convey any greater quantity of gunpowder on any cart or carriage, or shall convey
gunpowder

gunpowder in any such quantity as aforesaid, in any cart or carriage not covered, secured, painted, and conducted in manner aforesaid, shall, on conviction, forfeit and pay for every such offence respectively the sum of ten pounds: And all gunpowder conveyed contrary to the provisions hereof, with the craft, carriage, and animals (if any) conveying the same shall be forfeited.

IV. AND BE IT ENACTED, that if any conductor, or person having charge of any cart or carriage conveying gunpowder in any such quantity as aforesaid, shall halt such cart or carriage, within two hundred yards of any house whatever, or shall be found in a state of drunkenness, or riding on the shafts, or on any part of such cart or carriage, or smoking while so employed, or guilty of any misbehaviour likely to produce accident or danger to others, such person shall, on conviction for every such offence, forfeit and pay a penalty of not less than one pound nor more than five pounds.

Penalty on drunkenness and misbehaviour of drivers.

V. AND BE IT ENACTED, that this Ordinance shall be construed together and as one Act with the recited Ordinance.

Construction clause.

FREDK. H. ROBE,
Lieutenant-Governor.

*Passed the Legislative Council, this Eighth }
day of July, One Thousand Eight }
Hundred and Forty-six.*

W. L. O'HALLORAN,
Clerk of Council.