

CHAP. XLVI.

An Act in addition to an act to regulate the sale of goods at Public vendue.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all penalties incurred under an act entitled “An act to regulate the sale of goods at public vendue, and to repeal all laws heretofore made for that purpose,” and all offences against the same may be prosecuted by indictment or information, in any Court of Record competent to try the same. May prosecute by indictment.

SEC. 2. *Be it further enacted,* That the tenants, or occupants of any house or store, having the actual possession and control of the same, who shall knowingly permit or allow any person or persons, not being licensed as in the said act prescribed, to sell any goods or chattels at Public Vendue, or outcry in his said house or store, or in any apartment or yard appurtenance to the same, shall forfeit and pay a sum not exceeding six hundred dollars, nor less than one hundred dollars, to be recovered in an action of debt, or by indictment or information, in any Court of Record competent to try the same, and to be appropriated to the use of the complainant. Penalty and forfeiture.

[Approved by the Governor, June 14, 1814.]

CHAP. XLVII.

An Act to provide for the safe keeping of Gun-powder in the town of Roxbury.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of August next, no person or persons (not on military duty,) shall keep, have or possess, in any store, barn, house, or other building, or in, or upon any place or Place where kept.

Proviso.

thing whatever, within the town of Roxbury, except in a public powder-house in said town, Gun-powder in any quantity exceeding five pounds, in any way or manner, otherwise than as by this act is permitted : *Provided nevertheless*, That nothing in this act shall be construed to operate as a prohibition to the transporting of Gun-powder through the town of Roxbury aforesaid, or to, or from the public magazine in said town, from or into any part of this Commonwealth.

Vessels shall not lay within two hundred yards of any wharf.

SEC. 2. *Be it further enacted*, That no merchant or private armed vessel, on board of which Gun-powder shall be laden in quantity exceeding twenty-five pounds, shall lay within two hundred yards of any wharf within said town.

May be seized.

SEC. 3. *Be it further enacted*, That all Gun-powder found within the said town of Roxbury, contrary to the provision of this act, shall be forfeited, and may be seized by any one or more of the fire-wards of said town ; and it shall be the duty of such fire-ward or fire-wards, within twenty days after such seizure, to file a libel in the Clerk's Office of the Circuit Court of Common Pleas, for the Southern Circuit, in the county of Norfolk, stating the case of such seizure, and praying for a decree of forfeiture ; and the Judges of said Court shall have power to hear and determine the cause by a jury, where there is a claimant, but without a jury, if upon proclamation no claimant appear, and to decree the forfeiture and disposition of such property according to law ; and may decree a sale and distribution of the proceeds, first deducting all charges ; and if such libels be not supported, restitution of the property shall be decreed without costs ; but if a claimant appear, and disputes the forfeiture, and said Gun-powder shall be finally decreed forfeited, such claimant shall pay all costs of prosecution, which may have legally arisen thereon.

Quantity allowed to be kept.

SEC. 4. *Be it further enacted*, That all such Gun-powder so forfeited, shall be forfeited one third part thereof to the use of the Commonwealth, one third part to the use of the fire-ward or fire-wards making such seizure, and one third part to the use of the poor of the said town of Roxbury : *Provided always*, That it shall and may be lawful for any person or persons, to keep in

his or their house, ware-house or shop, for sale by retail, any quantity of Gun-powder, not exceeding twenty-five pounds in the whole; *Provided*, The same be constantly kept in copper, brass, or tin cannisters, closely covered with copper, brass, or tin, and not otherwise. Provido.

SEC. 5. *Be it further enacted*, That if any Gun-powder shall be found in the town of Roxbury aforesaid, contrary to the provisions of this act, the owner or owners of the same, or other person or persons in whose possession it shall be found, besides the forfeiture aforesaid, shall forfeit and pay forty cents for every pound of such Gun-powder, one moiety thereof to the use of the poor of said town of Roxbury, and the other moiety to the use of him or them who shall sue for the same; which forfeiture of forty cents may be recovered by action of the case, in any Court proper to try the same. Penalty for breach of act.

SEC. 6. *Be it further enacted*, That it shall and may be lawful for any one or more of the fire-wards of said town of Roxbury, to enter any building or other place in said town of Roxbury, in the day time, to search for Gun-powder, which they may have reason to suppose to be concealed or kept contrary to the provisions of this act, having first obtained a search warrant therefor, according to law. Firewards may enter buildings.

[Approved by the Governor, June 14, 1814.]

CHAP. XLVIII.

An Act fixing the times and places for holding the Courts of Sessions in the county of York.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Court of Sessions within and for the county of York, shall be holden at Alfred, on the Monday next preceding the second Tuesday in September, and at York on the Monday next preceding the third Tuesday in April annually; and that all Actions, Suits, Bills, Appeals, Plaints, Informations, Recognizances, Times and places for holding court.