

disposal: *Provided*, that if the said Corporation shall neglect to compleat the said turnpike road for the space of three years from the passing of this Act, the same shall become void and of no effect. *Approved June 19, 1801.*

1801. — Chapter 20.

[May Session, ch. 20.]

AN ACT TO PROVIDE FOR THE STORING & SAFE KEEPING OF GUN POWDER IN THE TOWN OF BOSTON, & TO PREVENT DAMAGE FROM THE SAME.

Gun Powder to
be put into the
Magazine.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court Assembled, & by the Authority of the same*, That all Gun Powder imported & landed at the Port of Boston, shall be brought to & lodged in the Powder House or Magazine in said Town, & not elsewhere, on pain of confiscation of all Powder put or kept in any other House or place; — one Moiety thereof to and for the use & supply of the Public Store of the State, & the other Moiety to the informer; *Provided nevertheless*, That it shall & may be lawful for any person to keep in his House, or Shop for Sale, by retail, the quantity of Twenty-five pounds of Gun Powder at one time, which quantity shall be kept in brass, copper or tin Tunnels, & no otherwise, under the penalty of forfeiting all such Gun Powder — one Moiety to the use of the Firewards of the town of Boston, & the other Moiety to the use of him or them who shall inform of the same.

Proviso in
favor of
retailers.

Fees of the
Keeper of the
Powder House.

SECT. 2D. *And be it further enacted by the Authority aforesaid*, That for all Powder belonging to Merchants or other private persons, put into the said Magazine, there shall be paid to the use of the Commonwealth twenty cents per barrel, containing one hundred Pounds weight, at the receipt thereof, and ten cents per barrel of like weight, per month, after the first month, during all the time which it shall be stored or kept therein, & twenty five cents upon each delivery of any quantity thereof; out of which (if there be sufficient to answer it), — the charge of looking after the said House & the Powder lodged there shall be defrayed — And the Governor, with the advice & consent of the Council, is hereby authorized to appoint a Keeper of the said Magazine, & to give necessary instructions & orders from time to time, as they shall think fit, for regulating the keeping, turning & managing of all Powder put

into the said Magazine for the preserving thereof. And the said Keeper shall give bond to the Treasurer of the Commonwealth, for the use thereof, in such sum & with such surety as to the Governor & Council shall appear proper, for the faithful discharge of the duties of his office. And the Keeper of said House shall duly attend at proper hours, to be assigned by the Governor & Council, for the receiving & delivering out of Merchants' Powder. And if, at any time, the payment for Merchants' Powder (an account whereof shall be rendered on oath) will not defray the expence of looking after the said House, so much as is wanting shall be paid out of the Publick Treasury.

SECT. 3D. *And be it further enacted*, That no Gun Powder shall be kept on board any Ship or other vessel lying to, or grounded at any Wharf within the Port of Boston; and if any Gun Powder shall be found on board such Ship or Vessel, lying at any Wharf or aground, such powder shall be liable to confiscation, & under the same penalty as if it were found lying in any House or Ware-house.

Powder not to be kept on board vessels aground or at wharves.

SECT. 4TH. *And be it further enacted*, That any person within the town of Boston, that shall presume to keep in his house, warehouse, or other building, any powder, above what is by Law allowed, shall forfeit & pay, for every half barrel, the sum of Twenty Dollars, & so in proportion for any greater quantity over & above the forfeiture & confiscation of the said Powder — one moiety thereof to the use of the Town, — the other moiety to him or them who shall inform of the same.

Fine for illegally keeping Powder in any house, &c.

SECT. 5. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Firewards of the town of Boston, to prosecute for all breaches of this Act in any Court proper to try the same; & that a Law, made in the year one thousand seven hundred & six, for erecting a Powder house in the town of Boston, & one act made in the year one thousand seven hundred & fifteen; — one act in the year one thousand seven hundred & nineteen, & one act made in the year one thousand seven hundred & eighty in addition to the same, be, & hereby are repealed.

The Firewards to prosecute.

Approved June 19, 1801.